

United States Department of the Interior
Bureau of Land Management
[Field Office Name] Field Office
[Office Street Address]
[Office City, State and Zip Code]

IN REPLY REFER TO
3809

[Case File Number]
[(Office Code)]

Certified Mail # [Certified Mail Certificate Number]
Return Receipt Requested

[Operator's Name]
[Operator's Street Address]
[Operator's City, State and Zip Code]

Dear Mr. [Operator's Last Name]:

Our records show that you have an active notice on file with this office. The case file number for this notice is [Case File Number]. Please refer to this number in any future correspondence.

New surface management regulations at 43 CFR §3809 were effective January 20, 2001. These new regulations provide that all notices that were on file with the Bureau of Land Management (BLM) January 20, 2001 expire January 20, 2003, unless extended. If you wish to extend your notice beyond this date, you must notify this office in writing of your desire to extend your notice. You must also provide the BLM an acceptable reclamation cost estimate, an update of any information that has changed from the original notice, and a financial guarantee that covers your reclamation cost and satisfies §3809.552 through §3809.571.

If you allow your notice to expire, you must cease all operations, except reclamation. You must promptly complete reclamation according to the notice filed with this office or file a new notice or plan of operations, whichever is applicable, and which will be subject to the provisions of the revised regulations. If you elect to submit a new notice or plan of operations, you must not resume operations until a complete notice has been filed and is accepted or your plan of operations is approved.

Continuing operations under an expired notice or resuming operations prior to acceptance of a new notice or approval of a plan of operations may subject you to the criminal penalty provisions of the new regulations.

The new regulations require that all mining operations and exploration activities that disturb more than five acres be conducted under a plan of operations. Notices are restricted to exploration activities that disturb five acres or less. If you have any questions, please consult with us to determine the appropriate filing for your operation.

The financial guarantee must cover the cost to reclaim your operation as if BLM were hiring a contractor to perform the reclamation. The amount of your financial guarantee must include the cost to reclaim the existing disturbance as well as any areas you will disturb under the notice. A detailed reclamation cost estimate must accompany your request to extend your notice. An example of how to calculate your reclamation cost estimate is enclosed. If you have any questions regarding your reclamation cost estimate, please call this office. You may request a field inspection of your project area to ensure that the cost estimate includes all necessary reclamation activities.

Once the reclamation cost for your operation is determined, an appropriate financial guarantee must be posted with the [State Name] State Office, [State Office Address]. See the enclosed information on Surface Management Financial Guarantee Requirements.

If we determine that the updates needed for your notice are material changes, we will require you to file a new notice or plan of operations, whichever is applicable. Material changes are defined in the regulations as “changes that disturb areas not described in the existing notice; changes to your reclamation plan; or that result in impacts of a different kind, degree or extent than those described in your existing notice.”

If you do not extend your notice on file with us, please contact this office regarding the reclamation of your site. We will review your reclamation plan with you to ensure that your reclamation of your site will meet the requirements of the reclamation plan. All reclamation activities must be completed as soon as possible. Your obligation to complete reclamation continues beyond the expiration or termination of your notice until you are released from the obligation by the BLM.

If you have any questions regarding your notice on file with this office or the new regulations and their affect on your operation, please call [BLM surface management employee], [employee title], at [employee phone number].

Thank you in advance for bringing your operation into compliance with the new 3809 regulations.

Sincerely,

[Field Office Manager Name]
[Field Office Manager Title]

Enclosures:

1. Example Reclamation Cost Estimate Summary Sheet (5 p.)
2. Surface Management Financial Guarantee Requirements (4 p.)