

Surface Disturbance on Public Lands

43CFR 3809 Surface Management



43CFR 3809.10

- BLM classifies operations as:
 - Casual Use – Operator need not notify BLM.
 - You must reclaim any casual use disturbance that you create.
 - Notice-level operations – Operator must submit a notice.
 - Plan-level operations - operator must submit a plan of operations and obtain BLM approval.



43CFR 3809.5

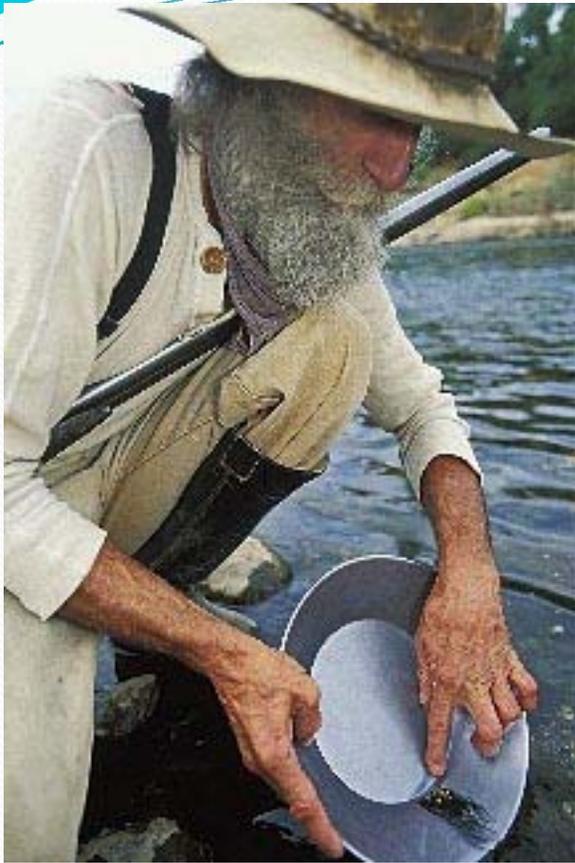
- Casual Use means activities ordinarily resulting in no or negligible disturbance of the public lands or resources.
- Generally includes:
 - Collection of geochemical, rock, soil, or mineral specimens using hand tools; hand panning; or non-motorized sluicing
 - May include use of small portable suction dredges
 - Check with your District/Field Office



43CFR 3809.5

- Generally includes:
 - Use of metal detectors, gold spears and other battery-operated devices for sensing the presence of minerals.
 - Hand and battery-operated drywashers.
 - Use of motorized vehicles must be consistent with regulations governing such use, off-road vehicle use designations contained in BLM land use plans, and the terms of temporary closures ordered by BLM







43CFR 3809.5

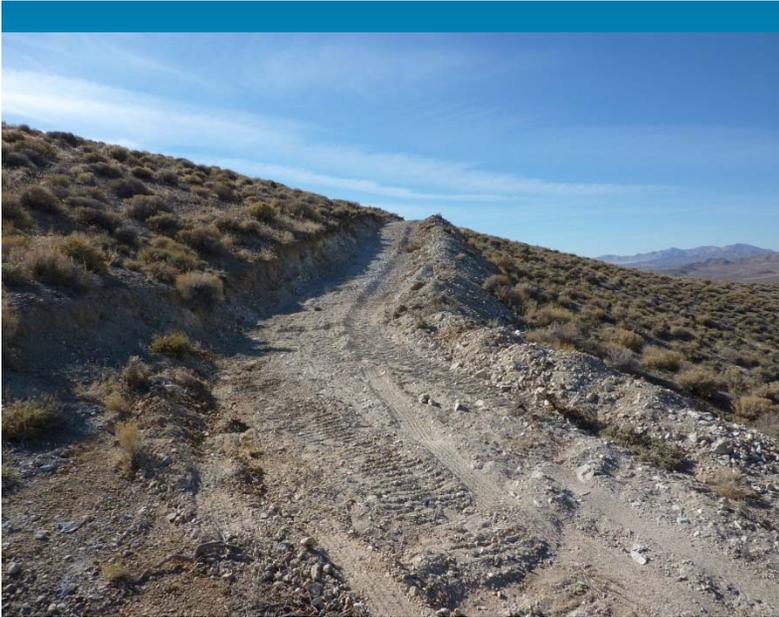
- Casual use does not include:
 - Use of Mechanized earth-moving equipment
 - Truck-mounted drilling equipment
 - Motorized vehicles in areas closed to off-road vehicles
 - “Occupancy” as defined in 43CFR 3715.0-5
 - Full or part-time residence on the public lands including temporary of permanent structures for such purposes.
 - Operations in areas where the cumulative effects of the activities result in more than negligible disturbance.
 - Use of chemicals for recovery of or processing of minerals
 - Use of explosives





43CFR 3809.21

- Notice level operations
 - For exploration activity greater than casual use
 - Surface disturbance of 5 acres or less of public land
 - Bulk Sampling of 1000 tons or less of presumed ore
 - Operator must file a complete Notice with BLM District/Field Office
 - 15 days before commencing operations
 - Submit a Financial Guarantee (Bond) for reclamation
 - Expires after 2 years unless extended or modified





43CFR 3809.301

- Required Notice Information
 - Operator Information
 - Name, address, phone, taxpayer identification number
 - BLM serial number of mining claims
 - Point-of Contact for corporations
 - Description of Activities
 - Description of the proposed activity
 - Measures to prevent Unnecessary or Undue Degradation
 - Maps showing all activity
 - Schedule of activities



43CFR 3809.301

- Required Notice Information
 - Reclamation Plan
 - Description of how you will complete reclamation
 - Reclamation Cost Estimate
 - An estimate of the cost to fully reclaim your operations
 - Additional information required by BLM



43CFR 3809.11

- Plan Level Operations
 - For exploration activity greater than casual use
 - Surface disturbance greater than 5 acres of public land
 - Bulk Sampling of 1000 tons or more of presumed ore
 - Mining, processing, and milling activities
 - Operator must file a complete Plan of Operations with BLM District/Field Office
 - Plan must contain all required information under 43 CFR 3809.401(b)
 - Environmental Analysis (NEPA)
 - Submit a Financial Guarantee (Bond) for reclamation



43CFR 3809.11

- Operator must submit a Plan of operations in the following special status areas:
 - Lands in the California Desert Conservation Area
 - Areas in the National Wild and Scenic Rivers System
 - Designated Areas of Critical Environmental Concern
 - Areas designated as part of the National Wilderness Preservation System
 - Areas designated as “closed” to off-road vehicle use



43CFR 3809.11 and 3809.31

- ▣ Operator must submit a Plan of operations in the following special status areas:
 - Any lands or waters known to contain Federally proposed or listed threatened or endangered species or their proposed or designated critical habitat
 - National Monuments and National Conservation Areas
 - Lands patented under the Stock Raising Homestead Act when operator does not have the written consent of the surface owner.
 - Split estate lands other than those patented under the SRHA

Unnecessary or Undue Degradation

- To prevent UUD the proposed operation will:
 - Comply with the performance standards at 43 CFR 3809.420
 - Comply with terms and conditions of an approved plan of operations or notice
 - Comply with other Federal and State laws related to environmental and cultural resource protection
 - Conform to the requirements of 43 CFR 3715
 - “Occupancy”
 - Must be reasonably incident to prospecting, mining, or processing as defined in the regulations