



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Instruction Memorandum No. WY-2011-005
Expires: 09/30/2012

To: District Managers and Field Managers

From: Associate State Director

Subject: Mass Mailing of Notices to Claimants of Record Regarding Potential Abandoned Mine Hazards on Active Mining Claims

Program Area: Mining Claims, Surface Management, and Abandoned Mine Lands (AML).

Purpose: This Instruction Memorandum (IM) clarifies procedures identified in Washington Office (WO) IM No. 2010-211, [Procedures for Identifying and Notifying Claimants on Active Mining Claims when Mitigating Abandoned Mine Hazards on Active Mining Claims](#).

Policy/Action: WO IM 2010-211 is a public document which is available at URL: http://www.blm.gov/wo/st/en/info/regulations/nstruction_Memos_and_Bulletins/national_instruction/2010/IM_2010-211.html. It provides guidance to All Bureau of Land Management (BLM) Field Office Officials on the proper procedures for identifying and notifying claimants when mitigation of abandoned mine land features on active mining claims is necessary. If you are contacted by a claimant of record with questions about the mass mailing, do refer to the questions and answers found in Attachment two of WO IM 2010-211 when responding. You can always refer claimants and members of the public to this IM at the internet address above.

Please be aware that even though there may be a mine working, hazard, or other feature identified as a potential threat on an active mining claim the BLM should not automatically assume it is “abandoned.” If the claimant is utilizing the hazard described in WO IM 2010-211 as “an abandoned mine hazard” then it is **not abandoned**. However, utilization of such features requires the operator to file with the appropriate Field Office either a notice or plan of operation per 43 CFR 3809 including information on use/occupancy pursuant to 43 CFR 3715, if applicable. The operator will also be required to supply an adequate bond.

When claimants call you need to explain to them that a hazard may or may not occur on their claim and may or may not be “abandoned.” If the claimant is **not** using the hazard for mining purposes explain that the BLM is responsible for making the hazard safe. If the claimant refuses

to make the area safe for the public then the claimant must assume all liability for the hazard by filing with the Authorized Officer a 3809 notice or plan of operations or a filing of use/occupancy, as appropriate, and be bonded for reclamation.

Abandoned mines on active claims are not to be reclaimed by the State AML Program in concert with the BLM without first making reasonable attempts to inform claimants and to seek their permission to mitigate the hazard(s).

Do not automatically assume each claim on the attached list contains a hazard. It is the responsibility of Field Office personnel to physically go out on the ground and determine if the mining claim does in fact contain a hazard within its boundaries. If so, the claimant, and the BLM will negotiate a plan to make the hazard safe, or how it will be reclaimed. Follow the instruction in WO IM 2010-209 for guidance on use of functional area L16200000 for the inventory of AML hazards and mitigation of hazardous materials found at such AML sites. There are restrictions for the BLM to expend funds toward the reclamation of AML sites, something that is done in cooperation with the AML program of the Wyoming Department of Environmental Quality under an assistance agreement with the State.

Whether or not a hazard is within the boundaries of an active mining claim, Field Office personnel should contact their local AML coordinator, or the Wyoming State Office (WSO) AML Program Leader Rick Schuler at (307) 775-6092 to determine if the site has already been inventoried. If no inventory has been conducted, please contact Bill Campbell, AML Program Leader and Environmental Protection Specialist at (307) 332-8429 to gather information about the location and characteristics of the abandoned mine hazard in accordance with guidelines in the Abandoned Mine Land Program Policy Handbook H-3720-1.

Guidance regarding the responsibilities of the BLM and active mining claimants related to AML sites on active mining claims is found in WO IM 2010-045. This too is a public IM and can be shared with claimants of record. It is critical to follow the protocol in this IM when documenting your contact with claimants of record about AML hazards that occur within the bounds of their claims. When a claimant decides to let the BLM handle the mitigation of hazards posed by the AML site, the proposed reclamation would occur under existing AML program protocols within Wyoming. This includes the determination of site priority and inclusion in an agreement for reclamation, a process that will **always** involve the AML Program Lead at the WSO.

Timeframe: Effective Immediately

Budget Impact: Modest cost incurred by Field Offices due to expected increase in public contact.

Background: On September 24, 2010, the Washington Office (WO) 320 transmitted Instruction Memorandum (IM) No. 2010-211 to all Bureau of Land Management Field Offices. This IM included information to all District and Field Offices within Wyoming about a public outreach effort through mass mailing to mining claimants from the Washington Office (WO320). The

General Notice released in this mass mailing informed claimants that their mining claim(s) may contain abandoned mine hazards, and that action may be needed to mitigate the hazard(s). Attachment 1 is a listing of the potentially affective active claims within Wyoming and the claimants sent the notification by the WO. The mass mailings occurred contemporaneously with the issuance of IM 2010-211 and without advanced notification to or guidance for Field Officials. This has generated a lot of concern from mining claimants, and Field Office personnel trying to respond.

Manual/Handbook Sections Affected: No manuals or handbooks are affected.

Contact: For further information on 3809 Surface Management contact Pete Sokolosky at 307-775-6261, for mining claim questions contact Pam Stiles at 307-775-6143.

Signed by:
Ruth Welch
Associate State Director

Authenticated by:
Pamela D. Hernandez
Secretary, Division of Support Services

1 Attachment

1 – List of mining claimants/ claims identified in WY as “abandoned” hazard areas (50 p)

Distribution

Director (320), Room 501, LS	1 (w/o atch.)
CF	2 (w/ atch.)