



**MINING AND MINERALS BRANCH**  
**Land Resources Division - WASO**  
**Monthly Report - May 1993**

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**GENERAL**

**1872 Mining Law Reform Moves Forward - NPS Input Under Consideration** - Reform of the mining law continued a priority of the DOI during the past month. Officials from the NPS, BLM, the Forest Service, OSM and MMS have been meeting to determine how H.R. 322, the "Mineral Exploration and Development Act of 1993," would impact the work load of the various DOI agencies and to make additional recommendations for mining law reform. As of May 31, 1993, the three task forces (Technical/Policy, Royalty, and Implementation) had finished most of their business and the focus has now shifted to formulating Departmental policy positions and informing Congress on the various DOI recommendations before final Mining Law reform legislation is enacted.

Within the Technical/Policy Task Force, three documents have been prepared. The first document deals solely with "technical," noncontroversial issues. The second document includes "quasi-policy" issues that are to be sent to the Hill for consideration. One NPS issue considered "quasi-policy" is whether pending patents in NPS units should be limited to the mineral estate only. The third document includes major policy questions. This document has been forwarded to the Secretary's Office of Policy Analysis for thorough evaluation. One major NPS issue is whether the "discovery" concept continues to be a condition for locating a valid mining claim. H.R. 322 eliminates this

concept and relies on escalating rental fees to reduce mining claims.

The Royalty Task Force completed a "draft" version of its recommendations on how to address the controversial royalty question. The task force's report analyzes existing and proposed royalty methods and rates, estimates potential revenues and impacts on the hardrock industry (using gold as an example), and examines the application of royalties to industrial minerals.

The Implementation Task Force completed its report in late May and the report is under review by the various DOI agencies. This task force evaluated how requirements of H.R. 322, such as quarterly inspections and unsuitability determinations, were to be implemented by the DOI and what options were available should some of the requirements be difficult to realistically implement. (Bates)

**DOI's 1872 Mining Law Revision Royalty Options Task Force Findings Potentially Benefit NPS** - The proposed legislative changes to the 1872 Mining Law were studied extensively from a revenue perspective by the Secretary of Interior's Royalty Task Force. This group was chaired by Dr. Herman Enzer, Acting Director of the Bureau of Mines, and staffed by multidisciplinary professionals from the Bureau of Mines, Bureau of Land Management, Minerals Management Service, Internal Revenue Service, and the National Park Service. Branch staff coauthored the chapter on "Royalty Rate

Market Analysis" which included an alternative scenario to collect a reclamation fee from all hardrock mines regardless of land ownership (e.g., just like coal reclamation fees under SMCRA). These fees would be used as a funding source to reclaim abandoned hardrock mines and thus benefit the National Park Service by reducing adverse environmental impacts and protecting natural resources. (Cloues)

**New Task Force Puts Nose to the Grindstone to Make Innovative Technology Work for Mine Waste Environmental Restoration** - The first meeting of the Western Governors Mine Waste Area Working Group took place in Denver, Colorado on May 13-15. Branch staff attended the 3-day conference which developed the "Acceptance Criteria for Projects and Proposals" to test improvements to the manner in which innovative technologies are developed, selected, deployed, tested, evaluated, and/or commercialized for mine waste environmental restoration. This ongoing research effort may eventually be applicable to remediation of mine waste located in park units. (Cloues)

**Branch Completes Successful Minerals Management Training Course for the NPS Natural Resource Specialists** - The course was developed to help the specialists understand the technical, environmental, and regulatory aspects of mineral development in the NPS. Topics ranged from an overview of management policy to mitigation of mining techniques on private lands in the NPS. In addition to Branch staff, instructors were brought in from the NPS Alaska Minerals Office, sister agencies such as the BLM, and from as far afield as the FBI. The course was well received both from an educational standpoint and also from a standpoint of sharing ideas between the branch and the specialists. (Boucher)

**Branch Staff Volunteer Expertise to Help Sister Land Management Agencies Tackle AML Problems** - Branch staff volunteered time to conduct four abandoned mine safety training sessions for Colorado Division of Wildlife and

one for the Rio Grande National Forest. Employees and volunteers from these agencies frequently encounter abandoned mines in their work, and therefore requested to tap the branch's expertise in this area. The programs were well received. (Burghardt)

**External Mineral Development Issues Receive Attention at Planning Beyond Park Boundaries Training Course** - Branch staff attended the "Planning Beyond Park Boundaries" training course held at Shenandoah, May 17-21. Staff also presented a session on the mineral development process and resource impacts as part of a much broader agenda addressing planning issues on lands adjacent to park units. The presentation included an overview of external minerals issues facing the NPS, authorities to protect park resources, and NPS involvement in state, local, and other federal agencies' planning process. Superintendents from Theodore Roosevelt and Hopewell Culture assisted in the presentation by giving case study examples of external mineral development concerns and resource impacts. Of the 24 parks represented at the course, 10 are experiencing internal and/or external minerals management issues. (Heise)

**Branch Requests Updates for Park Contact Database** - Branch staff recently created a database of key personnel responsible for internal and/or external minerals management issues in each National Park System unit. The database includes the park superintendent, chief ranger, resource management specialist, minerals management specialist, abandoned mineral lands (AML) contact, telephone numbers, and fax machine number. The branch updates the database on a continual basis to keep it current. Due to recurring personnel and telephone number changes in park units, the branch requests that park units notify Ellen Walker at (303) 969-2093 of such changes as they occur. NPS personnel may also contact Ellen to query the database. (Walker)

## ALASKA REGION

**Branch Continues to Support Alaska Lands Division With the Mining Claims Acquisition in Kantishna** - Branch staff completed a technical review of a contracted mineral appraisal to purchase the Polly Wonder Patented Lode Claim (18.22 acres). Onstream Resource Managers, Inc., appraised the tract in the Kantishna district, Denali following the 1992 Uniform Appraisal Standards for Federal Land Acquisitions. This work continues the purchase of mining claims in conflict with the resource protection values of Denali. The appraisal does an excellent job of establishing market value for the mineral rights based on documented comparable sales transactions in the marketplace and not speculative assumptions. (Cloues)

## MID-ATLANTIC REGION

**Cooperative Effort with the Bureau of Mines Moves Forward at Delaware Water Gap Interpretive Mine Project** - The branch is working with the Denver Service Center, Eastern Team, to implement a cooperative abandoned mine mitigation project under the Memorandum of Understanding with the Bureau of Mines (BOM). The contract calls for detailed remedial health and safety solutions for three mine openings which will form the basis for an interpretive program at the park. This is one of 11 ongoing projects with the BOM and demonstrates cooperative efforts in the Department of Interior to achieve NPS resource protection goals. Coordination through the branch provides optimum project management concerning minerals issues throughout the 10 Park Service regions. (Cloues)

**Virginia Approves Mine at Green Springs Despite NPS Opposition** - Staff reported in the March 1993 Branch Monthly Report that Virginia Vermiculite, Limited, (VVL) applied for a permit amendment to mine vermiculite on an additional 37-acre private mineral lease in Green Springs National Historic District. The NPS submitted extensive comments on the

proposed mine plan to the Virginia Division of Mineral Mining (VDMM). As a result, VDMM required VVL to revise the mine plan to more explicitly address state requirements and NPS technical concerns. The down side of this issue is that the NPS did not successfully influence the state in recognizing the historical significance of Green Springs, an NPS-affiliated area, and to stipulate the mine permit accordingly. The Virginia State Historic Preservation Officer (SHPO) did not submit comments although the SHPO received a copy of the proposed mine plan and NPS comments. VDMM issued VVL an approved permit amendment and mining operations will likely begin in the near future. (Moss)

## MIDWEST REGION

**Field Inspection at Voyageurs' Abandoned Mine Produces Solutions to Safety Problems** -

This summer the park and the community of International Falls will celebrate the 100th anniversary of the discovery of gold on Rainy Lake with an interpretive tour of Little American Island, the site of the original discovery in 1872. Branch staff travelled to the park and worked closely with park personnel to mitigate potential safety hazards at the historic abandoned mine shafts as well as shafts and adits on Bushyhead, Big American, and Mica Islands. (Wood)

## ROCKY MOUNTAIN REGION

**Glen Canyon and the State of Utah Coordinate Efforts to Close the Spencer Coal Mine** - Utah's Division of Oil, Gas, and Mining (UDOGM) worked with park staff to close six openings at Spencer Coal Mine using the state's funding through the Office of Surface Mining Reclamation and Enforcement. Concrete block bulkheads were installed in each opening, and will be painted black to obscure them from the casual observer. Park staff had only been aware of three openings at the site, but material sloughing off the slope this spring uncovered three more openings by the time of the closure installations. Oxygen deficiency was

encountered at a depth of 75 feet in one of the adits. This demonstrates how AML sites can change through time with subsidence, and why they should be monitored periodically even after closure. (Burghardt)

**Proposed New World Gold Mine Near Yellowstone Becomes Hot Topic in Mining Law Revision Discussions** - Department of the Interior (DOI), Office of Policy Analysis, requested that the branch provide information on New World Gold Mine project proposed by Crown Butte Mines, Inc., near Yellowstone. Apparently, as discussions on proposed changes to the 1872 Mining Law progress, debate is occurring on the applicability of law revisions to "real-world" situations. The DOI Office of Policy Analysis believes the NPS's lack of regulatory control over the New World Gold Mine project graphically displays the inadequacies of the current mining law. The branch provided the Office of Policy Analysis a summary of NPS involvement and issues raised in the mine permitting process and copies of relevant correspondence between the NPS, U.S. Forest Service, BLM and the state. The information provided should assist the DOI evaluate effects of proposed revisions to the 1872 Mining Law. (Moss)

**NPS and Utah BLM Reach Agreement on Advance Notice of Oil and Gas Lease Sales** - The NPS Utah state coordinator and the Utah BLM deputy state director recently issued Instruction Memorandum No. UT 93-96 to NPS and BLM field offices in Utah. The interagency memorandum represents an agreement reached in March between the NPS and BLM to improve communication and cooperation on notification of federal oil and gas tracts near parks to be offered for sale at upcoming BLM auctions. This state level agreement puts in practice the agreements made in the national BLM/NPS Memorandum of Understanding signed in 1987.

The goal of the agreement is to resolve park resource protection issues related to federal oil and gas leasing on adjacent BLM-administered

lands in Utah. The interagency memorandum provides specific notification and response procedures. The BLM now provides the NPS Utah state coordinator with a list of specific tracts selected for leasing 4 to 5 weeks in advance of a lease sale. The NPS Utah state coordinator determines which tracts, if any, are near park units and notifies superintendents of the potentially affected units. Superintendents then determine if leasing and development threaten park resources and values. If so, park superintendents are to resolve issues with the local BLM resource area or district manager. Local NPS and BLM managers are to elevate unresolved issues to the BLM state office and NPS regional office. Resolution of issues may involve removing specific tracts from the auction list or attaching exploration and/or development stipulations to mitigate impacts to park resources.

The May 1993 BLM lease sale was the first opportunity to test the agreement. Judging from the results, the agreement seems to be working. Parks received the list of tracts for comment well in advance of the BLM lease sale. The next sale is in August, and several parks have already received that list of lease offerings. The branch will continue to review BLM Utah sale notices this year. (Heise, Smith)

## WESTERN REGION

**Minerals Issues Evaluated in Point Reyes Draft Resources Management Plan** - At the region's request, the branch commented on the draft Resources Management Plan (DRMP) for Point Reyes. The branch suggested that the document address resource management issues associated with past and present extraction of mineral materials (e.g., sand and gravel) in and adjacent to the park, an active mercury operation near the park, and an abandoned copper mine and two plugged oil and gas wells in the park. The branch further suggested several minerals-related project statement topics and specific management actions for inclusion in the DRMP. (Geniac, Smith)

## **PROFESSIONAL DEVELOPMENT**

**Leadership Skills for Non-Supervisors** - Sid Covington attended a course that covered topics such as: how to work as a team, what are important skills for a good leader, methods of leadership, dealing with difficult people and delicate situations, and conflict resolution. A portion of the course was devoted to taking the Myers-Briggs test and interpreting the results. After interpreting the test results, the class was organized into groups according to several of the Myers-Briggs criteria. This emphasized some of the major differences between personality types such as introvert versus extrovert and feeling versus thinking. This course presented in a different context some of the ideas covered in recent team building and project management courses the branch has taken. (Covington)

**Staff Broaden Knowledge on Environmental Compliance** - Staff attended the NPS training course entitled "Environmental Compliance: Tools For Protecting Parks," held in Salt Lake City, May 3-7. The Environmental Law Institute conducted the course. Topics included detailed review of the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations, application of several other environmental statutes and regulations (e.g., Endangered Species Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, etc.), protection of wetlands and floodplains, public involvement, analyzing environmental and cumulative impacts, building an administrative record in the NEPA decision process, and the role of the Environmental Protection Agency under NEPA. Numerous case law studies presented concerning minerals-related decisions were particularly informative. Other branch staff responsible for NEPA compliance oversight received the information presented at the course. (Geniac)