



U.S. Department of the Interior
Bureau of Land Management

Rocky Mountain RAC

June 26, 2025





Agenda

- 10 a.m. Meeting begins
- 10:05 a.m. Opening remarks and housekeeping
- 10:15 a.m. RGFO minerals presentation
- 11 a.m. Recreation summit recaps
- 11:45 a.m. Closing remarks and open discussion
- Noon Public comment period
- 12:30 p.m. Adjourn



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Mining Law of 1872, Permitting, and Operations

Rocky Mountain RAC: June 26, 2025





BLM Minerals Programs

- Mining Law/Locatable Minerals
 - Metallic Minerals, industrial minerals like Gypsum, non-metallic minerals with unique properties
 - No sale or royalties
 - 43 CFR 3809
- Mineral Materials
 - Sand, gravel, dirt, rock, “common variety” material sales
 - Sold on a contract- by volume or ton
 - 43 CFR 3600
- Leasable Minerals
 - Oil and Gas, Phosphate, sodium, potassium, sulphur, gilsonite
 - Lease sale for the right to develop these minerals, plus rental fees and royalties
 - 43 CFR 3500, 43 CFR 3160
- Other minerals programs- coal, geothermal, paleo, AML



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What is Mining Law?





Mining Law of 1872

Governs disposal of locatable minerals on federal lands

- Metallic Minerals
- Industrial minerals like Gypsum
- Non-metallic minerals with unique properties

Federal Land Policy Management Act (FLPMA) 1976

- 43 CFR Subpart 3809
 - Surface Management
- 43 CFR Subpart 3715
 - Use and Occupancy under the Mining Law
- 43 CFR Subpart 3802
 - Mining/Exploration in WSA



Critical Minerals

- “Minerals essential to economic or national security of the United States”
- New list created based on Energy Act of 2020- every 3 years DOI must review and update the critical mineral list
- 50 minerals on USGS list published in 2022, 19 energy minerals published by DOE in 2023, 4+ minerals listed in March 20, 2025 executive order
- <https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals>



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CRITICAL MINERALS IN THE CLIMATE FIGHT

abc NEWS



Mining Claims

- Possessory right- right to develop and extract a discovered, valuable, mineral deposit
- Types of claims- lode, placer, mill site, tunnel site
- Stake a mining claim in accordance with applicable law/regulation, pay the yearly mining claim fees
- <https://mlrs.blm.gov/s/>





Levels of Mining Law Activities

Casual Use: 43 CFR 3809.10

- Activities that typically result in no or minimal disturbance to public lands
- No notification or analysis by BLM is required
- Includes the use of hand tools, collection of specimens, panning, can include the use of small portable suction dredges
- Does not include the use of heavy equipment, chemicals, or explosives. Also does not include occupancy of public lands

Notice of Exploration: 43 CFR 3809.21

- Exploration which causes 5 acres or less of disturbance on which reclamation has not been completed
- Bulk sampling of ore less than 1,000 tons
- No segmentation of projects to avoid submitting a plan of operations
- No NEPA required. Check for UUD, review bond amount

Plan of Operations: 43 CFR 3809.11

- Operations greater than casual use or notice, as defined
- Activities within certain special status land use areas, such as ACECs
- Requires NEPA



Casual

Non-motorized/
Negligible



Notice

Exploration

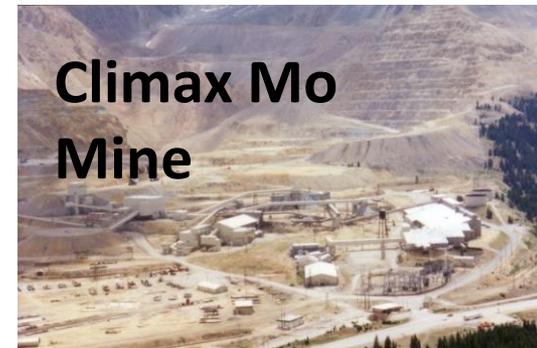


RC and DC
Drilling



Plan

Development/
Mining





Notice Completeness

- 43 CFR 3809.401
- 1.) Operator Information
- 2.) Activity Description, Map, Schedule of Activities
 - Prevention of UUD
 - Map showing project location
 - Description of equipment to be used
 - Schedule of activities- begin operations, reclamation date
- 3.) Reclamation Plan
- 4.) Reclamation cost estimate



Plan of Operations Completeness

43 CFR 3809.401

- 1.) Operator Information
- 2.) Description of Operations
 - Map of project area
 - Designs, cross sections, and operating plans for mine
 - Water management plans
 - Rock characterization and handling plan
 - Quality assurance plans
 - Spill contingency plans
 - General schedule of ops from start through
 - Plans for all access roads, water supply lines, power/utility services



Plan of Operations Completeness

- 3.) Reclamation Plan- standards in 3809.420, including, where applicable
 - Drill-hole plugging
 - Regrading/reshaping
 - Mine reclamation
 - Riparian mitigation
 - Wildlife habitat rehabilitation
 - Topsoil handling
 - Revegetation
 - Isolation and control of acid-forming/toxic materials
 - Removal/stabilization of buildings
 - Post-closure management



Plan of Operations Completeness

- 4.) Monitoring Plan- monitoring effect of your operations, demonstrate compliance with the approved plan of ops/other state and federal laws and regulations
- 5.) Interim management plan- manage project area when closed
 - Stabilize excavations/workings
 - Measures to control toxic materials
 - Provisions for storage/removal of equipment
 - Measures to maintain project area in safe/clean condition
 - Plans for monitoring site conditions during non-operation
 - Schedule of anticipated periods of temporary closure



FLPMA – 43 CFR 3809 regulations

FLPMA prohibits anyone using public lands from causing “unnecessary or undue degradation” – 43 CFR 3809.412

Purpose of the 43 CFR Subpart 3809 regs

- Prevent unnecessary or undue degradation (UUD) of public lands by operations authorized by the mining laws. Anyone intending to develop mineral resources on the public lands must prevent UUD of the land and reclaim disturbed areas. This subpart establishes procedures and standards to ensure that operators and mining claimants meet this responsibility



43 CFR 3809.5 & 3809.412

Unnecessary or Undue Degradation (UUD)

Unnecessary or undue degradation means conditions, activities, or practices that:

- Fail to comply with one or more of the following: 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;
- Are not “reasonably incident” to prospecting, mining, or processing operations as defined in § 3715. 0–5 of this chapter; or
- Fail to attain a stated level of protection or reclamation required by specific laws in areas such as the California Desert Conservation Area, Wild and Scenic Rivers, BLM-administered portions of the National Wilderness System, and BLM-administered National Monuments and National Conservation Areas.



Prevention of Undue and Unnecessary Degradation (UUD)

Performance Standards – 43 CFR 3809.420

Specific Performance Standards

- 1.) Access routes- minimum width needed, follow contours, minimize cut and fill
- 2.) Mining wastes- All tailings, toxic materials, waste, shall be disposed of to prevent UUD
- 3.) Reclamation- At the earliest feasible time, operator shall reclaim the area disturbed
 - Includes saving of topsoil, control erosion, remove toxic materials, reshaping/recontouring, rehab of fisheries/wildlife habitat
- 4.) Air quality- Operators shall comply with applicable Federal and state air quality standards



Prevention of UUD

- 5.) Water quality- Operators shall comply with applicable federal and state water quality standards
- 6.) Solid Wastes- Operators shall comply with Federal and state standards for the disposal and treatment of solid wastes
- 7.) Fisheries, wildlife, plant habitat- Operator shall take action to prevent adverse impacts to threatened or endangered species and their habitat
- 8.) Cultural/Paleo Resources- Operator shall not knowingly disturb, alter, injure or destroy historical/arch/paleo resources
- 9.) Protection of Survey Monuments- Operator shall protect all survey monuments to the extent practicable



Prevention of UUD

10.) Fire- Operator shall comply with all Federal and state fire laws

11.) Acid forming/toxic materials- operator must properly handle, label, treat, etc. all acid forming/toxic materials

12.) Leaching Operations/impoundments- Various requirements for leaching operations

13.) Maintenance and Public Safety- Operator shall maintain structures, equipment, and other facilities in a safe and orderly manner



Prevention of UUD

Performance Standards – 43 CFR 3809.420

General Performance Standards

- 1.) Use equipment, devices, and practices to meet the performance standards
- 2.) Avoid unnecessary impacts and facilitate reclamation by following reasonable and customary mineral exploration, mining, and reclamation
- 3.) Comply with applicable BLM land-use plans
- 4.) Must take mitigation measures specified by the BLM to protect public lands
- 5.) Must initiate and complete reclamation at the earliest economical and technically feasible time
- 6.) Comply with all pertinent Federal and state laws



Questions?





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Recreation Summit Recap

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Closing Remarks/Open Discussion

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Public Comment Period

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