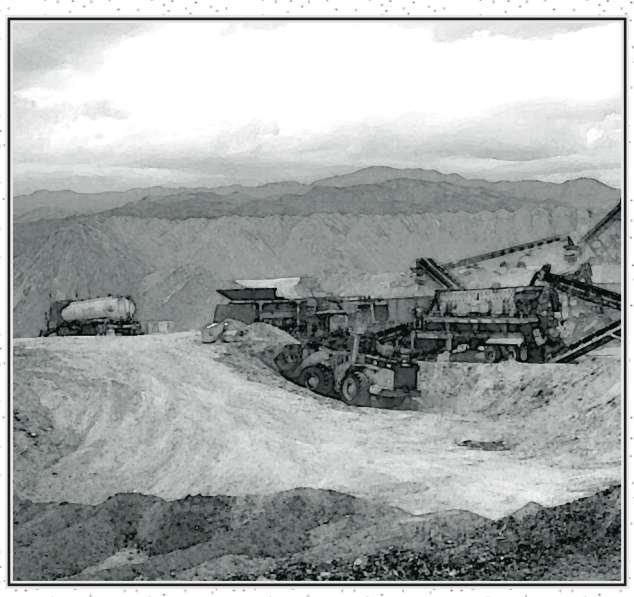
U.S. Department of the Interior

BLM

Bureau of Land Management

Mineral Materials

From BLM-Administered Federal Lands



Including Stone, Sand and Gravel, Clay, and Other Materials

Introduction

The Department of the Interior's Bureau of Land Management (BLM) is a multiple-use land management agency responsible for administering 262 million acres of public land located primarily in the western United States, including Alaska. The BLM manages many resource programs, such as minerals, forestry, wilderness, recreation, fisheries and wildlife, wild horses and burros, archaeology, and rangeland. This brochure contains information about the mineral materials program. Mineral materials include common varieties of sand, stone, gravel, pumice, pumicite, clay, rock, and petrified wood. The major Federal law governing mineral materials is the Materials Act of 1947 (July 31, 1947), as amended (30 U.S. Code 601 et seq.). This law authorizes the BLM to sell mineral materials at fair market value and to grant free-use permits for mineral materials to Government agencies. It also allows the BLM to issue free-use permits for a limited amount of material to nonprofit organizations.

Concrete and asphalt aggregate (crushed stone) used for airport runways, highways, bridges, and high-rise buildings.

How Are Mineral Materials Important to Our Society?

Mineral materials are among our most basic natural resources. These materials are in everyday construction, agriculture, and decorative applications (Table 1). The United States uses about 2 billion tons of crushed

stone, dimension stone, and sand and gravel every year. Our highways, bridges, power plants, dams, high-rise buildings, railroad beds, and airport runways, along with their foundations and sidewalks, all use mineral materials of one type or another.

Separating naturally occurring mineral materials from the earth is neither easy nor inexpensive. The sheer weight of materials like stone makes their transportation costs high. Therefore, adequate local supplies of these basic resources are vital to the economic life of every community. It is the BLM's policy to make these materials available to the public and local governmental agencies whenever possible and wherever it is environmentally acceptable.

Table 1. Examples of materials and their uses.

Mineral Materials	Uses
Sand, gravel, weathered granite, crushed rocks, boulders, dimension stone, lightweight aggregate, caliche, clay, riprap	Used as fill and for the construction of highways and roads, streets, urban and suburban developments, canals, aqueducts, pond linings, and more
Pumice, lava and other volcanic stone, pebbles, cobbles, boulders, colored stone, moss rock, picture rock, baked shale, marble, cut stone, and others	Used for decoration and landscaping in flower and rock gardens, yards, veneers on walls and fireplaces, memorials, terrazzo, roofing stone, and more
Peat, humates, sand, crushed marble	Used in agriculture as soil conditioners
Gypsum, clay, limestone, and others	Used in industry for foundry work, and as binders, sealants, chemical processes, filtration, and more

Note: Although the BLM does not sell soil that is essential for growth of vegetation, it can sell surplus growth media where doing so will not cause unnecessary or undue degradation.

In Fiscal Year 2002, the BLM issued nearly 4,000 permits and sales contracts that authorized the removal of about 21 million cubic yards of mineral materials. Production during this annual period was about 14 million cubic yards. About 4% of the money derived from BLM sales in the western States and Alaska goes to the State in which the sales were made. The remaining revenues from BLM sales in Alaska go to the General Treasury. The remaining money from BLM sales in the western States is distributed according to percentages determined by Congress. Typically, 76% of the money derived from BLM sales is deposited in the Reclamation (trust) Fund, 20% goes to the General (Federal) Treasury, and 4% goes to the government of the State from which the minerals were produced.

Can I Perform Sampling and Exploration First?

Mineral materials can usually be found on or near the surface of the public lands, or they may compose the surface. It may be necessary to perform drilling or trenching, however, to determine the quality and quantity of the deposit—particularly when mineral materials are covered by soil and vegetation. The materials may need to be sampled and tested to determine if they are suitable for some uses. These activities must

Home exterior with gravel driveway, brick (clay exterior, roofing granules, stone wall, and rock garden.

be authorized in writing (letter of authorization) by the BLM. Bonding and reclamation requirements may be imposed on sampling and testing activities. The findings of sampling and testing activities must be submitted to the BLM. If the findings contain confidential or privileged information, this information must be identified by the permittee so that it may be excluded from public inspection under the Freedom of Information Act.

Home Interior with stone fireplace and slate slab floor.

How Can I Get Minerals Commonly Used for Construction?

No specific application form is required for requesting the removal of mineral materials from public lands. Persons interested in buying mineral materials should contact the local BLM District or Resource Area office with jurisdiction over the area of need or where the desired material is found on public land. Many people request only a few tons or cubic yards. Others, such as construction contractors or nurseries, may request thousands of tons or cubic yards. The BLM sells the materials at not less than fair market value, as determined by appraisal. Regulations governing contracts and permits for mineral materials are contained in Title 43, Code of Federal Regulations, Subparts 3601, 3602, 3603, and 3604.

How Do I Purchase Materials From the BLM?

For sales of less than $2,000 fair market value, a small-sales contract can be obtained. Larger sales require a more detailed contract and may have other requirements, depending on the source of the materials. When small sales are made from an established community pit or common use area, contracts can be obtained "over-the-counter" from the BLM, usually on the same day.

Generally, community pits and common use areas are close to communities and are easily accessible for the convenience of the public. They are established by the BLM to serve the needs of local communities while reducing the amount of surface disturbance in areas known to have a large public demand for mineral materials. Community pits involve more concentrated disturbance than common areas. The BLM develops mining and reclamation plans for the community pits and coordinates disposals and operations. No one contractor has exclusive rights to the mineral materials in a community pit or common use area. Common use areas usually cover larger areas than community pits and typically involve less intensive surface disturbance (e.g., collecting boulders from the surface without mining). Also, the designation of a common use area does not establish a superior right to the use of the land against other claims or uses, as occurs with the designation of a community pit.

Community pit with mining equipment.

The BLM must also determine whether there is competitive interest for the mineral material being sought. If so, a competitive sale will be advertised by BLM. When the sale is held, the interested persons may be required to submit sealed bids, oral bids, or a combination of both. The BLM may require information that shows that you are able to meet the obligations of a contract. The BLM will make all sales on BLM standard contract forms and include any additional provisions and stipulations needed to conform to the competitive sale notice and to address environmental concerns or other site-specific issues.

There is no volume or weight limit for competitive sales. The duration of a nonrenewable competitive sales contract can be no longer than 10 years. The duration of a renewable competitive sales contract is also 10 years, and the BLM may renew such contracts for as long as 10 additional years, or for a shorter term if appropriate. There is no maximum to the number of times the BLM may extend a renewable contract if BLM finds that renewal continues to be justified.

Can I Get Mineral Materials Free?

Free-use permits may be granted to governmental agencies and to nonprofit organizations and corporations. The permittee is not allowed to barter or sell the mineral materials acquired under the permit. The BLM may cancel a permit if the permit holder fails, after adequate notice, to follow its terms and conditions. Federal, State, and local governmental agencies may be granted free-use permits for mineral materials, in lieu of purchasing the material, if they can show that a public need exists for the material. There is no limitation on the number of permits that can be issued to any one governmental agency. Also, there is no volume, weight, or value limitation. The duration of a free-use permit to a governmental agency is no longer than 10 years, with a maximum possible extension of as long as 1 year.

Concrete and crushed stone used for dams and power plants; crushed stone used for railroad ballast.

Nonprofit organizations and corporations, such as churches, scouting organizations, and rifle clubs, may be authorized to remove as much as 5,000 cubic yards (or weight equivalent). The duration of a free-use permit to a nonprofit organization is no longer than 1 year, with a possible extension of as long as 1 year.

Gravel pit reclaimed as a lake and park; asphalt and crushed stone used for bicycle path along shoreline; stone used for a drinking fountain; stone (rip rap) used for protecting the shoreline from erosion.

Petrified wood collected for commercial purposes must be appraised at fair market value and bought from the BLM under a sales contract.

Limited quantities of petrified wood may be collected without charge for noncommercial (hobby collecting) purposes. The maximum quantity of petrified wood that one person is allowed to remove without charge in 1 day is 25 pounds plus one piece. The maximum quantity one person is allowed to remove without charge in 1 calendar year is 250 pounds. Regulations governing contracts and permits for petrified wood are contained in Title 43, Code of Federal Regulations, Subpart 3620.

Free-use permits may be issued for collecting individual specimens of petrified wood weighing more than 250 pounds. However, the applicant must certify that the specimen will be displayed to the public in a museum or similar institution.

What Terms Are Included in Contracts and Free-Use Permits?

The terms of sale contracts and free-use permits are specific and in writing. The terms include location of the land, value of the material per cubic yard or ton, a payment schedule, performance bonding requirements, duration of the permit or contract, measures to protect the environment, and reclamation standards.

Purchasers and permittees must account for all removals of mineral materials. The BLM may require you to measure the materials and may designate the method you must use or allow you to choose the method. In either situation, the BLM will verify your results. You must submit at least one production report per contract year of the amount of mineral materials you have mined or removed; the BLM may require more frequent reporting. The BLM may require you to conduct pre-operation, annual, and post-operation volumetric surveys of the mine site. The BLM may also require you to maintain and preserve records, maps, surveys, and other information relating to production and valuation for 6 years, including detailed records of quantity, types, and value of commodities you moved, processed, sold, delivered, or used.

Periodically, the BLM may reappraise the value of mineral materials not yet removed and adjust your contract price accordingly. The BLM will not adjust the price during the first 2 years of the contract and will not adjust the contract price during the 2-year period after any adjustment. The BLM may, however, adjust the price at the beginning of any contract renewal period.

For contracts of $2,000 or more, the BLM will require a performance bond of an amount (at least $500) sufficient to meet the reclamation standards provided for in the contract. Instruments that can be used for a performance bond may include corporate sureties, certificates of deposit, cash, irrevocable letters of credit, or negotiable Treasury bonds that meet BLM's requirements. Where the surface of the land is in private ownership, the bonding requirements may also address compensation to the surface owner that may be required by law.

What Happens If I Remove Materials Without Authorization From the BLM?

Persons who remove mineral materials from public lands without a permit or contract are considered unauthorized users and in trespass. In addition, unauthorized users may be fined as much as $100,000 and sentenced up to 1 year in jail. This does not apply to the hobby collection of stone or petrified wood where reasonable amounts of these materials are taken without a permit for personal or nonprofit use, provided that such collection does not cause unnecessary or undue degradation.

What Must I Do to Meet Environmental and Reclamation Considerations?

Before issuing contracts or free-use permits, the BLM must conduct appropriate environmental assessments. These include special studies or inventories of cultural values, threatened or endangered plant and wildlife species, or other resources. Stipulations or conditions will be included in the terms of the contract to ensure protection of the environment and reclamation of the land.

Reclamation is a requirement after any surface-disturbing activity. The reclamation of disturbed sites is important to be sure that the land can later be used productively for other purposes. Reclamation includes removing all surface debris, recontouring, reducing steep slopes, and planting and growing vegetation. All reclamation proposals must conform to State agency requirements and must be approved by the BLM.

TAKE PRIDE IN AMERICA

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2850 Youngfield Street
Lakewood, CO 80215
303-239-3600

EASTERN STATES (includes States bordering and east of the Mississippi River)
Bureau of Land Management
7450 Boston Boulevard
Springfield, VA 22153
703-440-1600

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Bureau of Land Management
1387 S. Vinnell Way
Boise, ID 83709
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MONTANA (includes North Dakota and South Dakota)
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