

*IN OA  
Wood*

October 15, 1963

Miss Leona Carter, Secretary  
Oklahoma Mineral and Gems Society  
5602 Northwest 32nd Street  
Oklahoma City, Oklahoma 73122

Dear Miss Carter:

I now am in receipt of a reply from the Bureau of Land Management, Department of the Interior, relative to the proposed regulations governing the free-use removal of petrified wood. A copy of that letter and the information enclosed with it is attached for your information.

I thank you very much for writing me about this matter, and I hope that you will not hesitate to write me in the future if I can be of further help to you.

Sincerely,

DMCB:cs

Rm 5156

# The Oklahoma Mineral and Gem Society



September 29, 1963

A.S. Mike Monroney  
Senate Office Building  
Washington D. C.

Dear Sir:

The Oklahoma Mineral and Gems Society (207 members) has asked that I write you in regard to the proposed rules for the free use of petrified wood by individuals under Public Law 98-713 as published in the August 3, 1963 issue of the Federal Register.

Under Rules for Collecting Specimens, we take exception to rule No.2 under Section 259.67. This rule states that the maximum quantity of petrified wood that any one person may remove is 10 pounds a day.

We believe this rule should be thoroughly reconsidered and altered. Here are several reasons: (1) many specimens weigh much more than 10 pounds and this would stop the flow of good specimens for both collectors and as gifts to museums, (2) many collectors that have to travel several hundred miles would have to give up the hobby if unable to get no more than 10 pounds on such a long trip, (3) this could easily develop a "black market", make law violaters and destructors or law-abiding hobbist who will now spend hours and days to get a large specimen that would eventually end up in a museum, (4) we do not believe it is the intent of the law to create these undesirable elements in a creative hobby or to do away with a hobby that is healthful and instructive. For these reasons we believe the rule should be changed to "150 pounds per day or one chunk" which would not seriously limit the hobby of outdoor collecting.

We would appreciate being advised, at least through the mineral and gems magazines, any proposed action that will be taken, particularly on this point we have outlined.

Very sincerely,

*Leoma Carter*

Leoma Carter, Secretary  
Oklahoma Mineral and Gems Society  
5702 N. W. 32nd Street  
Oklahoma City, Oklahoma 73122

COMMUNICATIONS UNIT

OCT 4 3 22 PM 1963

U.S. DEPT. OF THE INTERIOR

October 15, 1963

Dr. August C. Gauchat  
A. C. H. Clinic  
14-16 East Ninth Street  
Shawnee, Oklahoma

Dear Doctor Gauchat:

I now am in receipt of a reply from the Bureau of Land Management, Department of the Interior, relative to the proposed regulations governing the free-use removal of petrified wood. A copy of that letter and the information enclosed with it is attached for your information.

I thank you very much for writing me about this matter, and I hope that you will not hesitate to write me in the future if I can be of further help to you.

Sincerely,

October 15, 1963

Miss Nina S. Hanggi, Secretary  
Northern Oklahoma Gen and Mineral Society  
1721 Little Lane  
Ponca City, Oklahoma

Dear Miss Hanggi:

I now am in receipt of a reply from the Bureau of Land Management, Department of the Interior, relative to the proposed regulations governing the free-use removal of petrified wood. A copy of that letter and the information enclosed with it is attached for your information.

I thank you very much for writing me about this matter, and I hope that you will not hesitate to write me in the future if I can be of further help to you.

Sincerely,

October 15, 1963

Mrs. John P. Warden  
1718 Guilford Lane  
Oklahoma City, Oklahoma

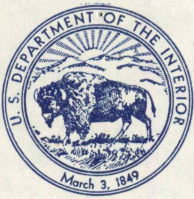
Dear Mrs. Warden:

I now am in receipt of a reply from the Bureau of Land Management, Department of the Interior, relative to the proposed regulations governing the free-use removal of petrified wood. A copy of that letter and the information enclosed with it is attached for your information.

I thank you very much for writing me about this matter, and I hope that you will not hesitate to write me in the future if I can be of further help to you.

Sincerely,

DMcB:cs



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON 25, D. C.

IN REPLY REFER TO:

1761.2 (6.03b-3)

OCT 14 1963

Hon. A. S. Mike Monroney  
United States Senate  
Washington 25, D. C.

Dear Senator Monroney:

Because of the intense interest which has been demonstrated in the proposed regulations governing the free-use removal by amateur rock collectors of petrified wood from public lands of the United States, we have prepared a brief factual account of the background history of this proposal and how we now intend to proceed. Ten copies are enclosed. Additional copies are available upon request.

During the two months period when public comments concerning the proposed regulations were invited, August 5 to October 5, 1963, the Bureau received approximately 1700 letters from individuals plus over 200 inquiries from Congressmen.

Sincerely yours,

Director

Enclosure

17K 1054-

excludes deposits of  
petrified wood from  
appropriation under  
the mining laws.

H. Aug 6, 1962

Sept. 30

MRS. JOHN P. WARDEN  
1718 GUILFORD LANE  
OKLAHOMA CITY 20, OKLAHOMA

Dear Mr. Monroney,

I should like to  
protest the proposed rule  
under Public Law 87-713  
which was filed in the Federal  
Register on Aug. 6, that limits  
the amount of petrified  
wood that any individual  
can take from public  
lands to 10 pounds.

My hobby is collecting  
and polishing rock specimens.  
and I can see that this  
would lead to the breaking  
up of valuable and beautiful

specimens and quite defeat  
the purpose for which  
it must have been intended,  
which must have been to  
preserve such specimens  
from commercial dealers.

If the law were changed  
so that families of people  
hunting together could pool  
their limits - or let poundage  
accrue by remaining in the  
area - or by limiting an  
individual to what he could  
lift, it would be fairer.

Thank you  
Frances B. Warden

P.S. Please also vote against  
this new Fair Trade act.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Washington 25, D. C.

BRIEF EXPLANATION OF THE DEVELOPMENT OF REGULATIONS GOVERNING  
THE FREE USE REMOVAL OF PETRIFIED WOOD BY AMATEUR COLLECTORS.

During the 1950's, rock collecting and lapidary work gained rapidly in stature and popularity both as a hobby and as a small business venture. The rate of growth continues to increase. Mining claims for petrified wood were located on Federal lands to an increasing extent. Both claim owners and free lancers operating within or outside claimed areas commenced removal of petrified wood in truck-load quantities. Tractors, other power equipment, and explosives were used increasingly for excavation purposes. Complaints were received about "abuses" of scientific values and natural resources on the public lands.

In January 1959, the Solicitor of the Department of the Interior, in response to a request for an opinion from the Bureau of Land Management, held that petrified wood was not subject to the protection of the Antiquities Act (16 USC 431-433), but was a mineral substance subject to location under the United States mining laws under specified conditions.

Accordingly, in order to protect the recreation and scientific values of this mineral resource, the Department of the Interior in 1961 proposed legislation which would except petrified wood from the mining laws. The proposal was to make petrified wood on the public lands subject to disposition as a mineral material and also to provide for free use of limited quantities by amateur collectors. The Department prepared and distributed a news release explaining the proposal.

The Congress enacted the proposal on September 28, 1962 with minor amendment. It is identified as Public Law 87-713 (76 Stat. 652). Under Sec. 1 of the Act, petrified wood may be sold on a commercial basis under the terms of the Materials Act of July 31, 1947 (61 Stat. 681). Regulations are the same as those under which stone, sand, gravel, pumice and other common minerals are sold from the public lands. Also, under Sec. 1, free-use without limitation is allowed under permit to public agencies. Free use to non-profit organizations, also under permit, is limited to \$100 in value in one calendar year.

In addition, Sec. 2 of Public Law 87-713 contains an entirely new provision: "The Secretary of the Interior shall provide by regulation that limited quantities of petrified wood may be removed without charge from those public lands which he shall specify" (emphasis supplied).

In accordance with Sec. 2 of the Act, the Department of the Interior proceeded to prepare new regulations. One of the first questions that had to be resolved concerned the lands to which the Congress intended the Act to apply. Another was the extent of the responsibility of the Secretary of the Interior. These required an opinion from the Departmental Solicitor. The Department's position is that the law applies to all public domain lands except those in national parks and monuments. It does not apply to Indian lands. Included are a total of 688 million acres of public domain lands in national forests, military reservations, Interior-administered lands, and other categories of public domain. However, as the law has been interpreted, the Secretary can prepare regulations for public domain lands administered by other Federal Departments and agencies only with their consent. However, regulations for the 160 million acres of public domain land in the national forests are exclusively the responsibility of the Secretary of Agriculture.

In drafting proposed regulations, we directed our efforts toward safeguarding the scientific, aesthetic, and long-range recreation values as well as encouraging the healthful and stimulating hobby of rock collecting for both the present and the foreseeable future. We attempted to make the rules as uncomplicated and convenient for the rock collector, and as economical to administer as possible. This is the reason for our "no permit" proposal. The ten-pound-per-day-per-person rule represented a compromise between the views of those who advocated a complete lock-up of the resource and those who wanted no restrictions. It was included in order to obtain specific comments. We have not intended to forbid a pooling of limits by individuals or periods of days. However, this was not generally understood. Most people who commented on the proposal overlooked the fact that pooling would be allowed.

The proposed regulations were announced in a news release issued by the Department. Most of the public comments centered on the ten-pound limit. Most, but not all, advocated an increase varying from 10 to 250 pounds per day, plus one piece, plus pooling arrangements.

To date there has been no inventory made by any agency of the location and amount of petrified wood deposits on the public domain. We know only that the deposits are extensive, particularly in the State of Arizona, Utah, Nevada, Wyoming, Idaho, and Oregon. They total in the thousands of tons. Much of the volume is sub-surface.

Bureau of Land Management representatives have discussed the subject recently with representatives of the Eastern Federation of Mineralogical and Lapidary Societies, Inc., and the American Federation of Mineralogical Societies. They have given us assurances that the Society membership strongly supports the conservation and wise use of our natural resources including petrified wood. In fact, the President-elect of the American Federation has written us that "if reasonable regulations are set up our organization will police itself." We also appreciate his offer to provide

information about the location of unique deposits which should be declared "off limits" to collectors and preserved for their aesthetic and scientific value as a natural phenomenon.

Before recommending to the Secretary of the Interior the adoption of any regulations on this matter, we will attempt to work out the details with representatives of the American Federation of Mineralogical Societies, national conservation organizations interested in public land matters and with other interested parties. This process will take several weeks. But the plan is to have the regulations completed no later than the Spring of 1964. The fear expressed by some that the regulations would become effective on October 5 unless strong pressures were brought to bear, of course, had no basis. Proposed rule-making is always followed by a delay to permit full evaluation of all suggestions and to make appropriate revisions. The final proposal is transmitted to the Secretary with the entire record.

We plan to have the specific locations where petrified wood deposits are to be completely protected published in the Federal Register and posted on the ground at about the same time that the new regulations are approved. We also are asking State Directors of the Bureau to discuss with local representatives of mineralogical and lapidary societies any supplemental local rules that may be necessary.

OCT 10 1963