

Questions and Answers

About Abandoned Mine Hazards on Mining Claims

What is an abandoned mine feature?

An abandoned mine feature is any aboveground or underground mining opening, working, structure, or disturbance that was abandoned prior to January 1, 1981, the effective date of the Federal surface management regulations, with no evidence demonstrating that the miner intends to resume mining.

Why is the BLM sending out the “General Notice” to mining claimants?

The Office of Inspector General (OIG), Department of Interior, issued the findings of its May 2009 audit entitled “Bureau of Land Management - Mining Claimant Administration,” (Report No. C-IN-BLM-0011-2008). Within its report the OIG found that the BLM should cooperate with mining claimants and seek their assistance to mitigate hazards on public lands. The “General Notice” is the BLM’s effort to raise awareness in regards to the safety hazards that exist on public lands, mining claimant’s responsibilities, and opportunities for mitigation through the BLM’s *FAST!* (Fix A Shaft Today) campaign.

Does receiving the “General Notice” from the BLM mean that there is a dangerous abandoned mine hazard on my mining claim?

Not all mining claims that received a “General Notice” have an abandoned mine hazard within the land boundaries on which those mining claims are located. The BLM conducted a geospatial analysis by cross-referencing its mining claim data with its abandoned mine land inventory data to determine which mining claimants should receive a notice. The BLM’s mining claim data is stored as 160-acre quarter-sections. If a hazard and a mining claim were found within the same quarter-section, then a notice is sent to the claimant of record. This means that for claims less than 160 acres, that there is a possibility that an abandoned hazard does not exist on your mining claim.

Am I responsible for all abandoned mine features on my active mining claim?

You are not responsible for any disturbance or workings/hazards/features created and abandoned by a previous claimant, unless you are using the disturbance or feature for your mining activities.

Will the BLM contact me before they mitigate or close an abandoned mine hazard of my mining claim?

The BLM will make a reasonable attempt to contact active mining claimants, 30 days before mitigation or closure efforts are initiated. Therefore, it is in your best interest to ensure that your mailing address is correct.

If the BLM’s proposed mitigation effort interferes with my mining claim activities, what can I do?

If the BLM’s proposed mitigation or closure will deny you access to a mining feature essential to your mining activities and you object to the proposed mitigation or closure, you must immediately contact the BLM field office that intends to initiate the closure or mitigation action. We will require you to file a notice or plan of operation with us as required by Federal regulations at 43 CFR Subpart 3809. Once the BLM has accepted the notice or has approved the plan of operations with the proper financial guarantee, your mine feature will no longer be

considered abandoned and will be recognized as a component of your authorized mining operations. You will be responsible for protection of the public and any reclamation required for your mine feature.

If I am never contacted by the BLM, may I still access the abandoned mine feature without compliance with 43 CFR Subpart 3809?

You must comply with 43 CFR Subpart 3809. If your activities exceed casual use, you must submit a notice or plan of operations, whichever is applicable, to the BLM. If your activities require an abandoned mine feature to remain open, then you have exceeded casual use and you are required to submit a plan or notice. However, in all cases, you are reminded that entering any abandoned mine feature is potentially hazardous and fatal.

May I post warning signs or fence off hazardous sites on my mining claims without the BLM's permission?

Generally, you will need the BLM's authorization to post warning signs or to install temporary safety measures such as fencing. Please contact the appropriate BLM field office to determine which actions may be allowed and how the BLM may be able to assist. In addition you are encouraged to participate in the BLM's *FAST!* campaign. The *FAST!* campaign partners with mine claimants, landowners, mining industry, recreational user groups, and volunteers to work together to mitigate or remediate these unsafe mine features. If you are willing and able to mitigate or secure the hazard, you are encouraged to participate in the BLM's *FAST!* campaign. Please contact your local field office for further information.

How do I determine the location of the abandoned mine hazard inventoried by the BLM?

You may contact the BLM field office whose jurisdiction contains your mining claim.

I have determined that there are abandoned mining features on my mining claims, what must I do now?

If you have determined that there are abandoned mine features on your mining claim, notify the BLM field office. However, unless you plan on using the mining feature or need to maintain access into the feature for current or planned mining or exploration activities, you do not have to do anything further. Depending upon the level and type of risk posed by this abandoned mine feature and where the feature fits within the BLM's priorities for abandoned mine hazard response, the BLM may or may not take further action to mitigate or close the hazard. If you want the abandoned mine feature kept open, you will need to tell us that. If you keep the feature open, you will become responsible for that abandoned mine feature and for the protection of public safety and any environmental issues arising from it. You will need to comply with Federal regulations at 43 CFR Subpart 3809 as noted above. Also, you may choose to participate in the BLM's *FAST!* campaign to increase public safety on public lands.

I have determined that there is an abandoned mining feature on my active mining claim. This feature constitutes all or part of my discovery location or contains physical exposures of a valuable mineral. Will the BLM attempt to mitigate or close this feature?

The BLM will make a reasonable effort to contact an active mining claimant of record before it attempts to mitigate or close an abandoned mine hazard. You must inform the BLM if you object to the BLM's proposal to mitigate or close the hazard. Then, you must file a notice or plan of operations with the local BLM office in accordance with 43 CFR Subpart 3809.