



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nv>

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EMS TRANSMISSION

Instruction Memorandum No. NV-2014-019

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To: District Managers and Field Managers, Nevada

From: Amy Lueders, State Director

Subject: Guidance for Permitting 3809 Plans of Operation

Program Guidance: Mining Law Administration, Surface Management

Purpose: To provide guidance intended to improve the efficiency and effectiveness of processing mine Plans of Operation.

Policy/Action: The Bureau of Land Management (BLM), in its ongoing efforts to improve mine permitting efficiencies, encourages the implementation of a “Pre-Plan of Operations” phase as part of the Plan of Operations (PoO) review process. The BLM should be available to meet with the operator and other local, state or federal agencies including the Environmental Protection Agency that may be involved in the approval process to discuss: 1) what to include in the PoO; and 2) what may be needed to support the National Environmental Policy Act (NEPA) analysis, especially for large projects. It may be beneficial to all parties for the BLM to informally review a pre-plan, conceptual plan or study plan prior to the formal filing of a PoO to give the operator guidance on what to include in their submission and how the review process will be conducted. The BLM has already taken steps to improve state-wide consistency, effectiveness, efficiency and defensibility associated with processing and permitting PoOs by issuing NV IM-2013-046 - Rock Characterization and Water Resources Analysis as well as other guidance. In addition, the BLM entered into a Memorandum of Understanding (MOU) with the Nevada Division of Environmental Protection and the Forest Service to improve coordination and expedite administration and enforcement of respective authorities (MOU -NV920-2014-01).

In order to improve the permitting process, the BLM will recommend a Pre-Plan of Operations phase in the permitting of PoOs or a major modification to an existing PoO with the operator. An outline is included in Attachment 1-1. Field managers will be required to notify operators of this process and encourage Pre-Plan of Operations coordination with the BLM as well as other state and federal agencies in accordance with this policy. Operators will be informed of the potential delays in the permitting process if they elect not to engage and coordinate with the BLM in advance of the submission of a PoO). Although, not guaranteed, operators participating in this Pre-Plan of Operations process may realize a more efficient and timely post PoO) submittal permitting process. Field Managers will also inform the operators that the BLM will not begin the environmental review of a PoO under NEPA until the PoO

submittal is considered complete. The intent of this policy is to ensure that a PoO developed by the operator is supported by the required baseline reports and the NEPA process commences only after the operator has provided the BLM with the information needed to determine that the PoO is complete and can commence analysis of the environmental impacts. Although the need for additional information may be identified through the NEPA process, this policy will ensure that all obvious baseline studies are completed and submitted to the BLM prior to beginning the NEPA process; thus saving the operator time throughout the NEPA process.

Timeframe: Immediately upon receipt.

Background: The BLM often experiences permitting delays for a variety of reasons. One cause for delay is the submitted of PoOs to the BLM that are accompanied with little to no supporting baseline information. The BLM determines that PoOs are complete pursuant to 3809.401. However, the BLM often determines that PoOs are complete but recognizes that some components of the PoO may need to be substantiated or revised later in the NEPA process once additional information is obtained. This process unfortunately allows for extensive and costly delays throughout the NEPA review process while the operator, the BLM and cooperating agencies await the preparation and submittal of additional baseline studies and reports.

In most cases, operators make financial and operational commitments to proceed with the development of a PoO years in advance of a formal submittal to the BLM. Once operators have developed a conceptual design of their proposed operation, permitting efficiencies can be attained by pre-planning the testing and characterization studies with the BLM and other state and federal agencies. A thoroughly pre-planned PoO with the appropriate baseline data should eliminate the above mentioned delays. This Instruction Memorandum is intended to require the BLM Nevada to initiate, at the earliest possible stages of mine planning and development, coordination with the operator and the appropriate agencies to expedite the mine permitting process.

Budget Impact: If the operator chooses to participate in Pre-Plan of Operations coordination, the BLM may realize budget efficiencies.

Manual/Handbook Sections Affected: Advanced pre-planning meetings are encouraged and are in conformance with the 43 CFR 3809 Surface Management Handbook.

Coordination: Appropriate state and federal agencies.

Contact: If you have any questions, please contact Scott Murrellwright, Solid Minerals Program Lead, Minerals Management at 775-861-6581.

Signed By
Marci L. Todd
Acting State Director

Authenticated By
Pamela Collins
Staff Assistant

Attachment

[1 – Pre-Plan of Operations Process \(1 pp\)](#)

Pre-Plan of Operations Coordination Process

Introduction

The Bureau of Land Management (BLM), in its ongoing efforts to improve mine permitting efficiencies, encourages the implementation of a “Pre-Plan of Operations” phase as part of the Plan of Operations (PoO) review process. The following is an outline of the process sequence.

- Step 1- **Operator contacts the BLM.** The operator contacts the Field Office as soon as their decision has been made to pursue the development of a mine Plan of Operations (PoO) or an amendment to an existing PoO and is able to provide conceptual drawings and maps. In many cases, this notification can be one or more years before an actual submittal of a PoO to the BLM.
- Step 2- **Initial Project Presentation.** The operator, along with any technical contractors, conducts a proposed PoO presentation to the BLM. The Nevada Division of Environmental Protection – Bureau of Mining Regulation and Reclamation (BMRR) will be informed of the presentation and may choose to attend. The BLM managers and interdisciplinary team are initially introduced to the project and can begin to formulate and identify issues, concerns, and probable information needs. The BLM will convey to the operator recommendations for baseline studies appropriate for a complete PoO submittal.
- Step 3- **Pre-Plan of Operations Kick-Off Meeting.** Soon after the initial presentation, the operator, the BLM and the BMRR meet to review the project proposal, review the BLM and the BMRR permitting requirements and recommend use of the Voluntary Plan of Operations Outline/Format, determine information needs for the permitting and environmental analysis, and review the applicable agency policies and requirements for mine permitting.
- Step 4- **Documentation of Information Needs.** The BLM provides the operator a documented summary of the relevant known resource issues that are present as well as the baseline studies required per 3809.401 (b) to be completed in support of the future PoO submittal and subsequent environmental analysis.
- Step 5- **Pre-Plan of Operations Project Schedule.** The operator is encouraged to develop a project schedule in coordination with the BLM and the BMRR for the submittal and review of the baseline reports and applications for State permits and submission of the PoO to the BLM.
- Step 6- **Development of the Plan of Operations.** Experienced BLM mining engineers, geologists and hydrologists may offer advice to the operator to improve the PoO submittal; potentially minimizing the number of disparities later on and reduce the review times.
- Step 7- **Submittal of the Plan of Operations.** The operator submits a PoO to the BLM with all baseline reports and information. The BLM determines if the PoO is complete. At that point, the BLM’s regulatory policy and NEPA guidance will govern the remainder of the PoO review and approval process. Coordination with the BLM, the BMRR and any other appropriate agencies throughout this process is essential.