



Guidance for submitting applications to explore and mine for placer minerals on BLM managed lands and using the Supplements to the Application for Permits to Mine in Alaska (APMA).

The BLM accepts the Alaska Department of Natural Resources' (ADNR) APMA as an application to placer mine on BLM managed lands. The APMA does not address all of the information that BLM regulations require in a placer mining application. To enable miners to continue to use the familiar APMA and meet BLM regulations we have developed supplemental guidance ("Supplements") specific to federal regulations. An APMA can be renewed for up to five years for operations on State managed land but the BLM reviews and accepts a **Notice** for exploration for a maximum of two years without renewal. The BLM in its review of a **Plan of Operations (Plan)** considers effects for the life of a mine so it is important to include information for as long of time and as wide of an area as mining is planned.

Specifically, the Supplements provide a template to meet the BLM requirements for:

- **Performance Standards (Supplement A)** – for Notices and Plans
- **Reclamation Plan (Supplement B)** –for Notices and Plans
- **Water Management Plan (Supplement C)** –for Plans
- **Interim Management Plan (Supplement D)** –for Plans
- **Monitoring Plan (Supplement E)** –for Plans
- **Spill Contingency Plan (Supplement F)** –for Plans
- **Preliminary or Conceptual Designs and Plans (Supplement G)** –for Plans

If you want more information on BLM regulations pertaining to placer mining operations (Title 43 CFR 3809.301 and 3809.401), paper copies are available at BLM Public Information Centers and digital copies are available online at <http://www.blm.gov/ak/st/en/prog/minerals.html> or at <http://www.ecfr.gov/>.

The BLM's regulatory mandate is to ensure mining operations will not cause Undue or Unnecessary Degradation (UUD) of public resources. UUD is defined as actions that fail to meet the performance standards (§3809.420) or are not reasonably incident to mining.

Mining Operations on BLM-Managed Lands.

How does BLM classify operations? (Described in 43 CFR §3809.10)

There are three generally recognized levels of mining operations on BLM lands that are in order of increasing environmental impact:

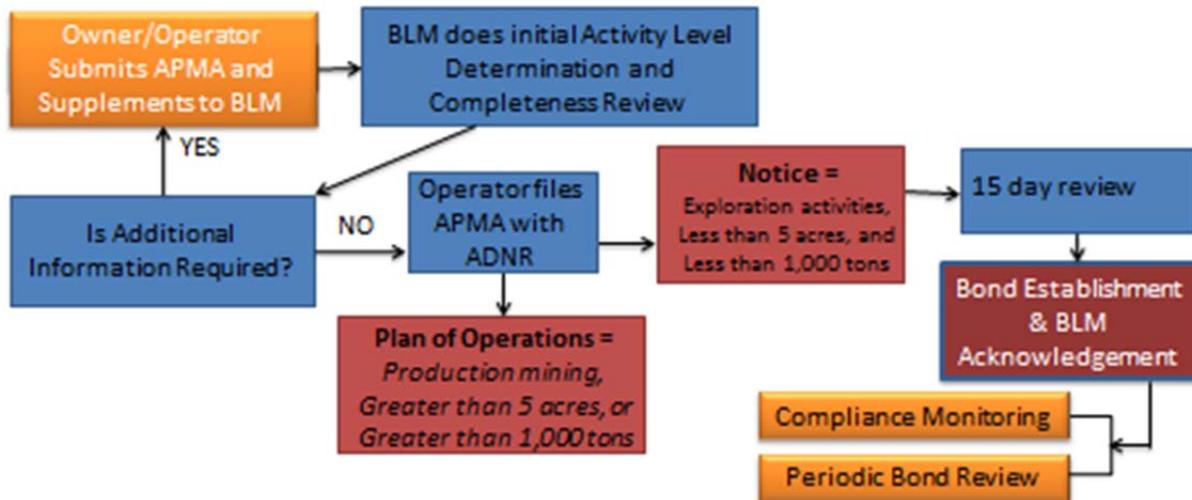
- **Casual Use** is defined as activities ordinarily resulting in only negligible disturbance such as non-motorized prospecting with hand tools and gold pans.
- **Notice-Level Operations ('Notices')** are generally defined as *exploration* activities that will result in a cumulative surface disturbance of five acres or less and do not remove more than 1,000 tons of presumed ore for testing. A completed APMA, with the addition of data described in Supplements A and B, should fulfill the information requirements for a Notice.
- **Plan-Level Operations ('Plans')** include disturbances greater than 5 acres, or *production* activities of any size. A Plan requires the BLM to conduct an environmental review of the proposal prior to issuing a formal authorization. In addition to the APMA, your application must include the information addressed in Supplements A through E.



Mining Application Process (Plan or Notice)

The following sections detail the process for mining applications on BLM managed lands:

Notice-level Flow Chart

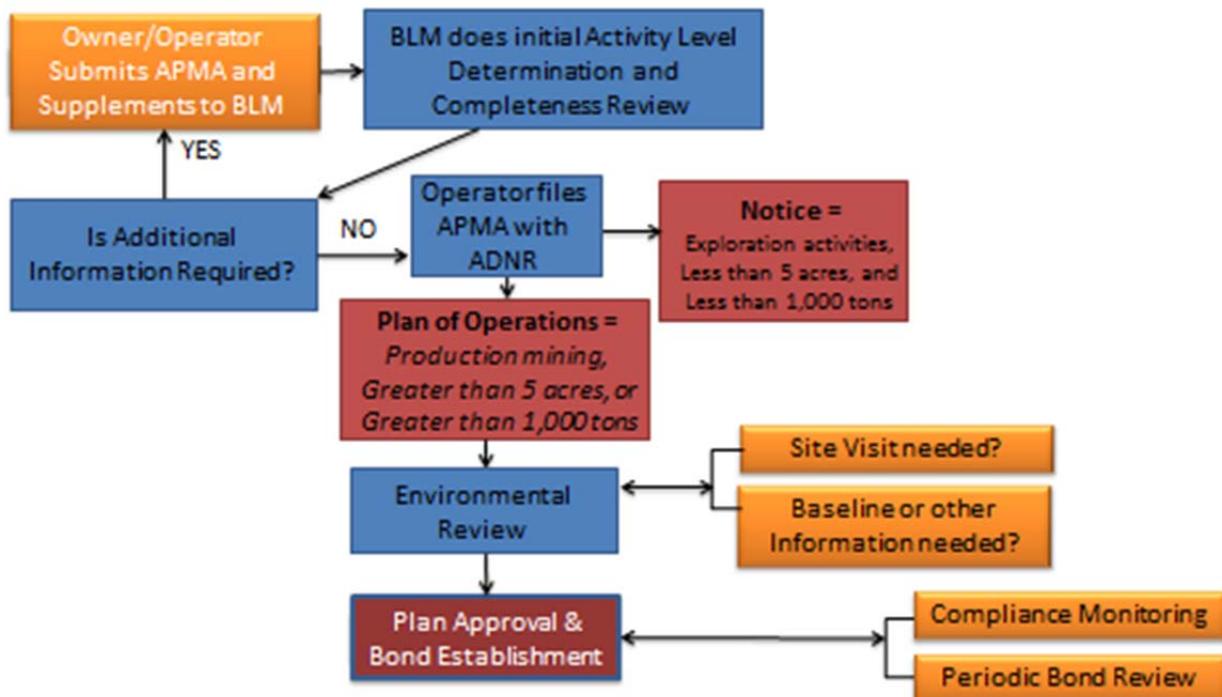


Steps for submitting a Notice

1. Read the BLM Instructional Supplement to the APMA and refer to BLM Regulations.
2. Describe your proposal, using the APMA and BLM Supplements A and B to provide sufficient detail about your proposed operation.
3. Contact your local BLM Field Office to discuss your proposal and have an initial determination of whether your activity qualifies as Notice-level.
4. File the APMA and BLM Supplements A and B with ADNR. The APMA and BLM Supplements will be scanned by ADNR and electronically distributed to the BLM and other agencies.
5. Once your application is received by the BLM, the BLM has 15 calendar days to review for your Notice's compliance with Federal regulations. The BLM reviews your Notice to ensure:
 - that your application is complete;
 - that your proposed activity qualifies as a Notice-level operation;
 - that no site visit is required prior to acceptance of your Notice, and finally;
 - that no modification is necessary in order to prevent UUD.
 - a. Should additional information be required to meet Federal regulations, you will be notified within 15 days.
 - b. The BLM is not required to notify an operator that the Notice has been acknowledged (accepted) as compliant with Federal regulations.
6. A financial guarantee of reclamation for the operation must be obtained before you begin operations, either through the State Bond Pool or by an individual financial guarantee (see the Financial Guarantees section below). Proof of this reclamation bonding must be documented by the BLM 15 calendar days prior to the start of your Notice-level activities.
7. A Notice is valid for no more than 2 years, at which point it must be renewed. The BLM will conduct inspections of your site to ensure you are working within your Notice. Periodically, the BLM will review your Notice to ensure sufficient reclamation bonding is in place.



Plan of Operations Flow Chart



Steps for approval of a Plan of Operations (new or modified)

1. Read the BLM Instructional Supplement to the APMA and refer to BLM Regulations.
2. Describe your proposal, using the APMA and all BLM Supplements to provide sufficient detail about your proposed operation.
3. Contact your local BLM Field Office to discuss your proposal, gain an initial determination that the planned activity requires a Plan of Operations-level authorization, and work with the field office to complete the application and supplements. If you intend to disturb land within 100 feet of a perennial stream, baseline stream data may be required, and that data will need to be collected at least one field season before mining is intended to start. See the Valdez Creek Baseline Data Report as an example. (www.blm.gov/ak/st/en/prog/minerals.html)
4. The BLM will perform a completeness review within 30 days of receiving the Plan and notify you if the application is complete or if additional information is required.
5. Once it is complete, file the APMA and all BLM Supplements with ADNR. The APMA and BLM Supplements will be scanned by ADNR and electronically distributed to the appropriate agencies.
6. BLM completes a detailed environmental review of the completed Plan to comply with the National Environmental Policy Act (NEPA) (This is when baseline stream data is used). Although the need for baseline stream data is now being considered during the completeness review an Environmental Review may result in further requests for information, require a site visit by the BLM, or require that you change your Plan to prevent UUD. Be aware that an APMA can be submitted for five years but the BLM reviews a Plan's effect for the life of a mine so include information for as wide an area or as long of time as you intend to mine.
7. A financial guarantee of reclamation must be obtained, using either the State Bond Pool or an individual financial guarantee (see the Financial Guarantees section below). The BLM may also require you to provide a Reclamation Cost Estimate (RCE), which establishes the reclamation costs



- for your specific operation.
8. BLM will formally notify you that your Plan is authorized once a financial guarantee of reclamation is in place. You may begin operations only after BLM has authorized your Plan and verified that an appropriate reclamation bond or other financial assurance is in place. To verify that your Plan of Operations is actively bonded, contact your local Field Office or, go to: http://sdms.ak.blm.gov/acres/acres_menu, and enter your Plan's casefile number in the Case Abstracts field. If the bond has been accepted, the case abstract will list "Bond Received" for the current calendar year.
 9. The BLM will conduct periodic inspections to ensure you are working within your authorization and periodically review your casefile to ensure reclamation bonding remains adequate.

Financial Guarantees

What are BLM's financial guarantee requirements? (Described in 43 CFR 3809.500 through 3809.599) All Plans and Notices must include a financial guarantee covering expenses in the case reclamation does not take place according to the reclamation plan. Through a cooperative agreement with ADNR, BLM allows the use of the State of Alaska - Mining Reclamation Bond Pool (Bond Pool) as a financial guarantee, for eligible operations. The BLM, at its sole discretion, may limit or prohibit the use of the Bond Pool if an operation's default on reclamation would put the solvency of the bond pool at risk.

The BLM may require you to prepare a Reclamation Cost Estimate (RCE) when submitting a new or modified Plan or Notice. RCEs will commonly be required when:

- Operations proposing to mine (other than suction dredging) in or within 100 feet of a perennial stream channel,
- Operations on uplands with slopes greater than 33% or with the potential for significant slope failure related to mining activities,
- Operations at a site where demobilization can only be completed by air or during frozen conditions (winter months),
- Operators with greater than 25 acres of unreclaimed disturbance, or
- Operations that have an unresolved noncompliance order at the time of bond payment or operators that have a history of noncompliance with BLM regulations.

The RCE must include the cost for the BLM to contract a third party to perform reclamation that meets the BLM's regulatory standards (43 CFR 3809.552) and the cost for BLM to administer the reclamation contract (43 CFR 3809.554). The BLM will review your RCE and determine if your operation is eligible for the Bond Pool. Use of the Bond Pool is not automatic. The Authorized Officer may require an alternate form of bonding, such as an individual financial guarantee

- A. If your proposal is determined eligible to use the Bond Pool, then the BLM will sign and date the Bond Calculation portion of your APMA. Bonding secured through the Bond Pool is not valid for BLM-managed lands until it has been signed by the BLM.
- B. If your proposal is determined ineligible to use the Bond Pool (for example a RCE exceeding 33% of the funds available in the bond pool) then another form of financial assurance will be required. There are several options for providing an individual financial guarantee, including: surety bonds, cash bonds, irrevocable letters of credit, certificates of deposit, insurance, and investment grade securities.

It is important to understand that, under 43 CFR 3809.592, you will be financially responsible for any reclamation costs which exceed the available financial guarantee. (See the BLM-Alaska Mining Reclamation Bonding Guide at www.blm.gov/ak/st/en/prog/minerals.html).



Summary Guidance and Information for Mining Operations on BLM-Alaska Lands

Casual-Use Level Operations:

- No application is required but check with the local Field Office if you have questions.

Notice -Level Operations:

- An APMA is required to request access to the Bond Pool.
- Provide BLM Supplement A – Performance Standards (43 CFR 3809.420).
- Provide BLM Supplement B –Reclamation Plan (43 CFR 3809.301(b)(3)).
- Depending on the proposal, a Reclamation Cost Estimate (RCE) may be requested (43 CFR 3809.554).

Plan of Operations-Level Operations:

- An APMA is required to request access to the Bond Pool.
- Provide BLM Supplement A - Performance Standards (43 CFR 3809.420).
- Provide BLM Supplement B - Reclamation Plan (43 CFR 3809.401(b)(3)).
- Provide BLM Supplement C - Water Management Plan (43 CFR 3809.401 (b)(2)).
- Provide BLM Supplement D - Interim Management Plan (43 CFR 3809.401(b)(5)).
- Provide BLM Supplement E - Monitoring Plan (43 CFR 3809.401(b)(4)).
- Provide BLM Supplement F - Spill Contingency Plan (43 CFR 3809.401(b)(2)).
- Provide BLM Supplement G - Preliminary or Conceptual Designs and Plan (43 CFR 3809.401 (b)(2)(ii)).
- A Reclamation Cost Estimate (RCE) may be requested by the BLM (43 CFR 3809.554).

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