

GUIDE TO  
NATIONAL PARK SERVICE REGULATIONS  
GOVERNING MINING CLAIMS

36 CFR Part 9, Subpart A

MAY 1995



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- Outline of Information Requirements For a Proposed Mining Plan of Operations

## I. INTRODUCTION

Congress established the National Park System to conserve the scenery, wildlife, natural and historical features of some of the most outstanding and special places in the United States for the enjoyment of present and future generations. All units of the National Park System, whether created by Acts of Congress or Presidential Proclamations, are subject to this protection mandate.

In 1976, Congress enacted the Mining in the Parks Act (16 U.S.C. §1901 *et seq.*), which closed all units of the National Park System to the location of new mining claims. Congress also directed the Secretary of the Interior in that statute to regulate all activities resulting from the exercise of valid existing mineral rights on patented or unpatented mining claims within any unit of the National Park System. The Secretary has delegated this authority to the National Park Service (NPS). In 1978, the NPS promulgated the requisite regulations which are located in Title 36 of the Code of Federal Regulations (CFR), Part 9, Subpart A. The NPS regulations control the conduct of mineral operations so as to minimize damage to park values and purposes.

## II. PURPOSE

This guide is designed to assist persons with mining claims within units of the National Park System to:

1. understand and comply with NPS regulations that govern mineral development activities on mining claims, and
2. prepare complete proposed plans of operations.

The regulations explained below govern all activities within National Park System units associated with the exercise of mineral rights on patented and valid unpatented mining claims. The regulations apply equally to mining claimants, operators, and their lessees, assignees and designees. For simplicity, the word "claimant" will be used throughout this guide to stand for all of these groups.

## III. NPS REGULATORY REQUIREMENTS

An explanation of what is required by the 36 CFR Part 9, Subpart A regulations is set forth below. For mining operations in Alaska, the guide also provides an explanation of how access regulations in 43 CFR §36 modify some of these requirements.

### A. ACCESS: (see 36 CFR §9.3 and 43 CFR Part 36)

Access regulations for your claim may vary depending on whether the claim is in a National Park System unit in Alaska or in a unit elsewhere. Access to your claim and transportation of equipment or ore are the only circumstances under which you may use lands or waters within a National Park System unit that are not within your claim boundary.



1. In All National Park System Units, Except In Alaska: If access to your claim is other than by pack animal or foot, you must first obtain NPS approval before accessing your claim. NPS approval is contingent on (1) your submission of a plan of operations that details any and all work you propose to do in connection with mining on your claim and (2) an NPS determination that your plan is in conformance with the approval standards set forth at 36 CFR §9.10. "Access" is not limited to roads only; but also includes access by aircraft and any other means. Access on rights-of-way under Section 8 of the Mining Law of 1866 (R.S. 2477) or state road rights-of-way is equally subject to the requirement that you submit a proposed plan.

You may gain access across a National Park System unit to your claim outside a unit only by foot, pack animal, or designated road. To gain access across a National Park System unit by designated road, you must submit and obtain NPS approval of a proposed plan of operations. The proposed plan need only cover your proposed access across the National Park Service unit.

If the NPS approves your proposed plan of operations, that approval will constitute your access permit. When the NPS approves your proposed plan, the NPS can require access routes, means, times, and frequencies that differ from what you have proposed, to minimize damage to park resources. (36 CFR §9.3)

You must also post a bond covering your approved operations, even if the operation is limited only to access across the unit.

2. In National Park System Units in Alaska:

The regulations at 43 CFR Part 36 govern access across federal lands in National Park System unit lands in Alaska. You are not required to possess an approved plan of operations before you may obtain access to your claim. Instead, you may obtain access to your claim, if the claim is within or effectively surrounded by a National Park System unit, under the regulations at 43 CFR §36.10.

If you are seeking access to a claim outside a National Park System unit, you may do so under the regulations at 43 CFR §§36.11 and 12. In some cases you will need to apply for a right-of-way permit under these regulations.

If you are applying for a right-of-way permit to gain access to your claim and are not submitting a proposed plan of operations at the same time, then you must file a form SF-299 with the superintendent of the unit. In



the SF-299, you must provide among other things:

- a. a description of your property interest in the claim, and
- b. copies of your location notices and recordations, and
- c. a detailed description of the use of the claim for which the applied for right-of-way is to serve.

You need not submit a proposed plan of operations to gain access to your claim. However, if you lack a plan, and are requesting access that involves more than ingress and egress, it may be difficult for the NPS to grant your access request because the NPS must ensure that the access you have requested is necessary to accomplish your land use objective of mining. For example, it would be difficult for the NPS to approve a request to construct a road to an unpatented claim for mining purposes, if you lack an NPS approved plan of operations to mine.

If you gain access to the claim before you possess an NPS approved plan of operations, you may not conduct any mining activities on your claim until you have such a plan. Though you may be able to gain access to your claim without a plan, the NPS is not obligated to approve a proposed plan of operations for mining on that claim.

Thus, the NPS recommends, if you are seeking access that is more than ingress and egress, that you submit the request for access as part of your proposed plan of operations.

If you are submitting a proposed plan to conduct mining operations on your claim, the NPS will consider your proposed plan to be your application for a right-of-way permit for access, should such a permit be needed. A separate SF-299 will normally not be needed.

Your access to a claim in an Alaska NPS unit, whether for mineral activity on the claim, or any other purpose, is limited to:

- a. use of established roadways, or
- b. use of means, routes and locations specifically provided for in 43 CFR §36.11(a)-(f), or
- c. use of off-road routes or locations designated by the park superintendent under 43 CFR §36.11(g), or
- d. off-road vehicle travel under a permit for existing off-road vehicle trails issued by the park superintendent under 43 CFR §36.11(g)(2), or
- e. use of a right-of-way under a permit issued by the park superintendent under 43 CFR §36.10.

Should you require a right-of-way permit or an off-road vehicle permit, the park superintendent can require the use of routes and methods of access that differ from those you have proposed

as long as the access route and method specified by the superintendent are "adequate and feasible." While the superintendent may not deny you access to your claim, "adequate and feasible" access does not require NPS approval of the most direct route or that route least costly for achieving the use and development you desire for the claim. In conditioning access permits, the superintendent may specify not only the specific routes to be followed but also what times and methods of access are allowed. The superintendent may require, for example, that use of heavy tracked vehicles be restricted to times when the ground is frozen.

Before you seek access to a claim in a unit of the National Park System in Alaska, you should ask yourself and the local NPS staff the following questions:

- Do I want to reach my claim by driving on an established road? (An established road is one formally designated as such by the NPS and maintained for public travel by the NPS or other governmental agency. A list of established roads is available from the park superintendent).  
If the answer is yes, you do not need an off-road vehicle permit or a right-of-way permit.
- Do I want to reach my claim by driving off-road on areas or routes formally designated by the superintendent? (A list of formally designated off-road areas and routes is available from the park superintendent).  
If the answer is yes, you do not need an off-road vehicle permit or a right-of-way permit.
- Do I want to reach my claim by traveling off-road over an existing off-road vehicle route that has not been formally designated as open by the superintendent?  
If the answer is yes, you must obtain an access permit.
- Do I want to reach my claim by traveling off-road on a previously untraveled route that has not been formally designated as open to such travel by the superintendent?  
If the answer is yes, you must obtain a right-of-way permit under 43 CFR §36.10.
- Do I want to reach my claim by fixed wing aircraft? If your proposed landing area is on a claim within an National Park System unit, you do not need a right-of-way permit unless the landing area you propose has been specifically closed to aircraft landing by the superintendent. (A list of areas closed to aircraft landing is available from the park superintendent).
- Do I want to reach my claim by helicopter? If your proposed landing area is on a claim within a unit, you must obtain a right-of-way permit from the superintendent, unless the landing area you propose is an area formally designated for landing by the superintendent. (A list of the designated helicopter landing

areas is available from the park superintendent).

- Do I want to construct a road, powerline, pipeline or similar transportation or utility system on or to the claim?

If the answer is yes, you must obtain a right-of-way permit under 43 CFR §36.10.

It will take close cooperation with the park staff to answer these questions. Compliance with the regulations is intended to be as simple as possible. Be aware that if you seek only access to your claim and you do not plan, propose or intend to conduct mining operations, you may still need to apply in writing for an off-road or right-of-way permit. Contact the superintendent of the unit in which your claim lies.

Remember, if you propose to conduct mining operations and you submit a proposed plan of operations to the superintendent, the superintendent will consider the access portion of your plan to be the written application for a right-of-way or off-road access permit, if you are required to have one.

**B. RECORDING CLAIMS:** (see 36 CFR §9.5 and 43 CFR §3833)

Section 9.5 calls for the filing of a notice of intent to hold or affidavit of assessment work in conformance with the requirements of §314 of the Federal Land Policy and Management Act of 1976 (FLPMA). However, as a result of Congressional action that enacted temporary annual maintenance fees, the recording requirements referred to at 36 CFR §9.5 have been suspended through 1999. This suspension applies only to federal filing requirements. Please be aware that many states have independent recording requirements that were unaffected by the federal suspension. Where conflicting filings exist for a given claim, be sure to double check with the appropriate state authority as to state requirements in order to safeguard your mining claim rights under state law against third parties.

Beginning in the year 2000, claimants will need to file notices of intent to hold or proof of annual assessment work by December 30, 2000, in order to comply with the annual filing requirement of §314(a) of FLPMA else forfeit their claims. The filing must be made with both the state office of the BLM and the local government office where the claim is recorded (usually the country courthouse). A "notice of intent to hold," which serves as a substitute for the need to perform annual assessment work, protects a claimant's property interest in the claim.

**C. PAYMENT OF ANNUAL MAINTENANCE FEES:** (see 43 CFR Parts 3800, 3810, 3830 and 3850)

In 1992 and then again in 1993, Congress temporarily suspended and replaced the \$100 worth of annual assessment work required under the Mining Law of 1872 and the annual



recording requirements of §314(a) of FLPMA with the payment of an annual fee of \$100 per claim or site to the appropriate Bureau of Land Management (BLM) office. [see Act of October 5, 1992 (106 Stat. 1374) and Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103-66, 107 Stat. 312)] **THE FEE IS NOT PAYABLE TO THE NPS.** The annual fee requirement is in effect until September 30, 1998, and applies through the 1998-99 assessment year. Thus, unless you qualify for one of the exemptions provided for under BLM regulations at 43 CFR §3833.1-6 and fulfill the procedural requirements of the exemption, you must pay the annual maintenance fee else forfeit your claim per 43 CFR §3833.4.

BLM regulations at 43 CFR §3833.1-6 allow claimants to be exempt from paying the annual maintenance fee on particular claims if they are:

- 1) small miners, i.e., claimants that hold no more than 10 or fewer claims on federal lands and that fulfill the requisite annual assessment work unless a deferment of assessment work is allowed,
- 2) holders of claims that are undergoing final reclamation as approved by the authorized officer,
- 3) military personnel on active duty that qualify under the Soldiers' and Sailors' Relief Act,
- 4) claimants in units of the National Park System that have received a declaration of takings or a notice of intent to take from the NPS, or have otherwise been denied access to their claims,<sup>1</sup> and
- 5) claimants that have applied for a mineral patent and have been issued the first half of the final certificates. Such claimants are excused from paying the maintenance fee for the assessment years during which assessment work is not required pursuant to 43 CFR §3851.5.

Responsibility for satisfying the requirements governing the annual maintenance fee or fee exemptions rests with claimants. In the Omnibus Act and BLM's implementing regulations, Congress and the Bureau have identified very specific procedures that must be adhered to in order to protect the ownership status of a claim. Should claimants fail to fulfill these requirements, their claims will be deemed forfeited by operation of law. It is in the interest of unpatented claimants to familiarize themselves with these requirements else risk forfeiting their claims.

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<sup>1</sup>NOTE: As explained later, a denial of a particular plan of operations does not constitute a denial of access under this exemption.

**Small Miner Exemption:** Claimants that apply for and receive a small miner exemption from payment of the annual fee under BLM regulations at 43 CFR §3833.1-6 must perform the annual assessment work required under 30 U.S.C. 28-28e and record proof of the performance of assessment work pursuant to §314 of FLPMA. If you do qualify for an exemption and chose to utilize the exemption in lieu of paying the annual maintenance fee, please be aware that the NPS does not allow surface disturbing activities on mining claims for the sole purpose of fulfilling the annual assessment work requirement unless such work is necessary to take a claim to patent [see 36 CFR §9.7(b)(2)]. As a result, claimants that qualify for the small miner's exemption and seek to conduct surface disturbing activities on their claims in parks solely for the purpose of fulfilling the \$100 annual assessment work requirement will not be allowed to do so. Instead, they will be required to pay the \$100 maintenance fee.

However, claimants that qualify for the small miner's exemption that seek to conduct surface disturbing activities in park units for broader purposes, such as delineating their mineral deposit or commencing development of their claim, will be allowed to do so and will not be required to pay the \$100 maintenance fee provided they 1) submit a plan of operations that fulfills the information requirements at 36 CFR §9.9 to the NPS for approval, and 2) obtain NPS approval of their plan in conformance with the standards at 36 CFR §9.10. In such cases, the work performed under the approved plan of operations will also fulfill the \$100 annual assessment work requirement.

As noted above, claimants seeking to take their claims to patent will not be impacted by the limitation at 36 CFR §9.7. Such claimants will be allowed to conduct activities solely for the purpose of performing assessment work if they 1) can establish a legal necessity to perform such work for a mineral patent under 43 CFR §3860, and 2) have submitted and obtained NPS approval of the requisite plan of operations under 36 CFR §9.9.

Please be aware that per the California Desert Protection Act, the NPS cannot approve a plan of operations for mining claims in Mojave National Preserve until the NPS undertakes a validity examination of the subject claims. In all other units of the National Park System, the NPS conducts such exams as a matter of policy. This requirement has important implications for claimants that qualify for the small miner's exemption. Per BLM regulations, such claimants must certify to the Bureau that they have 10 or fewer claims and have completed the prior year's assessment work by August 31 to qualify for the exemption for the upcoming assessment year.

Because of the need for the NPS to undertake a mineral examination of the subject claims prior to approving a plan of operations, claimants seeking the small miner's exemption must make their intent known to the NPS and comply with the plan of operations requirement at the earliest possible time to afford the NPS ample time to undertake the needed validity examination. Due to the time required for the NPS to conduct a validity examination, you may not be able to conduct actual operations on your claims prior to

the August 31 deadline even if you submit an approvable plan in a timely manner. This limitation is not fatal to your ability to obtain a small miner exemption from the annual maintenance fees. However, it may necessitate that you apply to the BLM for a deferment of assessment work as described below.

**Deferment of Assessment Work:** You should contact the BLM as to the procedural requirements for obtaining a deferment of assessment work under BLM regulations. Be aware that the petition for deferment must be filed with the BLM before August 31 (*see* 43 CFR §3852). Under the 1872 Mining Law, the BLM may grant a deferment for one year and renew the deferment upon application for one additional year only. Based on discussions with the Bureau, the NPS understands that a basis for a deferment would be the NPS's inability to complete the requisite validity examination in advance of the August 31 deadline. The BLM indicated that to qualify for both a small miner's exemption and a deferment from assessment work, a claimant would need to provide the Bureau with the following documents by August 31 for each claim where a waiver is sought from the annual maintenance fee:

- 1) a letter dated prior to August 31 that transmits a **complete** plan of operations to the NPS, and
- 2) a letter from the NPS acknowledging receipt of your **complete plan of operations** and informing you that the NPS cannot act on your plan until it undertakes validity examinations of the claim or claims covered by the plan. The letter also needs to indicate when the NPS anticipates completing the requisite exam.

The NPS cautions you to keep in mind that the responsibility for determining whether your plan is complete (i.e., contains the information required under the 36 CFR Part 9, Subpart A regulations) rests with the NPS. Simply providing the BLM with a rejection letter from the NPS of an incomplete plan of operations or of a plan solely for assessment work will not qualify you for the small miner's exemption. In such instances, the BLM will require you to either pay the \$100 annual maintenance fee by August 31 for the subject claim or forfeit your claim.

**Denial of Access Exemption:** Under BLM regulations, claimants can receive an exemption from the annual maintenance fees if they have been denied all access to their claims. Please be aware that a claimant's production of a simple denial letter from the NPS of a given plan of operations does not suffice as evidence of eligibility under this waiver. This is due to the fact that a claimant could obtain such a letter by merely submitting a wholly inadequate plan to the NPS for approval. Only if the NPS would not approve a plan of operations under any reasonable alternative in an area because of the presence of sensitive park resources would a claimant qualify for this exemption.



**D. ASSESSMENT WORK:** (*see* 36 CFR §9.7)

With a few exceptions, claimants are legally obligated to pay an annual \$100 maintenance fee rather than conduct assessment work through 1999. In units of the National Park System, the NPS will not approve a plan of operations solely for the purpose of performing assessment work, unless you can establish that such work is legally necessary in order to take your claim to patent (*see* discussion in "C" above).

Claimants seeking to take their claim to patent or planning on undertaking mineral development activities, including assessment work, must submit a plan of operations to the NPS for approval. Such a plan must explain the work you propose to undertake in conformance with 36 CFR §9.9. All other claimants must pay of the annual maintenance fee in accord with BLM regulations at 43 CFR Part 3800 *et seq.* under federal law. However, you may also need to comply with requirements under state law.

**E. USE OF WATER:** (*see* 36 CFR §9.8)

You may not use water from a point of diversion within a park for operations in connection with your claim unless you possess a perfected water right. The NPS can only approve a proposed plan of operations that calls for the use of water from a point of diversion within a unit if your water right:

1. has been perfected under state law, and
2. has a priority date prior to the date of establishment of the National Park System unit, and
3. has been put to continued beneficial use.

If your right is junior in priority to the reserved water right of the United States, the NPS can only approve a proposed plan of operations that calls for the use of water from a point of diversion within an National Park System unit if:

1. your water right has been perfected under state law, and
2. your water right has been put to continued beneficial use, and
3. you can demonstrate that your proposed use of water will not diminish the federal right.

Whether your water right is junior or senior to that of the NPS, you must have a perfected water right to use water from a point of diversion within a unit for operations in connection with your claim. A water use permit from the state does not demonstrate a perfected right and will not by itself allow the NPS to approve your proposed plan.

To perfect your water right you must have put water to use in accordance with your state water use permit. In addition, you must follow any other administrative procedures that the appropriate state agency requires.

Again, the NPS regulations clearly state that the NPS cannot approve a plan of operations proposing the use of water from a point of diversion within a unit unless you possess a perfected water right. If you do not have a perfected water right, the NPS is required to reject your proposed plan. You must submit evidence of your perfected water right along with your proposed plan of operations.

**F. PLAN OF OPERATIONS: (see 36 CFR §9.9)**

You may not conduct any operations on your claim unless the appropriate NPS field director (previously, "regional director") has approved your proposed plan of operations.

"Operations" means any and all work or activity in connection with mining on a claim. It includes assessment work, prospecting, surveying, exploration, development and extraction, waste disposal, transport of ore, earth moving, reclamation, access, and road construction. It also includes all activities that can reasonably be shown to be connected to any of the above, such as camp construction, water diversion, or transport of heavy equipment. None of these things can be done unless you have submitted a proposed plan of operations and the field director has approved your plan.

You must submit your proposed plan of operations directly to the superintendent for the unit within which the claim is located, or across which you propose access.

Your plan may cover operations proposed for more than one mining season. For your convenience and that of the NPS, your plan should cover all phases of the proposed development.

Following review and comment by the superintendent and staff, the proposed plan will be forwarded to the appropriate field director. Final review and approval or disapproval is the field director's responsibility. If approved, your operations must be conducted according to the terms of the plan of operations as approved, which may differ from your original proposal.

An outline of the minimum information requirements that a plan of operations must contain is found in the appendix to this guide. If you follow the outline closely, your proposed plan of operations will contain all of the basic information required by the field director. In some cases the field director may need to have more information due to the nature and complexity of the proposed operations.

All plans of operations submitted must also contain an environmental report. This report must analyze the environment to be affected by your proposed operations, the impacts of your proposed operations on the park's environment, steps you will take to minimize impacts, the adequacy of proposed waste disposal, alternative methods of mineral extraction and the environmental effects of each, and the impacts of the steps you will take to accomplish reclamation. ("Environment" means all those aspects which taken

together form our surroundings, e.g., air, water, land, scenery, fish, wildlife, etc. "Impacts" means anything that affects or changes the environment in any way). Any changes that may occur to plants, animals, water, air, topography, scenery, cultural or other features must be identified and analyzed in your environmental report. You or your contractor may have access to NPS files to gather information for your environmental report.

Your proposed plan of operations and your environmental report form the basis on which the field director will decide whether to approve or reject your proposed operations.

**G. PLAN OF OPERATIONS APPROVAL: (see 36 CFR §9.10)**

Once you have submitted a proposed plan of operations to the superintendent, the superintendent and park staff will study it and forward it with their recommendations to the Field Area Office having supervision of that unit.

Even if you have provided all the necessary information the field director is not required to approve your proposed plan of operations. Instead the NPS must consider the operations you have proposed in light of the laws that prescribe the responsibilities of the Service. The regulations require that you be notified of the field director's decision within sixty calendar days of the date you submit your proposed plan. If the field director needs more time, you will be notified in writing. The field director will have an additional thirty calendar days in which to consider the proposed plan.

Your proposed plan of operations will be rejected and returned if the field director finds that it does not contain all of the information required by 36 CFR §9.9. If your proposed plan does contain all of the necessary information, the field director must then make several determinations, including: whether the claim is valid; whether you have a perfected water right; whether your claim is patented, unpatented, or patented with restrictions; whether there has been previous significant disturbance on the claim; whether the operations you propose would create a nuisance or cause injury to federally-owned lands and whether the operations you propose would preclude preserving the area's pristine beauty or injure the unit's cultural or ecological resources.

In considering your proposed plan of operations, the field director must also comply with certain other laws. One such law is the National Environmental Policy Act. This Act requires that any federal action be analyzed to assess its effects on the human environment. Other laws are the National Historic Preservation Act and the Endangered Species Acts. These laws also require that any federal agency action be reviewed for possible impacts on historical properties or species of animals and plants listed as threatened or endangered. Approval of a plan of operations, and issuance of access permits are federal agency actions and therefore must be reviewed under these laws, among others.



## **H. CULTURAL RESOURCES: (see 36 CFR §9.10)**

When you submit a proposed plan of operations, the NPS will make an initial determination of whether there are cultural (archeological or historical) resources on the claim or on routes proposed for access to the claim. Preservation or salvage of identified cultural resources threatened by mining operations may be a condition of an approved plan.

If, in connection with work on any claim, you uncover archeological or historical resources, you are required to leave such resources intact, stop work in the area of discovery immediately and immediately notify the superintendent. Failure to comply may result in forfeiture of your performance bond or security deposit.

The superintendent will arrange for professional inspection of the discovered resources to determine their importance and appropriate disposition. Within ten working days of being notified, the superintendent will notify you of what actions he has determined necessary. On unpatented claims, you bear the responsibility and cost for investigating and salvaging cultural resources discovered during operations.

Archeological and historical resources are given special protection by a variety of laws including the Antiquities Act and the Archeological Resources Protection Act (ARPA). These laws prohibit the excavation of archeological and historic resources and other objects of antiquity (such as paleontological resources), from federally-owned lands without a permit. On unpatented claims, severe penalties under ARPA, including fines, imprisonment or both, may be imposed upon you as a result of alteration, destruction, or removal of archeological resources without the necessary permit.

When the NPS approves a proposed plan of operations, you do not need a permit under ARPA or the Antiquities Act. If your mining activity, within the scope of an approved plan, incidentally or unintentionally uncovers, or damages such resources, you have not violated ARPA or the Antiquities Act. You must halt work and report to the unit superintendent. If, however, you destroy such resources while you are conducting mining operations on federal lands without, or contrary to, an approved plan of operations, you are liable to prosecution under both of these laws.

## **I. NPS RIGHT TO INSPECT OPERATIONS: (see 36 CFR §9.10)**

If the field director approves your proposed plan of operations, that approval is expressly conditioned on the right of the superintendent or a representative to monitor activity and inspect operations on your claim. NPS personnel have the obligation to insure that your operations are conducted as approved in the plan of operations. The NPS has the right to inspect all operations, including operations on patented claims. You must allow NPS personnel to inspect your claim and operations. Failure to do so constitutes a violation of your plan of operations.

While NPS personnel are not in trespass for carrying out their duty, they are expected to be professional and courteous and to cooperate closely with you in conducting inspections.

**J. RECLAMATION:** (*see* 36 CFR §9.11)

Reclamation work is an ongoing responsibility during and after the life of your operations on your claim. When you submit your proposed plan of operations, it must include a reclamation plan. The field director will study this plan closely and determine if the reclamation work you have proposed will be sufficient to meet the requirements of the reclamation standards in the regulations.

There are two standards for reclamation in the regulations.

1. For patented claims without surface use restrictions, you are required to remove all above-ground structures, equipment and debris used for operations, and rehabilitate the area of operations so that it does not create a nuisance or cause injury to federally-owned lands.
2. For all unpatented claims, and patented claims with surface use restrictions, you must take all steps necessary to restore natural conditions and processes and return the area to a condition equivalent to its pristine beauty.

You are required to conduct reclamation work as contemporaneously as possible with your actual operations, and final reclamation work must begin not later than six months after you have completed the operations described in your plan as approved by the field director. If this time period is not feasible (due to seasonal weather conditions, for example) you may submit a written request to the field director to allow a longer period. The field director's authorization for such an extension in time must be in writing.

**K. PLAN REVISION:** (*see* 36 CFR §9.12)

Due to changing conditions or oversights, it may be necessary to revise an approved plan of operations. Either you or the field director may initiate this process. Any revisions to existing plans must undergo the same review procedures required for the originally proposed plan. This requirement applies equally to operations on patented and unpatented claims.

**L. PERFORMANCE BOND:** (*see* 36 CFR §9.13)

If the field director approves your proposed plan of operations, you must post a performance bond from an approved commercial surety company in the amount established by the field director. The field director's letter of approval will specify the

amount of the bond you must post. **Securing an acceptable bond is solely your responsibility.** You may not conduct any operations, even with an approved plan of operations, until the bond is posted, received and accepted by the field director. This requirement applies equally to both patented and unpatented claims.

You may elect to deposit cash or negotiable bonds of the U.S. Government instead of a bond from an approved commercial surety company.

The amount of the bond or cash deposit must be at least equal to the estimated cost of completing the reclamation that will be required on the claim, as determined by the field director. If your plan of operations is revised, the required bond amount will also be revised to reflect any change in the estimated cost of reclamation. The field director will release the bond or security deposit only when the superintendent of the park where your operations exist determines that successful reclamation of your claim and access route has taken place. The superintendent will notify you when he has determined that reclamation has been successfully completed.

**M. APPEALS:** (see 36 CFR §9.14)

You may appeal any decision made by the NPS in regard to operations on your claim. You must file an appeal to the field director in writing within thirty calendar days of the decision that you are appealing. This written appeal should specify in detail how the decision being contested is contrary to, or conflicts with the pertinent facts, laws or regulations or is otherwise erroneous.

After receiving your appeal, the field director must reconsider the decision and either reverse it or affirm it. If the field director affirms it, you will be notified and will have twenty calendar days to file exceptions to that decision with the Director of the National Park Service. The Director's address is:

Director, National Park Service  
P.O. Box 37127  
Washington, D.C. 20013-7127

No later than forty-five calendar days after receiving your statement of exceptions, the Director must make a decision in writing or notify you in writing that more time is needed. The decision by the Director is the final agency administrative action.

**N. USE OF ROADS:** (see 36 CFR §9.15)

You may not use any motorized vehicle for transporting the minerals being mined or excavated or for transporting heavy equipment used in mining operations on roads administered by the National Park Service unless the vehicle is registered with the



superintendent. This applies in Alaska as well.

All such vehicles must be charged a fee according to a schedule developed by the NPS. That schedule will be on a ton/mile basis and will be posted at the unit. The intent of collecting such fees is to reimburse the United States for expenses related to road maintenance. If you enter into a cooperative agreement with the superintendent to share in the cost or performance of road maintenance, an adjustment to the fees may be made.

If your vehicle exceeds the park's established load limits on NPS-administered roads, you must have a written permit from the superintendent. An approved plan of operations that includes the details of the excess loads will be considered to be the written permit.

You are liable for all damage that vehicles used in connection with your operations cause to park roads and facilities.

**O. PENALTIES:** (see 36 CFR §9.16)

If you conduct mineral activity on your claim, including a patented claim:

1. contrary to an approved plan of operations, or
2. without a bond or security deposit, or
3. in violation of any of the other provisions of the regulations in 36 CFR Part 9, Subpart A, you are in trespass against the United States and subject to injunction from the appropriate federal court. Once issued such an injunction will be enforced by federal law enforcement officers if necessary.

If you conduct mineral activities, other than access or transport, outside the boundaries of your patented or unpatented claim, you are subject to a fine and/or imprisonment per 36 CFR §1.3 where the United States has criminal jurisdiction. For example, if you operate a bulldozer off your claim and excavate a pit, you would be violating several provisions of the regulations, and be subject to citation or arrest. Even on your claim, whether patented or unpatented, activity that is not connected to mineral operations (for example, poaching a deer) is subject to citation and arrest either by the NPS or local law enforcement authorities, depending on agency jurisdiction.

To repeat, you are subject to an injunction issued by a federal court and enforced by federal law enforcement officers when you undertake mineral operations on your claim in violation of the regulations in 36 CFR Part 9, Subpart A. Mineral operations conducted without an approved plan, any mineral operations off claims, and non-mineral activity either on or off claims must conform to all applicable laws and regulations or those acts are criminally punishable.

**P. SURFACE USE AND PATENT RESTRICTIONS: (see 36 CFR §9.18)**

In describing the standards that the field director must consider before deciding whether or not to approve a proposed plan of operations, or in requiring reclamation, a distinction is made between claims patented with or without surface use restrictions.

When a claim goes to patent it usually includes ownership of the minerals and the surface of the claim. In certain instances, however, Congress has directed that the patent will be issued only for the minerals, or if the patent is for both the minerals and the surface, use of the surface may be restricted only to uses related to mineral extraction. This is what is meant by "claims patented with surface use or patent restrictions."

## **APPENDIX**

**OUTLINE OF INFORMATION REQUIREMENTS FOR  
A PROPOSED MINING PLAN OF OPERATIONS  
UNDER 36 CFR PART 9, SUBPART A**

This outline specifies the minimum information required by the National Park Service (NPS) to adequately evaluate any proposed plan of operations for activities within units of the National Park System in connection with all patented and valid unpatented mining claims. The NPS must analyze the effects that the proposed operations will have on the protection, preservation and public use of the resources and values of National Park System units. This analysis is necessary for the NPS to make a reasoned decision regarding plan of operations approval or disapproval. In some cases, additional information may be required. Any further information requirements will be specifically identified by the appropriate park superintendent or field director.

An approved mining plan of operations is required by the National Park Service regulations for Mining and Mining Claims found at Title 36 of the Code of Federal Regulations (CFR), Part Part 9, Subpart A for all mining operations conducted on National Park System lands. These regulations, published January 26, 1977 (42 Federal Register (FR) 4835), govern all activities within National Park System units associated with the exercise of valid existing mineral rights on patented and valid unpatented mining claims. Additional NPS regulations governing mining operations in National Park System units in Alaska are located at 43 CFR Part 36.

The objectives of the regulations are to: ensure that mining operations on claims within National Park System units are conducted in a manner consistent with the purposes of the National Park System and its individual units, avoid or minimize effects on the environment and park resource values, and preserve the resources of the National Park System for the benefit of present and future generations.

In order to facilitate preparation of a plan of operations and expedite the NPS review of your plan, we recommend that you follow this outline closely and contact park personnel for any additional guidance or answers to any questions before submitting a proposed plan. It is solely the claimant's responsibility to provide all the required information. Missing, false, incomplete, or inaccurate information will delay review and may result in NPS rejection of a proposed plan.

In all cases, all the required information, in the form of a proposed plan of operations, must be submitted to the park superintendent in charge of the National Park System unit within which the operations are proposed. Following review and comment by the park superintendent and staff, the proposed plan will be forwarded to the appropriate field director. Final review and approval or rejection is the field director's responsibility.

Information required in this outline may have to be modified or corrected when work actually begins on the claims, due to unexpected problems encountered in the field. Should this occur, the claimant is required to revise the plan of operations to reflect actual field conditions and operations. Your operations in the field will be monitored closely by the NPS to ensure they are being conducted in conformance with the requirements of your approved plan.



## **PART I. INTRODUCTORY INFORMATION**

### **A. National Park System Unit**

Identify the unit in which the proposed operation(s) would occur.

### **B. Mining Claim Information**

Provide the following information about the claims involved:

1. Name of claim(s)
2. Name of claim group
3. Type of claim (e.g., placer, lode, millsite; patented or unpatented)
4. Bureau of Land Management serial number(s)
5. Date claims were located
6. Date surveyed (if applicable)
7. Mineral survey number (if applicable)
8. Date patented (if applicable)
9. United States patent number (if applicable)
10. Copy of patent (if applicable)
11. Chain of title going back to the date the lands in the claim were withdrawn from mineral entry.

### **C. Mining Claim Location**

All mining claims, whether lode, placer, millsite, or tunnel site, must comply with the provisions of 43 CFR §§3830 and 3840 for locating and monumenting of the claims. Attach copies of the location notices as they appear on file with the Bureau of Land Management.

1. Identify the claims and location of the proposed mining operation on the appropriate 1:62,500 scale U.S. Geological Survey (USGS) quadrangle(s), or other scale map as available. Show existing and proposed roads and trails. (See Part II A).
2. Legal Description: Identify section, township, range, and meridian where applicable and

distance and direction from a fixed landmark to a staked claim corner or corners.

3. Identify the name of the creek, stream, or river drainage as shown on the USGS map.

## **PART II. ACCESS**

(36 CFR §9.3 and 43 CFR §36)

### **A. Access Map**

Describe the proposed route of access, i.e., whether by existing road, new road, water, air, etc. Show existing roads, trails, and airstrips that you use for access to and from the mining claim(s), on a 1:62,500 U.S. Geological Survey quadrangle map, if available; otherwise, use 1:100,000 or 1:250,000 (use location map above, if desired). Use a dashed line (-----) for existing traditional access routes and a dotted line (....) for any new routes that may be proposed.

Describe improvements or earthwork proposed for existing roads or landing strips and volumes of material from cut and fill areas. For proposed new roads or landing strips, provide the following information: length; roadbed width; average width of total disturbance; volume from cut and fill areas, and total area of disturbance.

### **B. Proposed Method of Access**

Discuss the proposed methods of transportation to and from the operations. Be specific as to the types of vehicles. Give the make and model, tracked or wheeled, weight, any modifications that will be necessary, etc. If access is via aircraft, give the type (i.e., fixed-wing, helicopter), name (e.g., Cessna 207, Bell Jet Ranger, etc.), and any changes or modifications (e.g., floats, skids). List all other modes of transport required (e.g., boat, sled, etc.). List equipment to be transported. This is a critical aspect of the proposed plan, as it will help determine the amount, timing and type of access that will be allowed to the claim.

### **C. Proposed Dates of Access**

Give the proposed seasonal dates of access: first trip in, last trip out, and number of trips anticipated. Specify these dates for each piece of equipment identified above for proposed methods of access.

### **D. Proposed Construction of Access**

If you propose to construct a means of access on lands in a National Park System unit to the claim within the unit, describe the nature of the access means, for example: road, trail for four-wheel drive vehicles, airstrip, powerline, pipeline, conveyor belt, dock, etc. On a map scale of 1" to 100' or larger, describe the exact location or route of the access means. Describe the exact dimensions of the means of access: length, width, depth, height, etc., as appropriate.

Describe the materials and equipment to be used, the method of construction and each stage and expected time frame of construction.

### **PART III. USE OF WATER** (36 CFR §9.8)

#### **A. Water Source(s) and Quantity**

1. Describe all water sources and diversion devices necessary for operations.
2. Provide the following water resource background data:
  - a) present water quality (total suspended and dissolved solids, turbidity, principal anions and cations, pH and metals),
  - b) average monthly stream flows for months of proposed operations (instream gallons per minute or cubic feet per second),
  - c) average stream width at points of diversion and discharge,
  - d) type and size of streambed materials,
  - e) stream gradient.
3. Identify amount of water necessary for operations.
4. Identify quantity, quality, and sources of water to be used for domestic or campsite purposes. Include descriptions of water storage tanks and piping systems.

#### **B. Permits**

1. Attach copy of state water use permit or other equivalent document showing that claimant possesses a perfected water right.

### **PART IV. PLAN OF OPERATIONS** (36 CFR §9.9)

#### **A. Names and Addresses (36 CFR §9.9(b)(1))**

It is important that the NPS have accurate and up-to-date information on where the claimant(s), operator(s), assignee(s), etc. may be reached throughout the year. It may be necessary to contact them concerning the information they have submitted, and difficulty in reaching them will delay review of the proposed plan.

Provide the following information:

1. Claimant Name: Legal name of individual, corporation, or other entity recorded with the Bureau of Land Management as holder of the right to sell, lease, assign,

or otherwise transfer all or any part of a patented or unpatented mining claim, millsite, or tunnel site. Specify the recording district or other site of legal recordation.

2. Claimant address and telephone number: Seasonal locations and telephone numbers where the above-named claimant may be reached throughout the year.
3. Operator, lessee, assignee, designee name: Legal name if other than claimant as given above. If the Operator will be someone other than the claimant, submit a copy of the lease document and/or the designation of operator authorizing mineral operations on the claims.
4. Operator address and telephone number: Seasonal locations and telephone numbers where Operator (if other than claimant) may be reached throughout the year.
5. Designated agent for operator: Seasonal locations and telephone numbers where operator's designated agent (person with authority to act for operator), if any, may be reached throughout the year.
6. Designated field representative: Seasonal locations and telephone numbers where designated field representative (field contact with authority to act for operator), if any, may be reached throughout the year.

**B. Proposed Area of Operations Map (36 CFR §9.9(b)(2))**

A map of the proposed area of operations is necessary to describe the amount and extent of past and present development on the claims and to describe the development expected in the future. Use a map or maps to show all existing and proposed development at a scale of at least one inch = 100 feet (1" = 100'). At this scale, a standard 20 acre mining claim is 15 x 6 inches. More than one map or a map with overlays may be necessary. The use of aerial photos of a scale of 1"=200' is encouraged.

Claims must be located accurately, and claim locations should be supported by staked corners. As applicable, include, at a minimum, each of the following (use extra maps as necessary):

1. Mining claim boundaries within which operations are proposed
2. True north
3. Scale (horizontal and vertical) and contour interval
4. Natural features including but not limited to: streams, lakes, and ponds; vegetation communities (e.g., tundra, forest); and topographic relief



5. Existing surface disturbance, including mine workings, structures, roads, trails, and access routes associated with the mining operations
6. Areas previously reclaimed
7. Proposed mining operations - identify location of existing and proposed:
  - a. Exploration activities such as geophysical lines, drill holes, and trench sites
  - b. Pits, cuts, underground portals, and underground workings
  - c. Equipment, structures, surface disturbance, ditches, pads, ponds and workings
  - d. Mine tailings and wastes dumps
  - e. Soil and vegetation stockpile areas
  - f. Ore stockpile areas, both temporary and long-term
  - g. Water diversions, discharge points, settling ponds, and water recycling, equipment
  - h. Fuel and supply caches
  - i. Equipment staging areas and storage sites
  - j. Location of camp for mining operations including all buildings, trailers, and equipment
  - k. Areas for reclamation
  - l. Roads, trails, airstrips, and other access routes
  - m. All openings to the surface for underground mines (identify as main shaft, adit, ventilation or escape shaft or adit, rises, etc.)
  - n. Millsite or other processing facility locations

C. Equipment to be Used (36 CFR §9.9(b)(3))

Identify the following:

1. Surface transportation on claim area:
  - a. Type, weight, and description of vehicle(s) (e.g., 4x4 3/4 ton pick-up, etc.)
  - b. Fuel and maintenance requirements
2. Operations equipment:
  - a. Name, type, and short description of each piece of equipment
  - b. Fuel and maintenance requirements
  - c. Fuel storage capabilities and methods
  - d. Processing capacities and flow rates for sluices, suction dredges, etc.

D. Description of Proposed Operations (36 CFR §9.9(b)(4))

1. Indicate the type and level of operations being proposed:
  - a. Placer (ground preparation, production, etc.)
  - b. Lode (surface, underground, etc.)
  - c. Exploration (drilling, sampling, etc.)
2. State whether this plan is for:
  - a. Continuation of previous mining operations
  - b. New mining operations
  - c. Annual assessment work that is legally necessary to bring the claim to patent
3. Timing and production
  - a. Give times of beginning and completion of each phase and timing of overall proposal. Give specific dates, if possible.
  - b. Estimate anticipated production: daily production rate, seasonal or yearly production rate, total production for life of operation.

**4. Mine workings**

- a. Provide drawings (to scale), including cross sections of surface excavations and alterations such as cuts, tailings waste dumps, settling ponds, dams, berms, and roads, including dimensions and slopes.
- b. Describe water control and drainage systems, including tailings ponds, settling ponds, slime ponds, etc.
- c. Describe methods for removing topsoil, overburden, waste rock, and ore, and identify stockpile areas.
- d. Provide estimates of volumes and tonnages for topsoil, overburden, waste rock and ore, stockpiles and waste dumps, road cuts and excavations, and material used in the construction of berms, settling ponds, and dams. Identify and list each rock or soil type separately.
- e. Describe on-site ore processing (including crushing, grinding, etc.).
- f. Describe ore haulage methods and routes (including noise and dust control measures).
- g. Provide engineering plans of:
  - (1) settling ponds, culverts, spillways, berms, drains, excavated slopes, etc.,
  - (2) ditches, canals, flumes, or any other water diversion system,
  - (3) layout of pipeline system including lift pump stations, slurry pipes, etc.,
  - (4) underground workings.

**5. Energy requirements**

- a. Identify the energy source(s): on-site generators, off-site generating facilities, etc.
- b. Describe the layout of any transmission line system:
  - (1) location of powerlines, substations, transformers, etc.,
  - (2) current and voltage requirements,

- (3) safety systems.
- 6. Explosives and blasting equipment
  - a. Identify the type and quantity of explosives.
  - b. Describe transportation, storage facilities and disposal of explosives.
  - c. Describe the blasting program
    - (1) Equipment,
    - (2) Program Design,
    - (3) Safety Measures.
- 7. Use of chemicals
  - a. Provide description and explain use of all compounds and additives (e.g., amines, fatty acids, cyanide, flocculants, dispersants, inorganic acids, etc.) proposed for processing or water treatment for drilling, leaching, settling, etc. Identify any soluble material used for any purpose.
  - b. Describe transportation, storage, and disposal of processing chemicals.
  - c. Identify safety precautions in handling.
- 8. Fuel requirements
  - a. Identify type(s) and amounts of fuel required.
  - b. Describe transportation and storage facilities, including maintenance and spill prevention and control precautions.
  - c. Identify method(s) and site(s) for disposal of waste fuel and oil.
- 9. Structures
  - a. Identify all structures necessary for the operation and their purpose.
  - b. Sketch drawings (to scale) of all structures showing plan layout and location.



- c. Identify methods of erecting structures.
  - d. Identify materials used, source(s), and transportation needs.
10. Additional information required for underground mining
- a. Identify the mining method (e.g., room-and-pillar, block caving, long wall, etc.).
  - b. Show present and anticipated layout of underground workings, including engineering drawings and cross-sections to depict present and future development.
  - c. Describe haulage routes, hoist system, ventilation systems, etc.
  - d. Describe support structures and methods to prevent subsidence, sloughing, cave-ins, etc.
  - e. If not previously discussed, describe power sources, roof bolting and grouting, safety equipment and anticipated hazards (gas, dust, etc.), and any other system not previously discussed.
  - f. Provide data on water generation and disposal from underground development and mining including volume, quality, underground and surface storage sumps, water treatment facilities and equipment, surface discharge, use for dust control, etc.
  - g. Describe gates, bulkheads or other means of blocking off mine openings (as a safety precaution, to prevent unauthorized entry, and to prevent accidental entry by wildlife).

**E. Nature and Extent of Known Deposit (36 CFR §9.9(b)(5))**

- 1. Submit generalized geologic surface sketch map or any published map, if available, showing the nature and extent of the known deposit.
- 2. Briefly describe the geology and deposit: if placer, describe the depth and thickness of pay and type of bedrock. If lode, describe host rock, vein material, faulting, etc. Identify the following:
  - a. Size and shape of deposit
  - b. Ore minerals and grade, ratio of ore to waste

- c. Secondary and gangue minerals
- d. Reserve calculations
- 3. Describe previous production and mining history, if known.
- 4. Provide references for information provided above.
- 5. For unpatented claims in Alaska, attach completed copy of the Supplemental Claim Information Statement.

F. Reclamation Plan (36 CFR §9.9(b)(6) and 9.11)

To enhance aquatic and terrestrial habitat recovery, reclamation shall be a planned component of the mining operation, and shall be accomplished contemporaneously with mining.

Proposed plans of operations for all claims must include in the reclamation plan provisions for the following:

- 1. Procedures for removing all surface structures, equipment and man-made debris (36 CFR §9.11(a)(2)(i)), including:
  - a. Removal of all above-ground structures including trailers, tents, storage buildings, water tanks, fuel storage tanks, power lines, pipelines, etc. (NOTE: on claims patented without surface use restrictions, only those structures used for "operations" must be removed as part of reclamation work).
  - b. Removal of all equipment including mining equipment, vehicles, tools, parts, etc.
  - c. Removal of all trash and debris, including fuel, chemicals, and blasting materials.
  - d. Removal of all dams, dikes, berms, etc. except those required for maintaining site integrity; provide cross-sections showing the site configuration after reclamation.
  - e. Removal of temporary roads on or to the mining claims by pulling out culverts and temporary bridges, and by scarifying and breaking down the road prism to match the natural slopes.
- 2. Replacing overburden and spoil (36 CFR §9.11(a)(2)(iii))

- a. Describe procedures for stripping overburden and spoil.
- b. Identify procedures for saving the fine particulate matter and organic portion of the overburden and storing for use in reclamation, including sediments accumulated in settling ponds.
- c. Identify stockpile locations where they will be maintained in a stable configuration not subject to erosion and where they will not encroach upon stream channels.
- d. Describe methods for marking overburden and spoil for future reference.

3. Grading to original contours (36 CFR §9.11(a)(2)(iv))

Note that for claims patented without surface use restrictions, the operator need recontour (and thus describe recontouring) only to the extent necessary to preclude nuisance, adverse effect, injury or damage to federally-owned lands.

- a. Describe recontouring plan to redistribute tailings piles to conditions that approximate the original contours and slopes of the adjoining land.
- b. Describe methods of stream rehabilitation including:
  - (1) Re-establishing the original length, width, and sinuosity of the stream channel that existed prior to mining.
  - (2) Replacing the substrate with a mix of material (gravel, rubble, and/or boulders) to form a streambed that approximates original conditions (NOTE: fine particulate matter and the organic portion of the overburden may not be used to construct the stream bed, and the stream may not flow on bedrock).
  - (3) Re-establishing the original gradient of the stream between the beginning and end of the mined areas.
  - (4) Re-establishing the original stream characteristics so that an appropriate pool/riffle ratio is obtained.
  - (5) Eliminating barriers to the free passage of fish throughout the re-established stream channel.

- (6) Provisions for aquatic habitat diversity including undercut banks, pools, riffle areas, runs, slack areas, instream cover, feeding areas, over wintering areas, and spawning areas if they existed prior to stream disturbance.
- (7) Erosion control and bank stabilization measures to minimize downstream turbidity, and facilitate stream side revegetation.
- (8) Measures to establish land/water interface which approximates pre-mining conditions.

4. Replacing topsoil (36 CFR §9.11(a)(2)(v))

- a. Describe topsoil handling and stockpiling plan, including procedures for removing and replacing stock piled topsoil over graded mine spoils.
- b. Describe soil stabilization, erosion and sediment control measures.

5. Prevention of surface subsidence (36 CFR §9.11(a)(2)(ii))

- a. Describe methods to prevent surface subsidence from underground workings.

In addition to the above, proposed plans of operations for unpatented claims and claims patented with surface use restrictions must also include in the reclamation plan provisions for the following:

6. Re-establishing native vegetation (36 CFR §9.11(a)(2)(vi))

- a. Describe seedbed preparation (ripping, discing, etc.).
- b. Identify native plant species, including seed or transplant sources, collection methods if not available commercially, seed mixtures, seeding rates, seeding and mulching methods.
- c. Identify fertilizer proposed for use, its composition and application rate.

G. Compliance with Other Laws and Regulations (36 CFR §9.9(b)(7))

Describe the steps taken to comply with applicable federal, state, and local standards, laws or regulations, including, but not limited to, those listed below. Where applicable, attach copies



of each permit, application or equivalent document.

1. State water quality standards
2. National Pollutant Discharge Elimination System Permits as issued by the U.S. Environmental Protection Agency
3. State waste disposal permit stipulations for settleable solids
4. State anadromous fish protection requirements
5. Dredge and Fill permit ("404" permit) as issued by U. S. Army Corps of Engineers
6. Solid and liquid waste disposal permits
7. All other applicable laws and regulations

H. Environmental Report (36 CFR §9.9(b)(9))

National Park Service regulations at 36 CFR §9.10 require the field director shall make an environmental analysis of a plan of operations prior to approving or rejecting a plan. The analysis is based, in part, on the claimant's environmental report required by 36 CFR §9.9(b)(9)(i-vi). The environmental report must include, at a minimum, a thorough discussion of each of the following:

1. Environment of the area affected by the operation

This should include a thorough description and discussion of the aquatic and terrestrial environment, including soils, water resources, water quality, floodplains and wetlands, topography, geology, watershed characteristics, vegetation, threatened or endangered species, fish and wildlife habitat, large mammal populations (e.g., bear, caribou, deer, Bighorn or Dall sheep, wolf, etc.), aesthetics, cultural resources (historical or archeological sites), recreational use, and in Alaska, subsistence use.

2. Impacts of proposed operations on the environmental components above

Include an accurate and precise description of how the operations will affect each of the items above. If, for example, the proposed plan of operations will necessitate elimination of the existing stream and subsequent rechannelization, indicate short and long term affects on aquatic resources. Describe impacts on vegetation, fish and wildlife habitat, food sources, and movement or migration patterns.

3. Steps to be taken to insure minimal surface disturbance

Describe all measures taken to minimize surface disturbance and environmental impacts.

4. Methods for disposal of all rubbish and other solid and liquid wastes

Describe methods of handling, storing, transporting and disposing of all rubbish and waste, including human waste. Identify disposal locations.

5. Alternative methods of extraction and the environmental effects of each

Identify and discuss other methods or techniques of mining and provide a discussion of the impacts of each in a manner which allows for ease of comparison to the operations proposed.

6. Effects of actions taken to comply with the reclamation plan

The reclamation standards are intended to provide for the safe movement of native wildlife, re-establishment of native vegetation, the normal flow of surface and reasonable flow of subsurface waters, the return of the area to a condition which does not jeopardize visitor safety or public use of the unit, and return of the area to a condition equivalent to its pristine beauty (36 CFR §9.11(2)(b)). The impacts of the proposed reclamation steps taken to comply with these standards must be addressed whether beneficial or adverse.

I. Relationship to NPS Planning (36 CFR §9.9(c))

Discuss the relationship between the proposed plan of operations and the NPS unit's current statement for management and other planning documents for the unit, such as the general management plan. Such documents are available from the park superintendent upon request. Discuss activities to control, minimize, or prevent damage to the unit's recreational, biological, scientific, cultural, and scenic resources (including but not limited to the environmental components listed in the claimant's environmental report required under 36 CFR §9.9(b)(9)).

J. Additional Information (36 CFR §9.9(b)(10))

As necessary, additional information may be required by the NPS in a proposed plan of operations. In specific terms, this additional information would be necessary to accurately and adequately analyze the effects that the proposed operation would have on the preservation, management, and use of park resources (including aesthetic qualities) and for decision-making regarding plan approval or disapproval. The field director must reject the proposed plan of operations if all necessary information is not included with the initial submission.