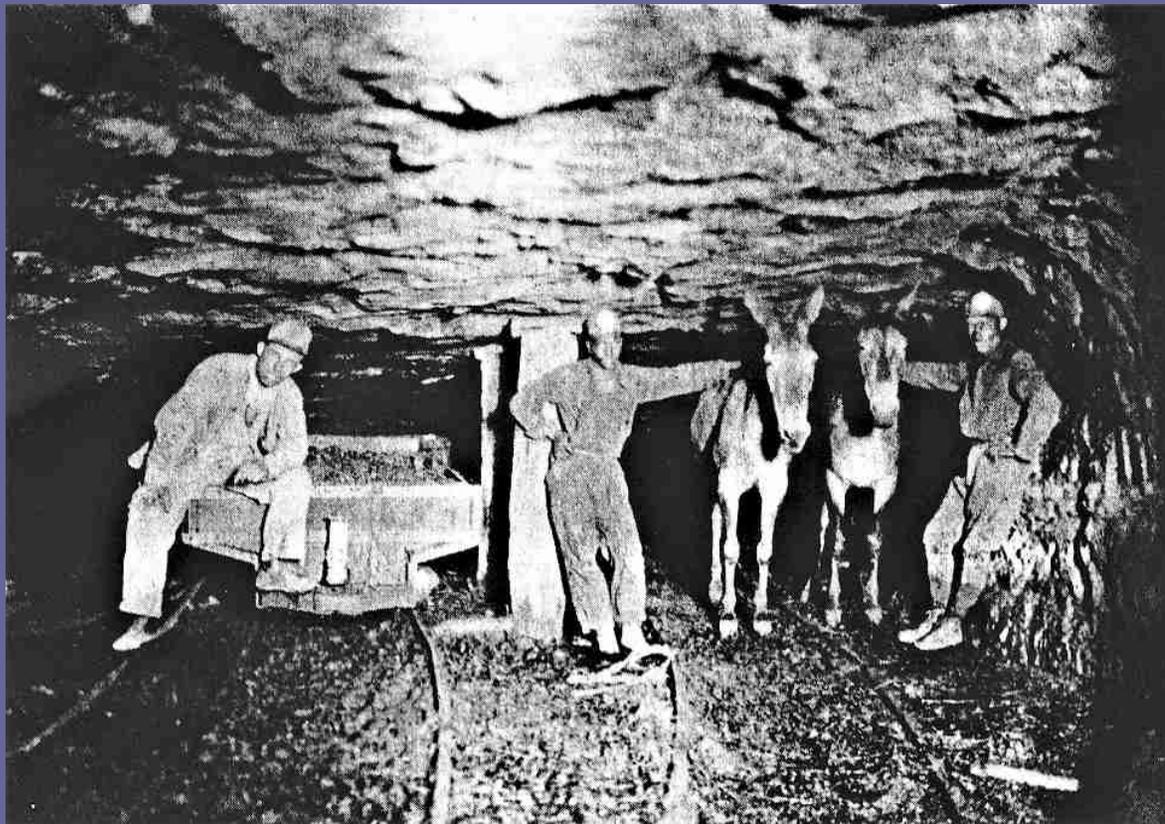


BLM Surface Management Regulations for Surface Disturbing Operations Authorized by the General Mining Law 43 CFR 3809 (also 3715 & 3802)

Plans of



Operations

January 2014 Webinar- PoOs
Marc Springer CA-920 Geologist

The Fundamentals of Processing Managing & Reviewing



3809 Plans of Operations

KISS Principle



Use Available Resources & Follow the Script

Available Resources

- 43CFR3809; 3802 & 3715 & Regulations
- BLM 3809 Manual & Handbook
- BLM Staff Formats & Checklists
- State/Local Agencies



You Don't Have to Reinvent the Wheel

43CFR3809 Quick Reference

General Information

§ 3809.1 - § 3809.116

Federal/State Agreements

§ 3809.200 - § 3809.204

Operations Conducted Under Notices

§ 3809.300 - § 3809.336

Operations Conducted Under PoOs

§ 3809.400 - § 3809.424

Modifications of PoOs

§ 3809.430 - § 3809.434

43CFR3809 Quick Reference (continued)

Financial Guarantees

§ 3809.500 - § 3809.599

Inspection and Enforcement

§ 3809.600 - § 3809.605

Penalties

§ 3809.700 - § 3809.701

Appeals

§ 3809.800 - § 3809.809

Public Visits to Mines

§ 3809.900

The Intent of FLPMA & the 3809 Regulations

The BLM actively encourages private industry development of public mineral resources, and promotes practices and technology that least impact natural and human resources and facilitates the administration of exploration, mining, and milling activities of locatable minerals on the public lands, or interests in such lands, in order to prevent unnecessary and undue degradation of these lands

The 3809 Standard



Prevent Unnecessary or
Undue Degradation to
Public Lands (UUD)

A Plan of Operations is required for surface disturbance greater than casual use, unless the activity qualifies for a Notice filing. Surface disturbance greater than casual use on certain special category lands always requires the operator to file a Plan of Operations and receive BLM approval.

Segmenting a project area by filing a series of notices for the purpose of avoiding filing a plan of operations is prohibited (§ 3809.21(b)).

Operation Size, Scope & Scale



Size Matters

PoO Scope & Scale

Larger Commercial Operations are Generally:

- More cooperative
- Provide more and complete data
- Have professional staff or hire contactors to prepare illustrations, documents, etc.

Smaller Mom & Pop Type Operations are Often Problematic

- Incomplete applications, illustrations, documents, bond calculations, etc.

Bigger is Sometimes Better

Documentation



Keep case files organized, current & complete
Take notes and photos during site visits
Take notes at meetings
Keep applicable databases up to date

Coordination



Provide for maximum possible coordination with appropriate state agencies to avoid duplication and to ensure that operators prevent unnecessary or undue degradation of public lands.

Communication



Early & Frequent Communication with the Operator Helps Expedite Processing PoOs and Helps Avoid Misunderstandings and Frustrations

Consistency



Applicable Laws, Regulations and Policies are administered consistently; regardless of operation size, scope, scale, players, etc. in an unbiased manner.

Special Situations § 3809.31



- Cumulative Effects of Casual Use
- Suction Dredging
- Use & Occupancy (43CFR3715)
- Split Estates & U.S. Reserved Minerals

Operations on segregated or withdrawn lands § 3809.100



Common variety minerals, located on or after July 23, 1955 § 3809.101



State Agreements & Regulations

§ 3809.3; § 3809.200 - 204 & § 3809.420(a)(6)

If State laws or regulations conflict with this subpart regarding operations on public lands, you must follow the requirements of this subpart. However, there is no conflict if the State law or regulation requires a higher standard of protection for public lands than this subpart.



Compliance with all pertinent federal and state laws.

Plan Submittals

- Date Stamp PoO submittal ASAP
- Review for Completeness
- 30 Days to Respond to an Operator
- Early Engagement with Operator and coordinating Agencies (site visit)



Required Information for PoOs § 3809.401

- The proposed operations shall not result in unnecessary or undue degradation of public lands
- Information and the proposed operations description (relative to the size, scale & scope)
 - Operator Information.
 - Description of Operations.
- Illustrations, Maps, Cross-Sections, etc.
- Plans & Schedule(s)
 - Reclamation & Post-Closure Management Plan
 - Monitoring Plan
 - Interim Management Plan
 - Etc.
- NEPA compliance to achieve UUD standard
- Reclamation cost estimate (RCE)

BLM will issue a decision regarding a Plan of Operations

- Approval
- Conditional/Phased
- Approval Withheld
- Disapproved



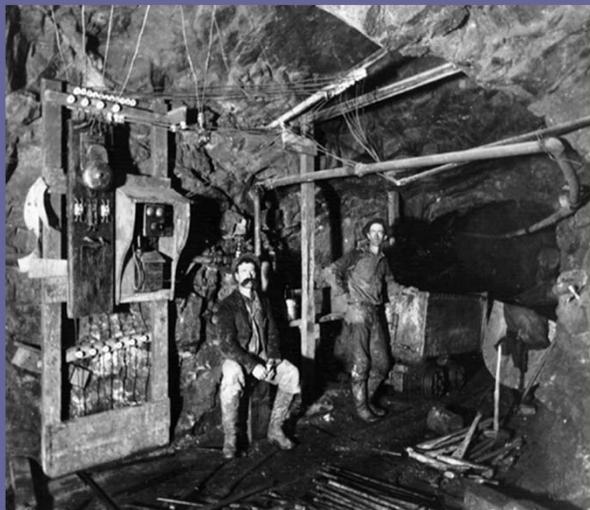
BLM Approves a Plan of Operation when: § 3809.411

- The Plan is complete and meets the UUD standard
- The applicable 3809.420 standards are met
- The appropriate level of NEPA is completed
- The Financial Assurance (Bond) cost estimate for reclamation & closure is adequate



Preventing Unnecessary or Undue Degradation § 3809.415

- Assuring operations are “reasonably incident” to prospecting, mining, or processing operations (43CFR3715)
- Abiding by laws/regs in special status lands
- Complying with the applicable general and specific standards in § 3809.420



NEPA

- A BLM document
- Required for ALL PoOs
- Considers mitigating alternatives
- NEPA level is discretionary
- If EIS cost recovery applies

Plan Modifications

§ 3809.430 - § 3809.434

- When operations deviate from the PoO
- When it is required to prevent UUD



Financial Guarantee Requirements

§ 3809.500 - § 3809.599



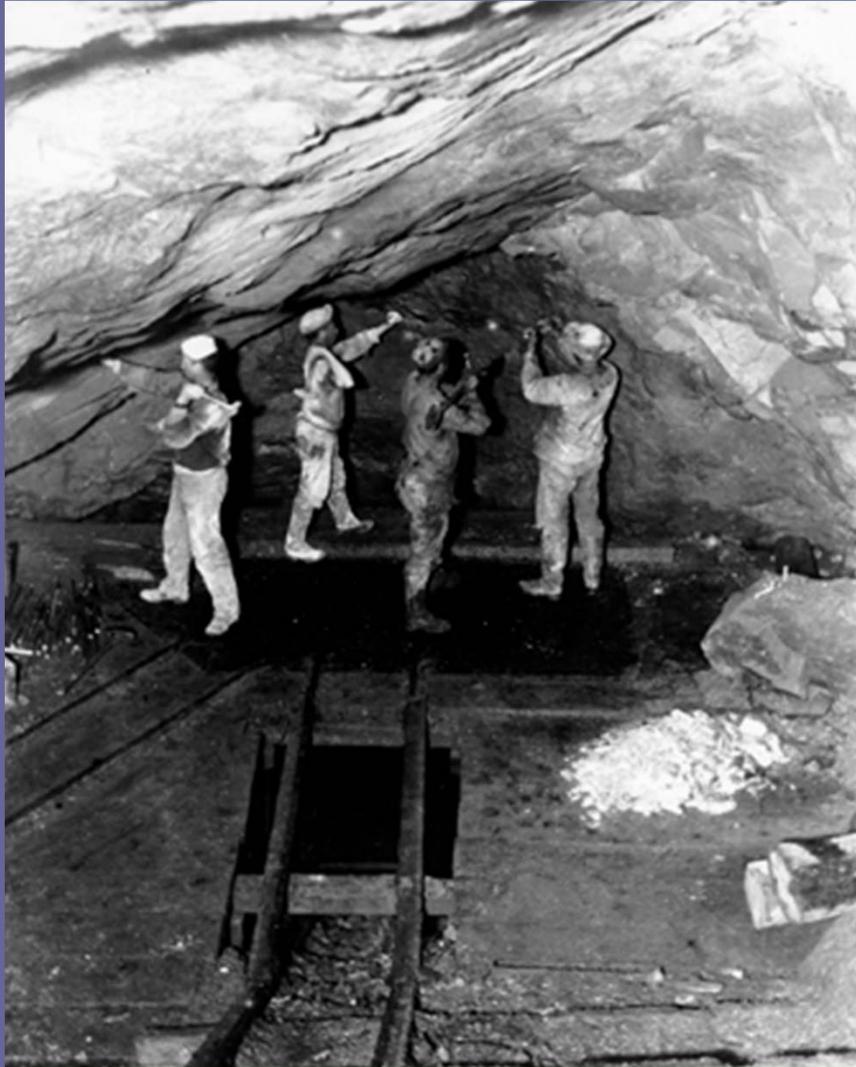
Inspection and Enforcement

§ 3809.600 - § 3809.605



Appeals

§ 3809.700 & § 3809.701



Penalties

§ 3809.800 - § 3809.809



Public Visits to Mines

§ 3809.900



Monitoring Operations

BLM must ensure that ongoing operators are in compliance the PoO and all applicable performance standards under 43 CFR 3809.420.

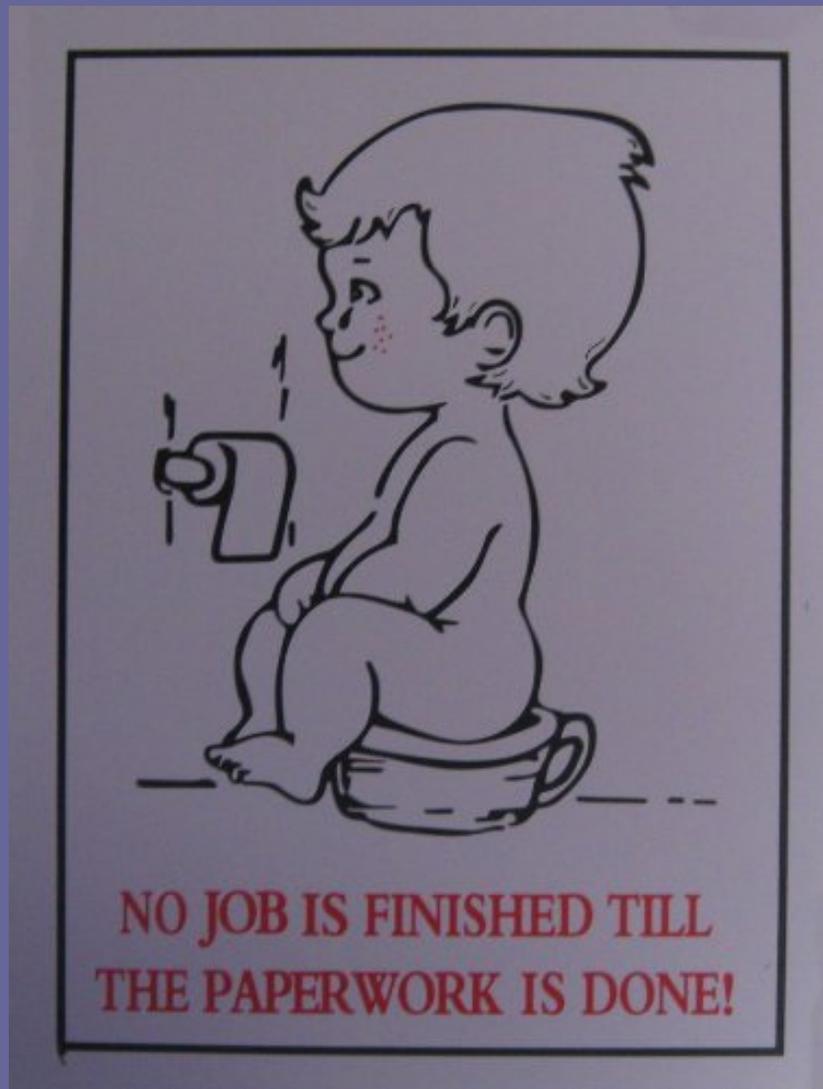


Periodic Reviews

BLM Field Offices must review PoOs periodically to determine if the operations will cause UUD under 43 CFR 3809.415 and the reclamation / closure bond is adequate.



Data Base Entries



LR2000 - FBMS - MIS/PDMS

Thank You for Your Attention



Hopefully not too Painful