

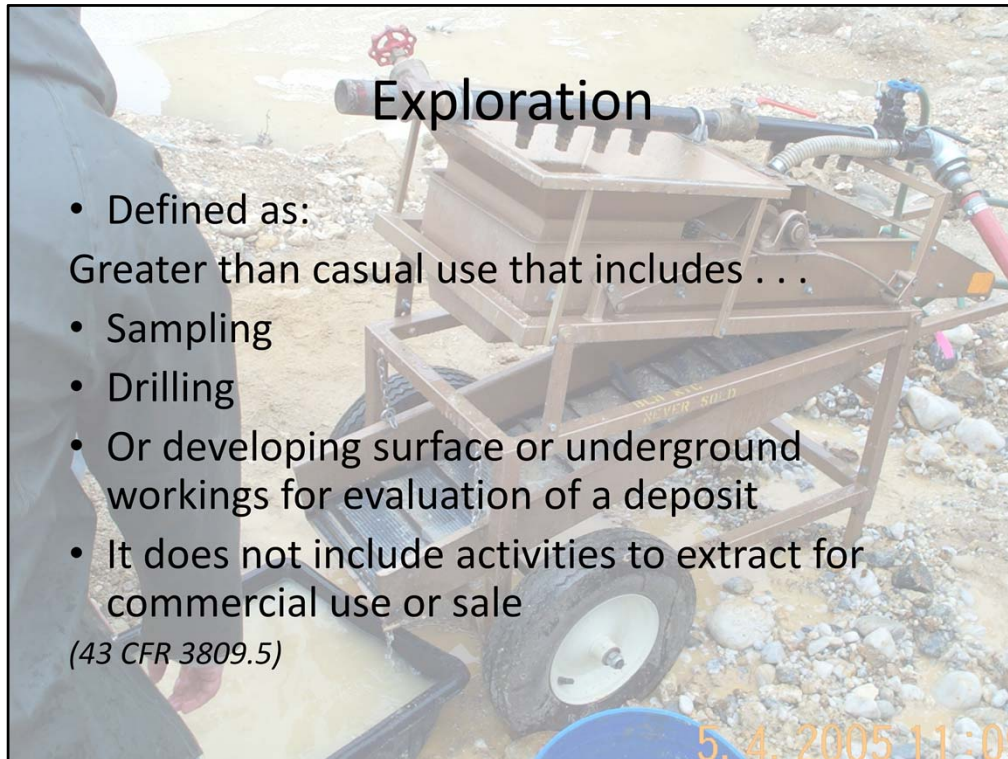


BLM Goal is prevent undue and unnecessary degradation to public lands.  
Operator's Goal it to avoid undue and unnecessary delays.  
Operator's can play their part is reaching these goals.

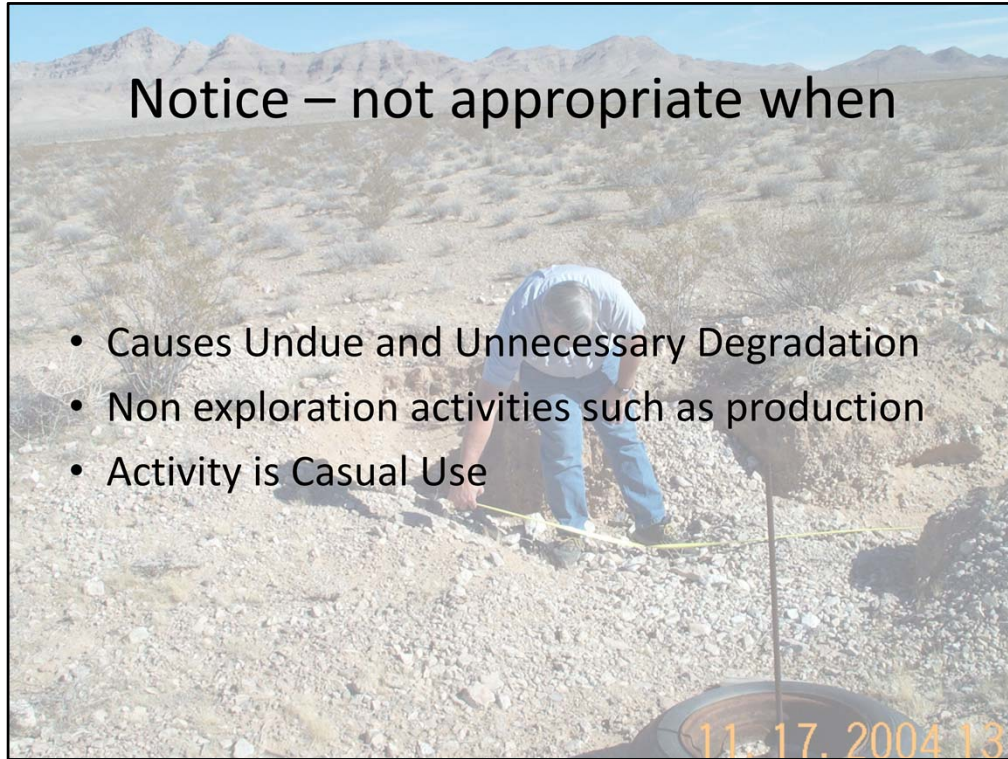
## The Notice

- Exploration causing surface disturbance of 5 acres or less of public lands
- Must submit a complete notice before operations commence
- Content includes:
  - 1) Operator Information
  - 2) Activity Description
  - 3) Reclamation Plan
  - 4) Reclamation Cost Estimate

“notice” or “notice-level operations”, not “notice of intent”



Evaluate “The type, extent, quantity, or quality of mineral values present”



Disturbance greater than 5 acres

Activity is not considered exploration

Give examples of casual use:

The collection of geochemical, rock, soil, or mineral specimens using hand tools; hand panning; or non-motorized sluicing.

Metal detectors, gold spears and other battery-operated devices, hand and battery operated dry washers

Casual use does not include earth moving vehicles, truck-mounted drilling equipment, motorized vehicles in areas designated as closed to off-road, chemicals or explosives.

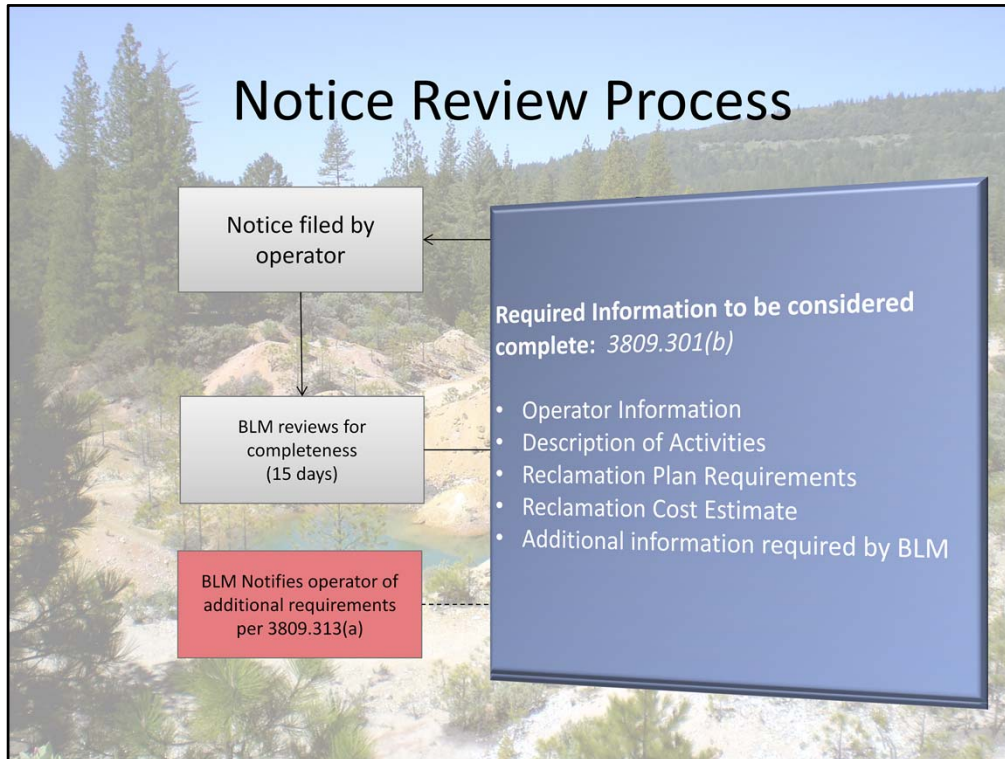
## When is a Plan of Operations Required for Notice Type Activities?

- Bulk Sampling greater than 1000 tons
- Designated Areas of Critical Environmental Concern (ACEC)
- Areas designated “Closed” to off road vehicles
- Lands or Waters known to contain T&E species or designated critical habitat

Exceptions to 3809.21

Emphasize

B, c3, c5, c6 “designated critical habitat”



Generalized- See figure H-3809-1, Figure 3.2-1, page 3-4

Additional information: will be requested until BLM is ensured that Undue and Unnecessary degradation will not occur.

BLM may ask for more information if you notice is

1. Missing information
2. Contains contradictory information
3. If it needs clarification or if the notice is vague
4. Use for additional information reference 43 CFR 3809.311(c)

When this happens the clock for 15 days starts anew.

3809.313(a)

Don't get caught in the "Notice Incomplete Loop" aka Notice Incomplete death spiral

# Notice Review Process (Continued)

## Determining Unnecessary or Undue degradation:

- Comply with the performance standards, 3809.420. Reviewer consults:
  - Archeologist
  - Wildlife biologist
- Comply with other Federal and state laws related to environmental and cultural resource protection.
- Conform to the requirements of 43 CFR 3715.

Operator may commence operations

Continued from above

BLM determines: Will the notice cause UUD?

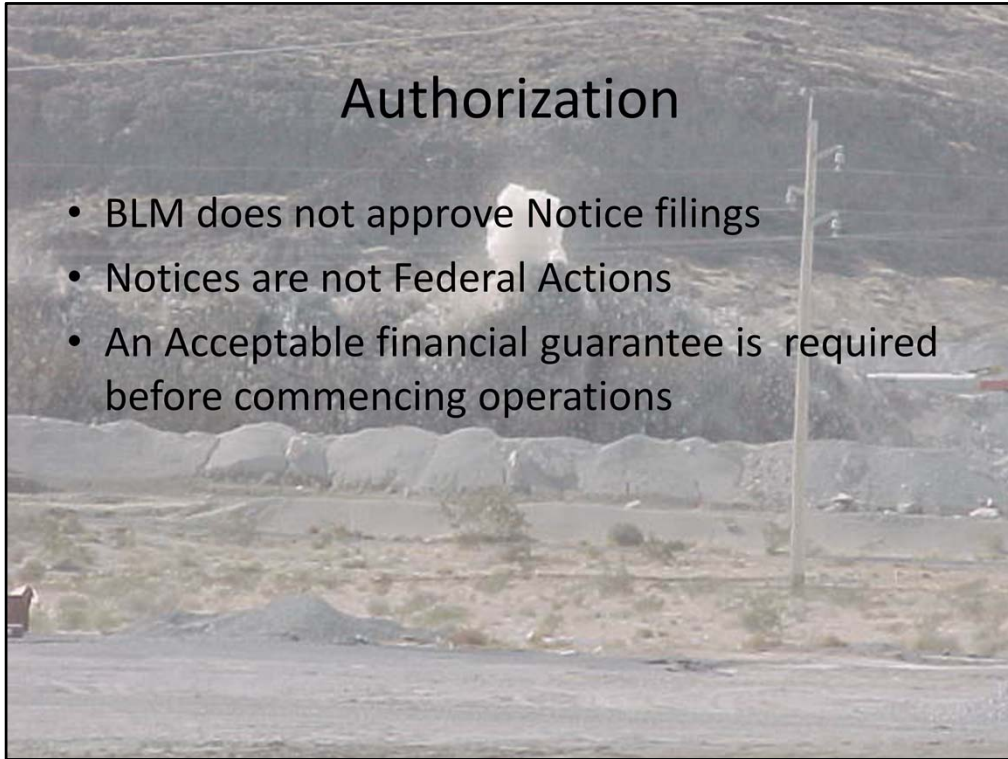
Yes

Operator is notified that modifications are necessary

Operator resubmits revised notice

## Determining UUD

- Reviewer consults Archeologist and Wildlife biologist
- Compliance with National Historic Preservation Act
- And Endangered Species Act



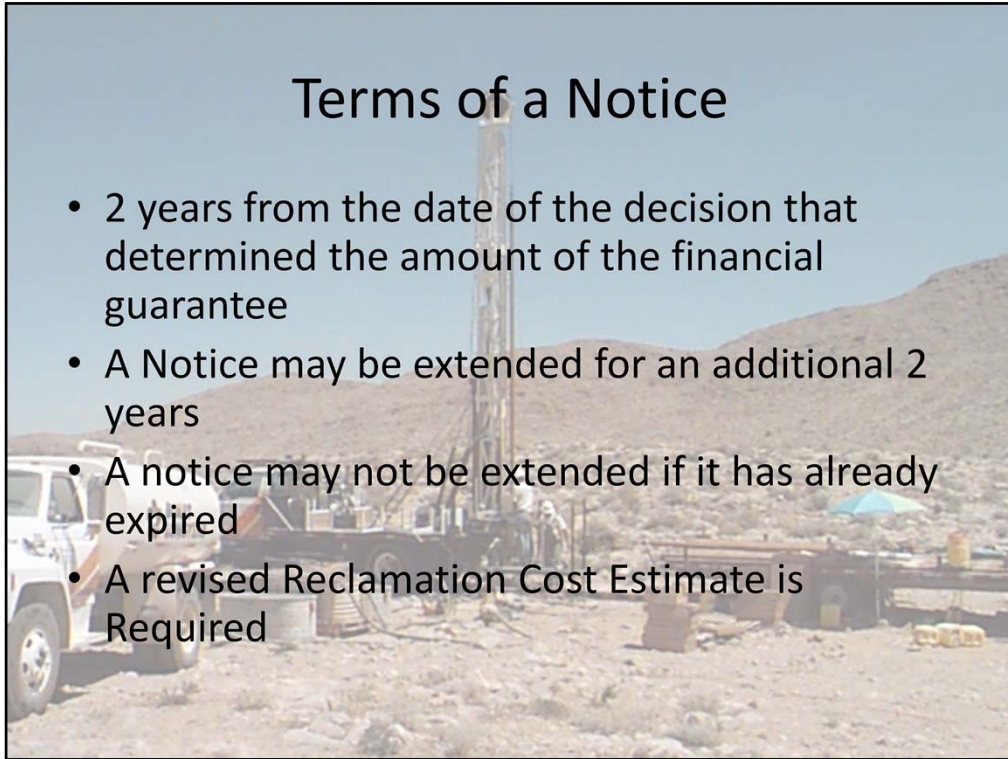
BLM acknowledges notice filing's

Notices are not Federal Actions, therefore compliance with the National Environmental Policy Act of 1969 (NEPA)- is not permissible



## Terms of a Notice

- 2 years from the date of the decision that determined the amount of the financial guarantee
- A Notice may be extended for an additional 2 years
- A notice may not be extended if it has already expired
- A revised Reclamation Cost Estimate is Required





## Tips:

- The Regulations are our guide for content review. See §3809.301
- Develop a reviewing instrument.
- Do a pre-acknowledgement inspection of the site.
- Does the activity description fit what you see onsite?
- Develop an inspection plan
- Consult Chapter 3, H-3809-1
  - Use Templates when necessary

# The Arizona Notice Review Check List

UF-001a

## NOTICE REVIEW CHECK LIST – BLM Arizona

For internal use only

Include check list in left side of case file

Check boxes as items are completed

Add notes in comments by number as needed to document thought process/rational/procedural process, etc.

1-Notice Date Stamped

2-Case file established (i.e., serial # obtained, file created) AZA-\_\_\_\_\_

3-Data entered into LR2000

Enter Mandatory and Required Action Codes to establish case (see Attachment 1 for most commonly used action codes)

4-Land Status Checked

5-Copy of MTP and HI included in case file

6-Copy of LR 2000 GEO report included in case file (mining claim, case recordation geo report)

7-Is activity casual use?  NO  YES – Notify operator and close file

8-Notice filed by the operator in the BLM District/Field Office with jurisdiction over the lands involved

YES  NO -- Reject Notice

9-Notice filed on public lands administered by BLM where the mineral interest is reserved to the US - 3809.2(b)

YES  NO -- Reject Notice

10-Notice filed on Stock Raising Homestead lands

NO  YES – Reject Notice (Plan required absent surface owner consent)