



Non-Energy Leasable Minerals – Competitive Leases

Competitive Lease Applications

The following is general information on competitive leases as covered by the Public Domain Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*), the Acquired Lands Mineral Leasing Act of 1947, as amended (30 U.S.C. 351-359), and the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701 *et seq*) which authorize the management and use of public lands. The regulations governing these non-energy, leasable minerals are found in the 43 CFR part 3500 regulations.

Background:

The Bureau of Land Management (BLM) leases certain solid minerals, for example - phosphate, sodium, potassium, sulphur, gilsonite, or other hardrock mineral, on public domain and other Federal lands. These lands include areas managed by the BLM and the Forest Service. BLM can also lease these minerals on certain private lands, provided that the mineral rights are owned by the Federal government. BLM will issue a competitive lease on unleased lands where we know a valuable mineral deposit exists. If an appropriate application is made, BLM may offer competitive leases for lands where no work is needed to determine the existence or workability of a valuable mineral deposit. There are other requirements for competitive leases.

How do I obtain a competitive lease?

1. Notify BLM of areas in which you are interested.
2. Before performing any case processing, BLM requires a deposit of any payments intended to reimburse the United States for reasonable costs with respect to applications, by Section 304(b) of FLPMA. We have estimated the reasonable cost to process a competitive lease application is \$6,500.00. The fees are used for land status determination, a mineral report, and an environmental decisional document which is required to meet the needs of the National Environmental Policy Act (NEPA). If the costs are less than the deposit, a refund will be authorized. The processing costs may substantially exceed the amount of this initial deposit, particularly if it is determined that an Environmental Impact Statement is required. In this case, the BLM may require additional funds from the applicant.
 - a. *The applicant can comment on this proposed fee at any time during the application process;*
 - b. *The applicant can ask for BLM's approval to do all or part of any study or other activity according to the standards BLM specifies, thereby reducing BLM's cost for processing the application;*
 - c. *BLM will then give the applicant a final estimate of the processing fee amount after considering the comments submitted and any BLM-approved work that the applicant will do.*
 - d. *If the surface of the lands are managed by the U.S. Forest Service, NEPA costs will be negotiated between the applicant and the Forest Service.*
3. After determining that the lands are available for competitive leasing, we will publish a notice of lease sale containing all significant information. The sale notice will be published at least once a week for three consecutive weeks in a newspaper of general circulation in the area where the lands are situated. We will also post the notice of lease sale for 30 days in the BLM State Office public room and on our webpage at <http://www.blm.gov/es/st/en.html>
4. We will award a competitive lease to the qualified bidder who offers the highest acceptable bonus bid. If someone else is the successful bidder, BLM will refund you the amount you paid as described above. If there is no successful bidder, you remain responsible for all processing fees. In the event of a tie, BLM will determine a fair method for choosing the successful bid.

Please note that any fees submitted, will in no way insure favorable action on any application. This handout is intended to describe the initial competitive lease application process only. There are other requirements for competitive leases and applications, which can be found at 43 CFR 3500.