



BLM Solid Minerals Management: Locatable and Salable Regulations

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In the hopper today:

- ▶ What are solid minerals?
- ▶ Locatable Regulations (43 CFR 3809)
- ▶ Salable Regulations (43 CFR 3600)



What are solid minerals?

- ▶ Components of the BLM Minerals Program:
 - ▶ Fluid Minerals (Oil & Gas)
 - ▶ Geothermal Resources
 - ▶ Solid Leasable Minerals - Energy (Coal and Oil Shale)
 - ▶ Solid Leasable Minerals – Non-Energy (e.g., phosphate, sodium, potassium, sulfur, gilsonite)
 - ▶ Locatable Minerals
 - ▶ Salable Minerals

Surface Management Regulations

- ▶ 43 CFR 3809

- ▶ Regulations for management of surface activities relative to mineral exploration and mining operations on public lands.
- ▶ For minerals “subject to location under the mining laws”

- ▶ Authorities (not all inclusive)

- ▶ General Mining Act of 1872, as amended (aka: 1872 Mining Law)
- ▶ Federal Land Policy and Management Act (FLPMA)



Surface Management Regulations

- ▶ Three classifications of mining operations
 - ▶ Casual Use
 - ▶ Notice
 - ▶ Plan of Operations



Surface Management Regulations

- ▶ Processing a Notice
 - ▶ Not a federal action
 - ▶ Not subject to NEPA
- ▶ Processing a Plan of Operations
 - ▶ Federal action
 - ▶ Subject to NEPA
- ▶ Reclamation bonds required for all Notices and Plans



Surface Management Regulations

- ▶ What is unnecessary or undue degradation (UUD)?
 - ▶ Conditions, activities, or practices that:
 - ▶ Fail to comply with one or more of the performance standards in §3809.420,
 - ▶ the terms and conditions of an approved plan of operations,
 - ▶ operations described in a complete notice, and
 - ▶ other Federal and state laws related to environmental protection and protection of cultural resources;
 - ▶ Fail to attain a stated level of protection or reclamation required by specific laws in special status areas

Use and Occupancy Regulations

- ▶ 43 CFR 3715
- ▶ Tied to the Surface Management Regulations
- ▶ Use and occupancy of public lands for the development of locatable mineral deposits must be “reasonably incident to mining”
- ▶ Use and occupancy that is not “reasonably incident” to prospecting, mining, or processing operations is considered UUD



Mineral Materials Disposal

- ▶ 43 CFR 3600
 - ▶ Salable Minerals (aka: Mineral Materials)
 - ▶ Common varieties; “low value/high occurrence” minerals
 - ▶ sand, gravel, stone, pumice, cinders, clay, etc.
- ▶ Authorities
 - ▶ The Materials Act of 1947
 - ▶ The Multiple Surface Use Act of 1955



Mineral Materials Disposal

- ▶ Contract for the Sale of Mineral Materials
 - ▶ Non-competitive Sale
 - ▶ Competitive Sale
- ▶ Free Use Permit
- ▶ Exclusive disposals
- ▶ Non-exclusive disposals
 - ▶ Community Pits and Common Use Areas



Mineral Materials Disposal

- ▶ Processing Contracts/Free Use Permits
 - ▶ Always a federal action, NEPA applies to all authorizations
- ▶ Sales price: not less than “fair market value”
- ▶ Reclamation bond (aka: performance bond)



Mineral Materials Disposal



- ▶ Discretionary authority
 - ▶ §3601.11: BLM will not dispose of mineral materials if we determine that the aggregate damage to public lands and resources would exceed the public benefits that BLM expects from the proposed disposition.

Solid Minerals Summary

Surface Management Regulations

- ▶ 43 CFR 3809
 - ▶ Locatable Minerals
- ▶ Casual Use/Notice/Plan of Operations
- ▶ No royalties
- ▶ May disapprove operation if it causes UUD
- ▶ Reclamation bond

Mineral Materials Disposal

- ▶ 43 CFR 3600
 - ▶ Common Varieties
- ▶ Contracts/Free Use Permits
- ▶ Sales at Fair Market Value
- ▶ May decline if “aggregate damage to public lands and resources would exceed the public benefits”
- ▶ Reclamation bond

Conclusion

- ▶ A BLM authorization is just one of the necessary approvals for a mining operation
 - ▶ State mining permit (DRMS)
 - ▶ Stormwater permit (CDPHE)
- ▶ Next time you see a mineral operation on public lands, consider whether it's locatable, salable, or leasable.
- ▶ Questions?

