



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer to:
3809/3715 (AK940) P

February 13, 2007

Instruction Memorandum No. AK-2007-022

Expires: 09/30/08

To: District, Field, and Area Office Managers

From: State Director

Subject: Bonding under [43 CFR 3809](#) and Related Occupancy Authorizations
under [43 CFR 3715](#)

Program Area: Mining Law Administration

Purpose: This Instruction Memorandum (IM) provides guidance on bonding of suction dredging operations of minimal disturbance under [43 CFR 3809](#) when the use of structures or the storage of equipment is proposed.

Background: The BLM-Alaska receives filings each year from individuals proposing suction dredging on BLM managed lands. Usually, these operations are determined to be casual use under [43 CFR 3809](#) and no authorization under these regulations is required. However, sometimes these small mining operations will include the utilization of an existing cabin, placement and subsequent storage of a tent frame, and/or storage of equipment between mining seasons on BLM managed lands. Such occupancy must be authorized under [43 CFR 3715](#) *Use and Occupancy under the Mining Laws*. While placement of structures and storage of equipment on Federal lands constitute a liability to the government should the owner/operator abandon the occupancy, there are no provisions within [43 CFR 3715](#) to allow the BLM to specifically bond such occupancies.

Surface Management Regulations [43 CFR 3809](#) require the submission of financial guarantees (bonding) for all operations conducted under the mining laws other than those deemed casual use. Further, Section [3809.3](#) defines casual use in general terms as non-motorized activities, but may include the use of suction dredges.

Section [3809.31 \(b\)\(2\)](#) of the regulations require all suction dredge operators to consult with the BLM prior to beginning operations and gives discretion to the BLM to determine whether or not such suction dredging operations will require a notice or plan of operations or constitutes only casual use.

Policy/Action: The BLM-Alaska surface management staff shall review all proposals for suction dredging operations on BLM managed lands as required under [3809.31 \(b\)\(2\)](#). During this review, the Administrative Officer shall determine whether or not the operations will involve an occupancy that requires authorization under [43 CFR 3715](#), and, if so, whether or not such operations will require a notice or plan of operations or constitutes only casual use.

Suction dredging operations on BLM managed lands in Alaska that involve an occupancy such as cabin use or placement and storage of equipment or any activity which requires BLM review and approval under [43 CFR 3715](#) shall be elevated to at least a notice level operation under [43 CFR 3809](#) and be subject to the regulations contained therein, including Financial Guarantees under [3809.500](#). All bonding options listed under this section are available to such operators including participation in The Alaska State Bond Pool.

Timeframe: Effective immediately.

Budget Impact: Minimal.

Contacts: If you have additional questions or comments regarding this issue, please contact Steve Lundeen, Inspection and Enforcement Coordinator/Natural Resource Specialist, at (907) 474-2347 or Vanessa Hice, Mineral Law Specialist, at (907) 271-3343.

Signed by:
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