

Abandoned Mine Lands Program Guidelines for Determining Claimant Interest in a Potentially Hazardous Mine Working

Before mitigation may begin, the Bureau of Land Management (BLM) must determine whether the proposed hazard is potentially encumbered by an active mining claim by completing a records check and a site assessment. An active mining claim is defined as a mining claim that is current with all filing requirements under 43 CFR 3830-3836. A records check is completed by accessing Legacy Rehost 2000 (LR2000) or by consulting a mining claim adjudicator at the appropriate BLM State Office.

Within 30-days prior to construction, a site assessment is to be completed by physically inspecting the area within a 1,500-foot radius of the hazard to determine if physical evidence of an active mining claim exists. At that time, a notice should be posted for a minimum of 30 days before mitigation activities begin. The notice must indicate that the BLM intends to mitigate the posted hazard within 30 days and must contain the appropriate contact information and a description of the action (see Attachment 2). For multiple hazards within close proximity, a highly visible, prominently displayed single posting may be used.

If an active mining claim is not discovered, then the BLM may proceed with mitigation. When an active mining claim is discovered, the BLM will, by certified letter, inform all claimants of record of the proposed action. The letter must indicate the name and location of the mining claim and, as far as practical, a location of the hazard and a description of the work to be done. Further, the letter must state that the BLM will commence mitigation unless the claimant accepts responsibility for the hazard and complies with all applicable Federal and state laws, including compliance with the surface management regulations at 43 CFR subpart 3809. Those regulations include a requirement for a financial guarantee for reclamation, including hazard mitigation. To accept responsibility for the hazard, the claimant must notify the BLM by letter within 30 days and provide a notice or plan of operations within 90 days of the receipt of the BLM's original letter to the claimant. If no letter is received within 30 days, the BLM may begin mitigation of the hazard.

If BLM receives notification from the claimant, the BLM will postpone hazard mitigation on the claim until a plan of operation or notice is authorized, provided that the mining hazard does not pose an imminent threat to public health or the environment as determined by the BLM's Field Office Manager. If such a threat is identified and the mining claimant refuses or otherwise fails to take action to protect the public health or the environment, the BLM's Field Office must take necessary action to abate the identified immediate threat pending resolution of any protests or dispute with the mining claimant. If the claimant fails to provide a notice or plan within 90 days, then the BLM will re-initiate a records check and site assessment. If no new claims were filed, then the BLM may begin hazard mitigation. However, if new mining claims are identified, the new claimants must be notified and notice must be posted on the site for 30 days.

Once the BLM receives a plan or notice, it will immediately initiate a new case record under 43 CFR subpart 3809 within LR2000 and begin the review process in accordance with the regulations under 43 CFR subpart 3809. The BLM must coordinate with all applicable Federal and state agencies, including the State Mine Inspector and the Mine Safety and Health Administration. During the processing period, the authorized officer may require the claimant to provide temporary mitigation measures until the claimant's proposed action is authorized. If, at any time, the authorized officer determines that the claimant is not complying in a timely manner with the surface management regulations at 43 CFR subpart 3809, the process will be terminated and the BLM will resume mitigation of the hazard.