



MINING AND MINERALS BRANCH
Land Resources Division - WASO
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GENERAL

Carter Provides Key Assist to Mining Law Reform

- Alex Carter provided crucial assistance to WASO Mining and Minerals Branch functions by serving a six week detail as Acting Chief of the Policy and Regulation Section while Carol McCoy is on maternity leave. Alex came to the Washington office detail from the Alaska Region where he is Chief of the Resource Assessment Branch, Minerals Management Division. His in-depth knowledge of the mining law and NPS minerals program was critical to maintaining an NPS presence during the key period for Departmental position development and negotiations regarding the reform of the 1872 Mining Law (see below). Alex's knowledge, personal commitment, and willingness to put in yeomenly hours, were greatly appreciated and will have a long term impact on the minerals management program. Much thanks to Alex and the Alaska Regional Office for providing this invaluable and very timely assistance!

1872 Mining Law Reform Inches Forward

- The Congressional Affairs staff of the Department of Interior sent the first round of technical amendments/policy recommendations to H.R. 322, the Mineral Exploration and Development Act of 1993, to Capitol Hill this month. The DOI recommendations will either be incorporated into a revised bill, or dismissed for political or policy reasons. In either case, the NPS must watch closely to ensure that our concerns are addressed when the House and Senate bills finally go to conference, expected

sometime during the 103rd Congress. Status of some of the NPS issues in the DOI document are as follows:

Patent Restriction - While the proposed House bill eliminates future patents, the DOI amendments do not include a patent restriction for the mineral estate only, for application already in process.

Discovery - Neither H.R. 322 or the DOI amendments provide for discovery of a valuable mineral in order for a plan of operations to be approved. The discovery concept has been intentionally removed since it is expected that the tough requirements of H.R. 322 will be enough to eliminate those claimants who hold claims for non-mining reasons. The NPS continues to recommend that the discovery concept remain a requirement for units of the National Park System.

NPS Regulatory Authority - The DOI amendments provide more clear authority to the NPS for regulating mining operation by ensuring that the Mining in the Parks Act will not be usurped by revisions to the Mining Law and that lands in National Park units are not open to location.

Branch staff will continue to closely monitor and participate actively throughout the mining law reform process. (Bates/Covington/Shaver)

Cooperative Abandoned Mine Site Project Proposals Submitted to the Bureau of Mines - Branch staff prepared one-page pictorial

summaries of ten Abandoned Mineral Lands project proposals in which the Bureau of Mines (BOM) would assist parks in mitigating a variety of concerns at AML sites. The annual meeting under the NPS/BOM Memorandum of Understanding will be conducted in Washington, D.C. in July. At that time, the proposals will be reviewed, and hopefully, approved. If approved, most of the projects would be implemented in FY 94, and would amount to thousands of dollars of assistance at no expense to the NPS. These proposals involve sites in Death Valley, Denali, Friendship Hill, Prince William, Big Bend, Delaware Water Gap, and a cooperative project with the Southwestern Pennsylvania Heritage Preservation Commission. (Burghardt)

EPA Seminar Addresses the Latest Remote Sensing Methods for Mine Waste Site Reconnaissance, Characterization and Evaluation - Branch staff participated in a one-day conference to discuss the latest remote sensing techniques used for abandoned mine evaluation. Our presentation entitled, "Criteria for Critical Site Determination under the NPDES Stormwater Runoff General Permit" raised Park Service concerns and discussed establishing criteria for identifying high priority abandoned mineral land sites for further investigation and remediation. Remote sensing continues to be a valuable tool for land managers for collecting information and developing solutions to the many problems associated with abandoned mineral lands. (Higgins)

Branch Hosts DOI Mineral Examiners' Certification Panel Meeting - The Department of the Interior, Mineral Examiners' Certification Panel reviews qualifications and endorses mineral examiners to preform claim validity examinations. The third meeting of the panel for 1993 was held at the NPS-Denver office in June. Bob Higgins welcomed the panel and gave a brief overview of NPS validity program and NPS involvement in mining related legislation. Four applications for certification were submitted to the panel, three for Certified

Mineral Examiner (CME) and one for Certified Review Mineral Examiner. All applicants were approved, including Chuck Drummond, NPS-ARO, approved as a CME. The NPS now has five certified mineral examiners on staff. Other business addressed by the panel included discussions of coursework required for certification, and the role of BLM management in the approval process of mineral reports. Attendees included Reg Reid (Executive Secretary, Nevada BLM), Burrett Clay (Chairperson, BLM-PTC), Roy Drew (Colo. BLM), Glen Kerestes (Montana BLM), and Sid Covington (NPS-Denver). The next panel meeting is tentatively scheduled for October or early November 1993. (Covington)

Branch Seeks Field Assistance in Evaluating In-park Extraction and Use of Mineral Materials for Administrative Purposes - The Branch is initiating field visits to identify park issues, problems and needs associated with the extraction and use of mineral materials for administrative purposes. Mineral materials (borrow materials) include sand, gravel, rock, clay and other products commonly used in road and trail maintenance, building construction and other uses. Branch staff notified several regional offices and parks selected for the study and coordinated visits to conduct interviews and borrow site reconnaissance with park managers, maintenance chiefs, and resource management specialists. The Branch selected park units representing a wide range of needs, perspectives and issues to participate in the study based on specific criteria (e.g., size, rural setting, urban setting, designation, internal extraction, external extraction, etc.). The Branch will use the study results to evaluate NPS guidance documents, such as Special Directive 91-6 regarding in-park borrow pits and various planning documents.

Data gathered through a mail survey indicates approximately 1000 in-park administrative borrow pits exist servicewide. There is growing agency and public concern over the conflict between in-park extraction of mineral materials and resulting impacts to other park resources

and values. The problem is aggravated by nationwide increases in demand for material, decreases in material availability, and an atmosphere of increasing environmental scrutiny by the public and the media. (Ziegenbein/Geniac/Olsen/Smith/Steensen)

Controversial Budget Bill May Affect Mining Claimants in Parks - The House and Senate reconciliation bills, more commonly known as the budget bills, include language to extend the \$100 mining claim holding fee until 1998. Currently, claimants are required to pay a \$200 holding fee for assessment years 1993 and 1994 by August 31, 1993. The House reconciliation bill, in particular, would not only extend the holding fee until 1998, but would also provide exceptions to the fee for certain claimants in Park units.

The House reconciliation bill allows for a waiver or reduction to the holding fee for claimants who hold 50 or fewer claims, as long as assessment work is performed. A full waiver may be provided if a claimant holds 10 or fewer claims. The House bill specifically exempts claimants in parks who hold 50 or less claims from the holding fee, even though claimants can avoid the annual assessment work requirement by filing a notice to hold the claim.

In the National Park System, as many as 25% of claims may fall under this exception. The result will be that claimants in parks will pay less than claimants located on BLM or Forest Service lands. There will be no incentive for those claimants holding speculative claims to relinquish their claims. The NPS staff has concerns about this policy and will work to have this language stricken from the bill. (Bates/Covington)

NPS Works with EPA to Develop Options for Clean Water Act Reauthorization - The EPA recently organized an Inter-Agency Workgroup involving staff from the NPS, BOM, BLM, US Forest Service, and EPA to discuss how abandoned mineral lands and stormwater issues

could be addressed in the Clean Water Act reauthorization. At the initial meeting the participants provided EPA with information on the extent of AML problems on public lands. Although NPS has information on sites in the parks, other agencies, such as BLM and the Forest Service, have not studied this issue to the same extent as NPS.

This work-group was convened because all the federal land management agencies are in violation of EPA's current stormwater regulations that became effective on October 1, 1992. The agencies have had a difficult time meeting the requirements of the regulations that each AML site on public land have a NPDES permit. EPA is seeking to remedy the problem by meeting with the federal land management agencies, finding consensus, and providing a position paper on the AML/stormwater issue to be provided to Congress. The group plans to meet for 6-8 weeks. (Bates/Woods)

ALASKA REGION

Denali Mining Claim Appraisals - At the request of the ARO Lands Chief, Branch staff reviewed the Polly Wonder Mining Claim Appraisal and found that it met all requirements of the Uniform Appraisal Standards for Federal Land Acquisition 1992. In addition, the claimant's contracted appraisal for the Caribou Howtay Mining Claims was reviewed at the request of the Department of Justice in anticipation of potential litigation over the variance in values with the appraisal contracted by the Park Service. Depositions are planned to be taken the middle of July preliminary to a hearing. The goal is to arrive at a realistic and defensible value based on the known facts and established appraisal principles. (Cloues)

MID-ATLANTIC REGION

Green Springs Issue Paper to Highlight Vermiculite Mining Threats - Branch staff commented on the draft Green Springs National Historic Landmark District (GRSP) "Issue

Paper" authored by Jim Zinck, GRSP Project Manager. The intent of the issue paper is to amend the Threatened National Landmarks study prepared on GRSP in 1984. The State of Virginia recently approved a 37-acre expansion of Virginia Vermiculite's surface mining operation in GRSP. In response to this approval and impending new threats to unit resources, the project manager prepared the issue paper for submittal to the Advisory Council on Historic Preservation. Branch comments on the draft issue paper focused on statutory and regulation requirements pertaining to notification of the Advisory Council on Historic Preservation.

The 1976 Mining in the Parks Act (16 U.S.C. §1901 *et seq.*) requires the Secretary "... to notify the Advisory Council on Historic Preservation whenever aware of a district ... listed as a National Natural or Historic Landmark ... may be irreparably lost or destroyed by any surface mining activity. The Secretary must notify the person engaged in such mining activity of the possible effect of such actions." The project manager will finalize the paper and submit it through NPS and Department of Interior channels to the Advisory Council on Historic Preservation. (Moss)

NATIONAL CAPITAL

C&O Canal Abandoned Mine Hazards - Mining and Minerals Branch staff field-inventoried potential hazards at the abandoned Maryland Mine and Ford Mine (turn of the century gold mines) and the newly reported Round Top Limestone Mine near Hancock, Maryland. Park staff with expertise in safety, natural resource protection, interpretation, and ranger activities participated in the site visits. The Round Top mines (three inside the park and four on adjacent state lands) consist of underground excavations that represent some of the largest unsupported stopes or rooms encountered to date in the entire National Park system. Future project management will attempt to resolve unauthorized access through the installation of steel bat gates. This will prevent

injuries from falls, cave-ins, water hazards, and protect the mine wildlife (i.e., bats, isopods, etc.). (Cloues)

NORTH ATLANTIC REGION

External Quarry Study at Acadia - Branch staff conducted fieldwork to document numerous sand and gravel quarry sites just outside the park boundary. Two of the sites are quite visible from the popular Cadillac Mountain scenic road. To date, these sites have been unregulated by municipal and state authorities. A subsequent meeting with the Bar Harbor city planner established that the quarry operations are exempt from local regulations. However, in a meeting with the Maine Department of Environmental Protection (MDEP), we determined that some of the quarries are subject to state regulations, which stipulate proper operating and reclamation procedures. MDEP will follow up with the operators to ensure compliance and protection of Acadia's viewshed. (Burghardt)

Pre-Acquisition Survey Completed at Acadia - NPS is in the process of acquiring a scenic easement on Long Island, a 4,600-acre island just west of Acadia in Blue Hill Bay. This land is the largest privately-owned, undeveloped island on the eastern seaboard. The easement will limit development to a small portion of the island, and preserve the remainder in its natural character. Branch staff participated as part of a Level I contaminant survey team to investigate where a Canadian firm conducted a core-drilling exploration program on the island in 1980. Since the area has long since overgrown, the expertise of the branch staff was instrumental in helping to retrace the Canadian firm's work areas and confirm that no contaminants were left behind. (Burghardt)

PACIFIC NORTHWEST REGION

Phelps Dodge Proposes Mining Exploration Adjacent to Coulee Dam - Phelps Dodge Mining Company (PD) submitted to the Bureau of Land Management (BLM) a notice of intent

(NOI) to conduct mining exploration on unpatented mining claims adjacent to Coulee Dam National Recreation Area (CODA). PD's Snag Claim Group is located on BLM land at the north end of CODA near the Snag Cove Campground. PD plans to drill an unknown number of core holes, presumably to explore for gold deposits. BLM provided a copy of the NOI to the region for comment. At the region's request, Branch staff provided comments addressing a number of issues, including possible contamination of surface waters from drill site runoff, aquifer protection, blasting safety, drill rig visibility, and reclamation. Branch comments also addressed applicability of the regulations at 36 CFR Part 9A (e.g., plan of operations, performance bond, mitigation requirements, reclamation standards, etc.) if PD intends to cross NPS-administered lands to access their claims. If PD and the BLM stay on schedule, and if PD does not intend to access across NPS lands, mining exploration may begin as early as June 21, 1993. (Moss)

ROCKY MOUNTAIN REGION

Seismic Exploration Proposed Near Theodore Roosevelt - At the park's request, Branch staff reviewed a permit application for a proposed seismic exploration operation near the North Unit of Theodore Roosevelt National Park (THRO). The operator submitted the application to the U.S. Forest Service (USFS) and the agency requested NPS comment. The park's primary concerns with adjacent oil and gas seismic exploration is visual intrusion and sound degradation. The Branch, in consultation with park staff, determined that the seismic operation will be conducted no closer than two miles from congressionally designated wilderness at the south boundary of the North Unit. Topographic relief on adjacent land will shield most of the proposed operation from park viewsheds and blasting noise should generate minimal sound intrusion. We recommended the NPS not oppose the issuance of the permit; park staff should monitor operation noise levels and visual intrusion from select locations along the unit

boundary for future reference; and park staff should visit the operation to observe how seismic exploration is conducted in the area. We were encouraged that the USFS solicited park comments on the proposed operation. (Heise)

Three National Forests Solicit NPS Comments on Minerals-related Planning Efforts

- The Helena and Kootenai National Forests in Montana and the Targhee National Forest in Wyoming provided notice to the NPS of their intent to revise forest management plans and prepare environmental impact statements (EIS), including minerals leasing and development. The Branch determined that the Targhee National Forest's notice of intent to prepare an oil and gas leasing EIS was the only U.S. Forest Service (USFS) land use planning issue of interest to the NPS. The Targhee National Forest will evaluate federal oil and gas leasing and development on lands adjacent to the southwest boundary of Grand Teton National Park. The Branch advised the region and park on the critical importance of early involvement in the EIS process in terms of communicating NPS resource protection issues and concerns. Without substantive NPS input early in the EIS process, the preferred leasing alternative may not adequately address NPS concerns. The Branch also advised the region and park on resource impact issues to consider in developing a position on adjacent oil and gas leasing and development. (Heise)

Wells evaluated in Canyonlands and Glen Canyon

- At the request of Canyonlands, Branch staff inspected and evaluated five wells in Canyonlands and one well in Glen Canyon. The wells were originally drilled as water wells, but encountered everything from brine to hydrocarbons. The inspection indicated that the protective valve has burst on one well in proximity to the Green River. This leaves the potential for this well to contaminate the well pad and its environment. The branch is working with the parks and with the Water Resources Division to correct this problem. (Boucher)

SOUTHWEST REGION

Corps of Engineers Proposes Mile-Long Tunnel for Flood Control at Hot Springs -The Army Corps of Engineers (COE) is considering construction of a 4900-foot long, 26-foot diameter tunnel through West Mountain at Hot Springs National Park. The tunnel would divert flood waters from Hot Springs Creek as it passes through the narrow gorge between Hot Springs Mountain and West Mountain. The hot springs bath houses and other historic buildings are located in the flood prone gorge. The West Mountain tunnel project is one alternative stemming from the COE's flood control feasibility study conducted for the City of Hot Springs. Most of the tunnel section would lay below Hot Springs National Park. The COE has requested a special use permit from the NPS to conduct surface and subsurface hydrogeological investigations. The investigations include drilling 25 test and monitoring wells along the proposed route of the tunnel to determine the environmental and engineering feasibility of construction. Thirteen wells are proposed in the park. The well drilling program and environmental impacts were detailed in an environmental assessment (EA) prepared jointly by the COE and NPS. In response to the region's request, the Branch evaluated the proposed drilling and testing program EA because of similarity to hydrocarbon and hardrock mineral exploration operations. Branch comments provided the region and park focused on drilling site access and preparation, handling of fluids and drill cuttings, and maintenance or plugging of the wells upon completion of the test program. (O'Dell)

Hot Springs Borrow Pit Reclamation Planning Underway - In 1996, Hot Springs will assume management responsibility for a 10-acre sand and gravel quarry known as the Graves Pit. Branch staff examined the mining-related development and furnished reclamation recommendations and a preliminary cost estimate. The Graves Pit includes a substantial

quantity of junked vehicles and other salvage, some of which may be a source of soils or possible groundwater contamination. The actual extent of any contamination will dictate, to a large degree, the real cost. Early planning for the necessary reclamation will help HOSP in obtaining funding by the time they need it. (Steensen)

WESTERN REGION

Coronado Report Inventories 37 Mine Openings - Branch staff prepared a detailed report on the abandoned mineral lands at Coronado National Memorial. The report included a detailed inventory of the 37 mine openings in the Memorial, analysis of water samples from potentially mine-impacted streams, closure recommendations, cost estimates, and closure specifications. The report serves two purposes: 1) provides sufficient information to write contracts for mine closure and reclamation projects, and 2) facilitates the park's completion of their AML plan. Western Regional Directive WR-085, which was issued in July 1992, instructs park units in the Western Region to develop AML plans by July 1993, and to inventory all sites by July 1994. (Smith)

PROFESSIONAL DEVELOPMENT

Solicitor's Office Hosts Coal Valuation Seminar - Phil Cloues presented a talk and participated in a panel discussion on fair market value determination for acquisitions involving coal rights at a Washington, D.C. seminar sponsored by the Solicitor's Office. Speakers included engineers, scientists, economists, appraisers, and attorneys from the various Department of Interior agencies dealing with land management. Improper appraisal techniques and unsupported assumptions are creating a significant budget problem for the department, and future litigation may involve increases. The seminar addressed consistency, uniformity, and appropriate methods to be used by all the agencies to protect the rights of buyers

and sellers in future transactions involving coal rights.

Stream Restoration Techniques Evaluated -

Dave Steensen attended a course in Applied Fluvial Geomorphology (literally, "stream form") taught by Dave Rosgen and Luna Leopold. Skills acquired will be useful for planning, project design, and technical information regarding mining in streams or riparian areas (i.e., placer mining, sand and gravel extraction, etc.). Surface disturbance due to mining frequently includes physical damage to stream channels. Waste rock or tailing is often placed in swales and valleys that contain streams, or the actual commodity is found in the channel. Additionally, this knowledge is directly applicable to most disturbed surfaces because much of any reclamation effort is spent controlling water-caused erosion.

Branch Develops Environmental Enforcement

Capabilities - Einar Olsen completed an 80-hour Criminal Investigations training course conducted at the Federal Law Enforcement Training Center, Glynco, Georgia. This training will enable us to better advise parks on how to utilize the full range of Federal authorities to protect parks from the adverse impacts of minerals development. The utilization of investigative skills will be critical if the proposed felony provisions of the 1872 Mining Law reform are enacted.

Branch Staff Broaden NEPA Compliance

Knowledge - Branch staff attended the second of a three-part NPS series on the National Environmental Policy Act (NEPA). The course addressed a broad spectrum of NEPA issues, such as: using public involvement in developing environmental assessments and impact statements; writing for the lay public; writing issue statements and purpose and intent statements; organizing the document; understanding common mistakes likely to put you in court; and NEPA decision-making, e.g., no requirement to select the most benign alternative.

The Branch devotes an appreciable amount of staff time reviewing minerals-related environmental compliance documents prepared by the NPS and other federal land management agencies. A better working knowledge of the NEPA process and requirements improves our ability to cast a critical eye on these documents. Important compliance issues raised in the course will be included in future minerals management courses offered by the Branch. (Heise/Moss/Geniac)