



BLM

UNCOMPAHGRE FIELD OFFICE

Placer and Recreational Mining

Management on the

San Miguel and Dolores Rivers

February 2013

A little bit about our neck of the woods:

The varied nature of mineral rights along the San Miguel River is complex. Some lands are subject to the 1872 mining law and others are not. This adds to the complexity of managing placer mining on these lands.

And as all of you can attest, placer mining policy may be different depending on the level of activity from field office to field office, state to state and from BLM to Forest Service.



PLACER MINING UNDER THE MINING LAW OF 1872

The BLM uses the Federal Regulations at 43 CFR 3809 to manage surface disturbing activities on lands open to the Mining Law of 1872. BLM issued a new Handbook for Surface Management based upon these regulations last fall.

It can be found at:

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/ib_attachments/2012.Par.98.133.File.dat/3809%20Handbook.pdf

This Power Point presentation will be available on the UFO's website at:

http://www.blm.gov/co/st/en/fo/ufo/solids_and_fluids.html

The 3809 regulations have 3 levels of management:

1. Casual Use
2. Mining Notice
3. Mining Plan of Operations

“Casual Use” is defined as:

- activities that ordinarily results in no or negligible disturbance.
- negligible: Being so small or trifling that it may safely be disregarded.

Under "Casual Use," this is the form that the UFO uses for motorized placer operations:



United States Department of the Interior

Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, Colorado 81401



RECREATIONAL PLACER NOTIFICATION FOR MOTORIZED PLACER OPERATIONS IN THE UNCOMPAHGRE FIELD OFFICE

NAME: _____ DATE: _____
ADDRESS: _____ TELEPHONE: _____

OPERATION TYPE: (One or more may be identified)
DREDGE _____ HIGHBANKER _____ SLUICE _____ DRY WASHER _____
TROMMEL/SCREEN _____ OTHER _____

EQUIPMENT SPECIFICATIONS:
INTAKE HOSE DIAMETER _____ ENGINE SIZE (HP) _____
RATED CAPACITY OF EQUIPMENT (cubic yards/hour) _____

ANTICIPATED START DATE (month/day/year): _____
ANTICIPATED END DATE (month/day/year): _____

LOCATION OF OPERATION(S) (Identify all areas you propose to work in and INCLUDE A MAP of the location)

TOWNSHIP _____ RANGE _____ Section(s) _____ ¼Sec. _____
TOWNSHIP _____ RANGE _____ Section(s) _____ ¼Sec. _____
TOWNSHIP _____ RANGE _____ Section(s) _____ ¼Sec. _____

CLAIM INFORMATION (if applicable)

CLAIM NAME _____ CMC NUMBER CMC- _____
CLAIM NAME _____ CMC NUMBER CMC- _____
CLAIM NAME _____ CMC NUMBER CMC- _____

DESCRIBE ACCESS: (Will use existing roads and trails, will construct, offroad, vehicle type, etc.)

I will utilize the management practices for small placer operations, listed on the back of this form.

I will notify the above office when I have ceased operations and have reclaimed my disturbance under this notice. I also agree to reclaim all areas I disturb to the standards described in BLM regulations 43 CFR 3809. 1-3(d).

I understand that this Notice of Intent does not authorized me to do the following:

- Cross private land nor operate on private land;
- Operate on another's unpatented mining claim without permission;
- Use toxic or hazardous chemicals.

DO NOT BEGIN OPERATIONS UNTIL NOTIFICATION BY AUTHORIZED OFFICER

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ATTACH ADDITIONAL PAGES IF NECESSARY

OPERATOR SIGNATURE: _____

DATE: _____

AUTHORIZED OFFICER SIGNATURE: _____

DATE: _____

MANAGEMENT PRACTICES FOR MOTORIZED SMALL PLACER OPERATIONS

- Access shall be restricted to existing roads and trails.
- Dredging must not take place within 100 feet of any bridge support.
- Dredging should not take place within two feet of any streambank with established vegetation.
- All water based activities shall be conducted to prevent undercutting of banks. Streambanks above the highwater line must not be undercut.
- Refueling of motorized equipment must take place outside of the waterway or adjacent wetlands with no fueling conducted closer than 20 feet from such areas. All fuels, batteries, etc. must be stored out of the flood prone area.
- Vehicles must not operate in the waterway, or in wetlands or marshy areas.
- Only one site should be dredged at any one time.
- Material too large to be moved by hand shall remain undisturbed.
- All excavations shall have materials replaced upon completion of operations. No sites shall be left open in excess of 14 days.
- No activity under this notification shall interfere or harm the continued existence and use of any BLM, County, State or Federal roadway or boat ramp.
- The applicant is responsible for obtaining permission from the owner of any mining claims (if applicable), and for compliance with all necessary federal, state and/or local requirements.
- Operations shall not disturb in excess of 2 cubic yards of material per day.
- Camping is limited to 14 total days within any thirty day period. Camping may be limited to areas designated by the authorized officer.
- No activity under this notification shall jeopardize the continued existence or habitat of a threatened or endangered species or a species proposed for such designation.
- No activity under this notification may adversely affect historic properties which are listed on, or determined eligible for listing on, the National Register of Historic Places. All potential properties shall be left intact and immediately reported to the BLM.
- Anchorage systems (if used) must not span the stream if it will restrict the free passage of small craft, kayaks, canoes, rafts, etc.
- The work area, including the land surrounding the work site must be kept free of litter at all times and must be thoroughly cleaned prior to departure. All garbage, litter, debris and refuse must be carried off by the operator and disposed of properly.

If you cannot operate under these conditions, or plan a larger operation, you will need to submit a Mining Notice to Conduct Prospecting Operations or a Plan of Operations.

DO NOT BEGIN OPERATIONS UNTIL NOTIFICATION BY AUTHORIZED OFFICER

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Specific Rules from the Notification Form

- Dredging should not take place within two feet of any river bank with established vegetation.
- All water based activities shall be conducted to prevent undercutting of banks. River banks above the high water line must not be undercut.
- All excavations shall have materials replaced upon completion of operations. No sites shall be left open in excess of 14 days.

In addition,

- the operator(s) remains responsible to prevent unnecessary or undue degradation and to ensure full reclamation of any disturbance created while engaging in casual use activities,
- and ultimately, if a mining claim is involved, it is the claimant(s) responsibility for all surface disturbance and to complete the required reclamation to BLM standards.

Regarding Suction Dredging

- If the impact of the proposed suction dredging activity is greater than negligible disturbance then a Notice or Plan of Operations is required.
- BLM field staff and management use their professional judgment in determining what activities would ordinarily result in no or negligible disturbance.
- The amount and type of disturbance created by the activities of a single operation, or the cumulative disturbance caused by the proximity of several operators, ultimately determines whether or not a particular activity will be determined to be casual use.

The following photos show examples of areas where placer mining activity has caused disturbance that does not qualify as casual use because the disturbance is greater than negligible. This is occurring both on-claim and off-claim...





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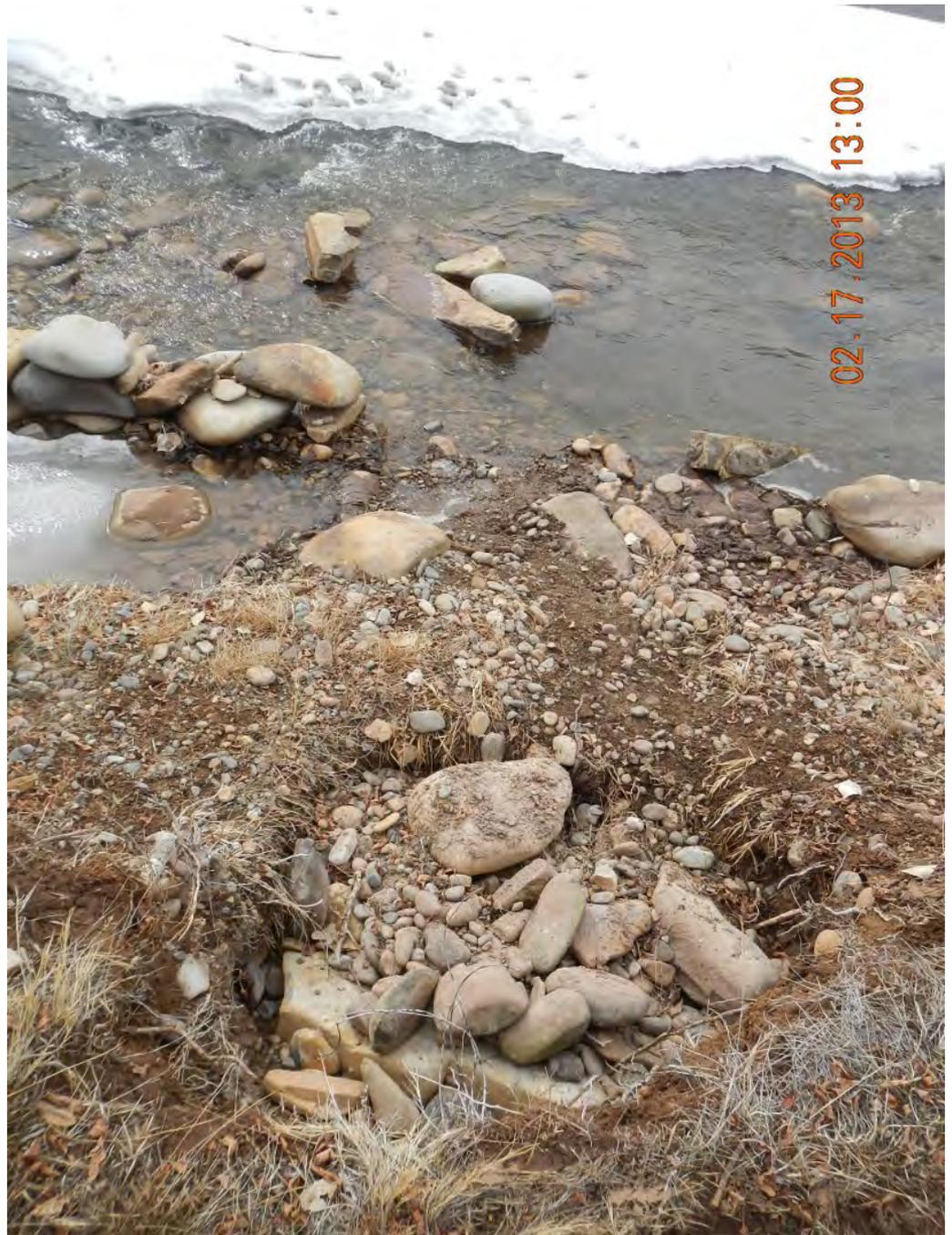
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These surface-disturbing examples—whether completed by an individual or a group—are significant, require reclamation, and are not considered casual use.

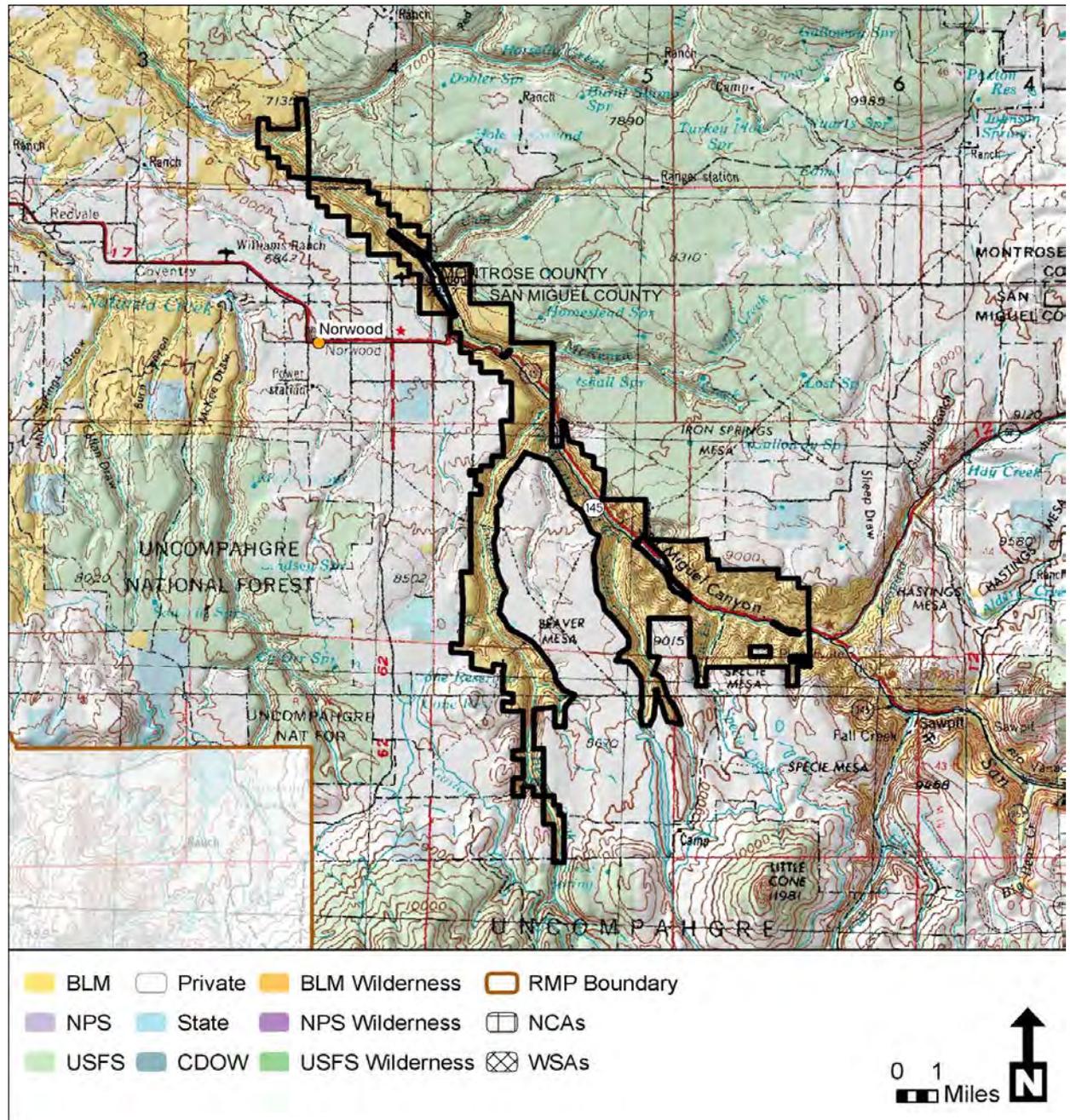


On public lands open to location under the Mining Law of 1872, the 3809 regulations apply and,

- require that any mining activity that does not qualify as casual use, must have an accepted mining notice or an approved mining plan of operations,
- and requires an acceptable reclamation bond.
- A plan of operations is required, for sections of the San Miguel River, where lands have been designated as an **Area of Critical Environmental Concern (ACEC)**, and where a mining notice would otherwise be required.

- The San Miguel ACEC is located from just below Placerville to just below Horsefly Creek and includes most of Beaver and Saltado Creeks.
- A plan of operations requires a NEPA compliance document (usually an Environmental Assessment or EA) be approved before operations can begin.

San Miguel River ACEC



Here's what we plan to do:

- The UFO will be conducting compliance inspections on all the placer mining claims along the San Miguel and Dolores Rivers, and will be notifying the claimants whether the surface disturbance on their claim exceeds the casual use standard and that a mining notice or plan of operations is required.
- Claimants will also be notified of the 3809 regulatory requirements associated with placer mining activity on public lands managed by the UFO.

Enforcement of the 3809 Regulations

The 43 CFR 3809 regulations applies to all rivers in the UFO area where the land is open to mineral entry:

- “Casual Use” is any placer mining activity that does not involve creating surface disturbance that needs to be reclaimed and produces negligible disturbance. This includes suction dredging beneath the present water surface within the river channel.
- The UFO requires a casual use form be submitted for review prior to beginning casual use level operations.
- Any placer mining activity that involves excavating holes, whether on top of a river bank, within 2 feet of a river bank, or undercutting a river bank, is not considered casual use and a mining notice or plan of operations is required prior to beginning activity.

- The operator is required to present measures to prevent unnecessary or undue degradation.
- Allow up to 30 days or more for processing a mining notice.
- An acceptable reclamation bond must be in place before starting operations.
- The mining notice can apply to one or more contiguous claims, per claimant or claimants.
- A mining plan of operations and a reclamation bond will be required for areas within the San Miguel ACEC. BLM will first need to complete a NEPA document, which will take time.
- To prevent unnecessary or undue degradation of sensitive fish habitat, timing limitations may be applied to either permit action.
- See the Handbook for details.

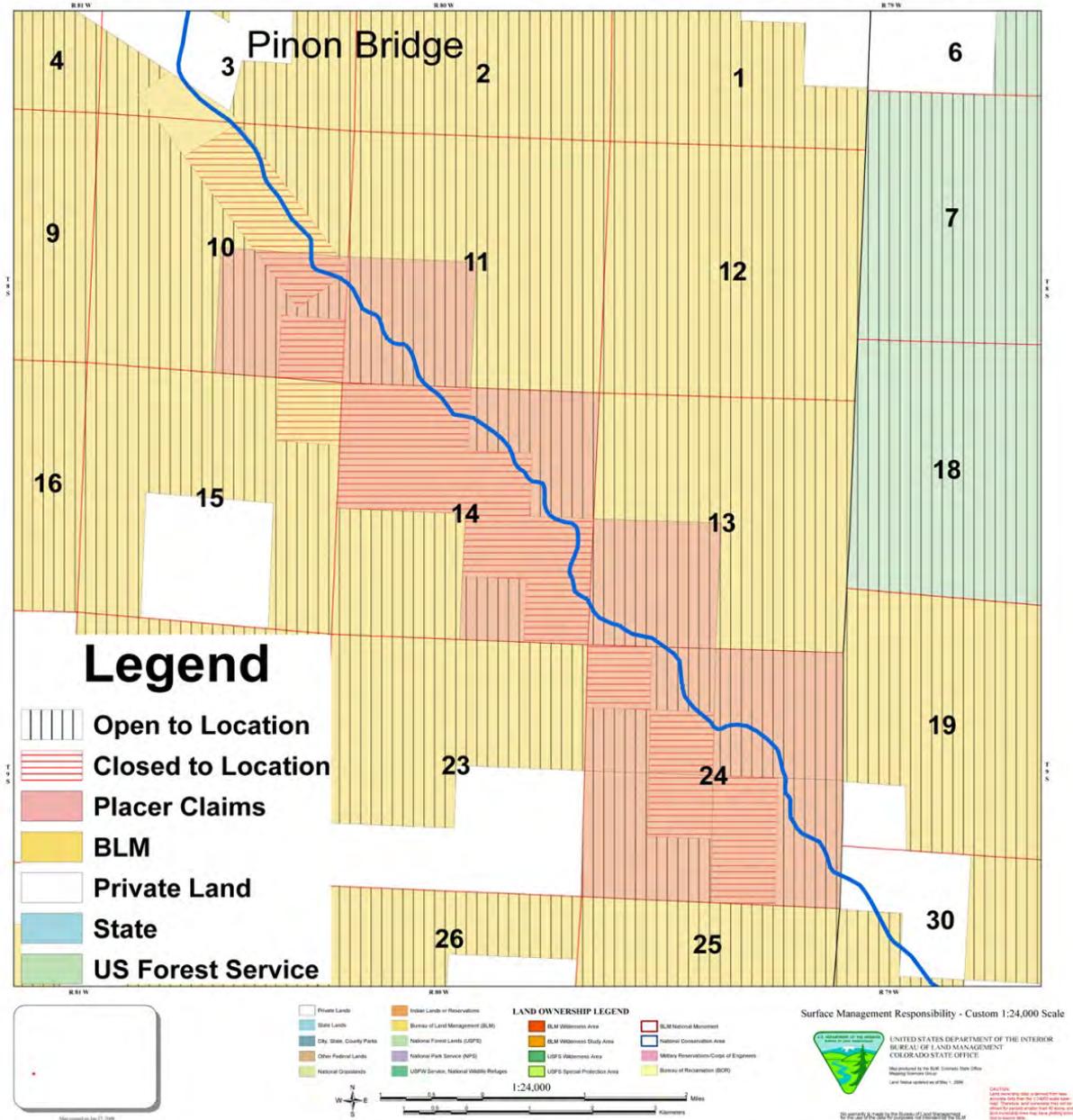
RECREATIONAL PLACER MINING

For lands that are not open to mineral entry, where the Mining Law of 1872 does not apply, where there are no mining claims...

We Need Your Ideas!

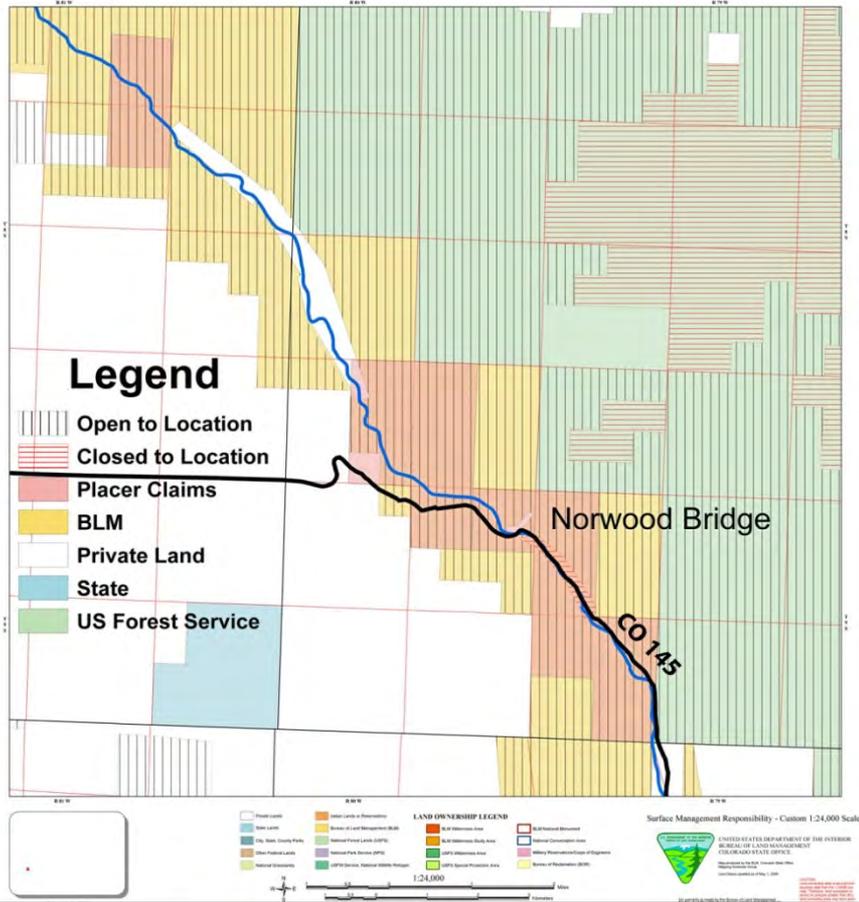
Pinon Bridge Mineral Status and Claim Location Map

On certain segments in the Piñon and Norwood Bridge areas of the San Miguel River the 3809 regulations do not apply because these lands have been re-acquired and have not been opened to mineral location.

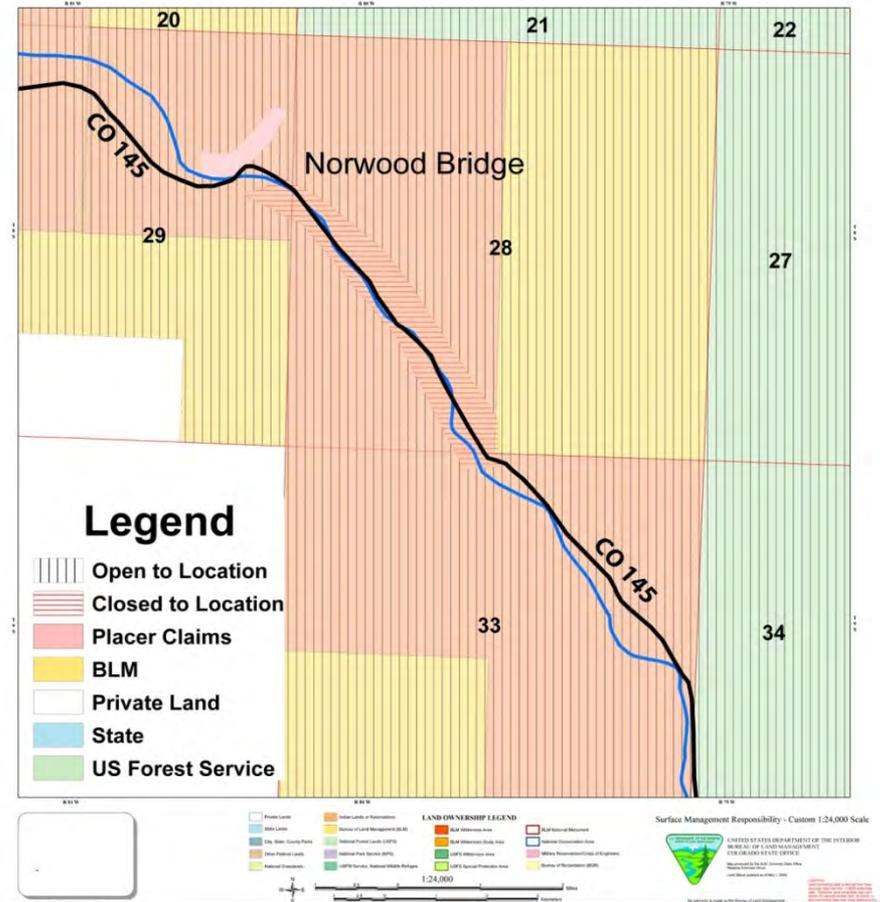


Maps Showing Norwood Bridge Area

Norwood Bridge Mineral Status and Claim Location Map



Norwood Bridge Mineral Status and Claim Location Map



We are open to your suggestions:

- How can we allow recreational mining activities on off-claim lands without causing continued resource damage?
- How do we manage placer mining activity in small areas?