

## 36 CFR § 228.5 - Plan of operations - approval.

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### § 228.5 Plan of [operations](#) - approval.

(a) [Operations](#) shall be conducted in accordance with an approved plan of [operations](#), except as provided in [paragraph \(b\)](#) of this section and in § 228.4 (a), (b), and (e). A proposed plan of operation shall be submitted to the District Ranger, who shall promptly acknowledge receipt thereof to the [operator](#). The [authorized officer](#) shall, within thirty (30) days of such receipt, analyze the proposal, considering the economics of the operation along with the other factors in determining the reasonableness of the requirements for surface resource protection, and;

- (1) Notify the [operator](#) that he has approved the plan of [operations](#); or
- (2) Notify the [operator](#) that the proposed [operations](#) are such as not to require an operating plan; or
- (3) Notify the [operator](#) of any changes in, or additions to, the plan of [operations](#) deemed necessary to meet the purpose of the regulations in this part; or
- (4) Notify the [operator](#) that the plan is being reviewed, but that more time, not to exceed an additional sixty (60) days, is necessary to complete such review, setting forth the reasons why additional time is needed: *Provided, however,* That days during which the area of [operations](#) is inaccessible for inspection shall not be included when computing the sixty (60) day period; or
- (5) Notify the [operator](#) that the plan cannot be approved until a final environmental statement has been prepared and filed with the Council on Environmental Quality as provided in [§ 228.4\(f\)](#).

(b) Pending final approval of the plan of [operations](#), the [authorized officer](#) will approve such [operations](#) as may be necessary for timely compliance with the requirements of Federal and State laws, so long as such [operations](#) are conducted so as to minimize environmental impacts as prescribed by the [authorized officer](#) in accordance with the standards contained in [§ 228.8](#).

(c) A supplemental plan or plans of [operations](#) provided for in [§ 228.4\(d\)](#) and a modification of an approved operating plan as provided for in [§ 228.4\(e\)](#) shall be subject to approval by the [authorized officer](#) in the same manner as the initial plan of operations: *Provided, however,* That a modification of an approved plan of [operations](#) under [§ 228.4\(e\)](#) shall be subject to approval by the immediate superior of the [authorized officer](#) in cases where it has been determined that a modification is required.

(d) In the provisions for review of operating plans, the Forest Service will arrange for consultation with appropriate agencies of the Department of the Interior with respect to significant technical questions concerning the character of unique geologic conditions and special exploration and development systems, techniques, and equipment, and with respect to mineral values, mineral resources, and mineral reserves. Further, the [operator](#) may request the Forest Service to arrange for similar consultations with appropriate agencies of the U.S. Department of the Interior for a review of operating plans.

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