

Guidance for Reclamation of Placer-Mined Streams



The Bureau of Land Management Alaska is providing guidance to establish clear and consistent standards for rehabilitating placer-mined streams that meet national reclamation regulations and policies as outlined in the Code of Federal Regulations (CFR) and the BLM 2012 Surface Management Handbook. This guidance provides BLM Alaska mining compliance staff and Alaska placer miners with measurable objectives for determining when successful reclamation of fish and wildlife habitat of placer mined streams has been accomplished. In addition, it provides guidance to confirm that mining operations are adequately bonded so the public does not bear the cost of reclamation of streams mined on BLM-managed public lands.

The BLM manages for multiple use and sustained yield. It is with this multiple use mission in mind that the BLM must ensure reclamation of fish and wildlife habitat follows mining activity. Reclamation of mined areas is a priority through which BLM provides support to a sustainable placer mining industry in Alaska.

Miners are strongly encouraged to consult with BLM Field Office staff to understand how this guidance may affect their operations. Contact:

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Visit the BLM Alaska Minerals Program web page for additional information, including links to the guidance.

<http://www.blm.gov/ak/st/en/prog/minerals.html>



Collecting Baseline Information in Preparation for Mining

Under the guidance, miners proposing new operations within or adjacent to streams will be required to provide specific baseline data about the proposed mining area. This baseline information is needed to process a Plan of Operations. When reviewing proposed Plans of Operations, the BLM must analyze potential environmental impacts and determine if the mining activity will cause “Unnecessary or Undue Degradation” (UUD). The baseline data will provide the BLM with information necessary to complete a Plan review and ensure that BLM is meeting the requirements of the National Environmental Policy Act (NEPA). Having this information on pre-mining conditions will provide clear and measurable stream reclamation objectives after mining to rehabilitate fisheries and wildlife habitat. Operators can request BLM assistance with collection of baseline data. However, this may delay the processing of the submitted plan for two or more field seasons based on workload.

Who is affected by the baseline data requirement?

This affects all new Plan-level operations and any major modifications to approved Plans of Operations if the miner is proposing:

- Mining within 100 feet of a perennial stream channel, or
- Construction of stream bypasses or diversions

Miners must submit specific site photographs, measurements of certain stream features, and a description of the bed material in the stream. See *Placer Mining Baseline Environmental Information Guidance* at

<http://www.blm.gov/ak/st/en/prog/minerals.html>.



Surveying a stream cross section



Surveying a stream longitudinal profile

Are Notice-level operations affected by this baseline data requirement?

For Notice-level operations, the operator is not required to submit baseline information. However, operators are required to demonstrate how their proposed exploration will be reclaimed to sufficiently meet the performance standards described in 43 CFR 3809.320. If a proposed Notice-level operation is in or within 100 feet of a perennial stream, the operator must provide site-specific information sufficient to demonstrate how the proposed reclamation would result in the rehabilitation of fisheries and wildlife habitat.

Key Points - Baseline Data Requirements:

Miners will need to submit additional information for Plans of Operations starting in 2016.

- Miners should collect baseline data in 2015 for Plans of Operations starting in 2016.
- For BLM assistance in gathering baseline data contact the BLM staff on the front page of this brochure.

Reclamation Effectiveness Monitoring

Under federal regulations, miners are required to rehabilitate fish and wildlife habitat in placer mined streams. The BLM has developed the Reclamation Effectiveness Monitoring (REM) approach to determine when this requirement has been met. In the past, determining when the reclamation requirement is met has been based largely on qualitative measures, creating uncertainty and unclear expectations between the BLM and the operator.

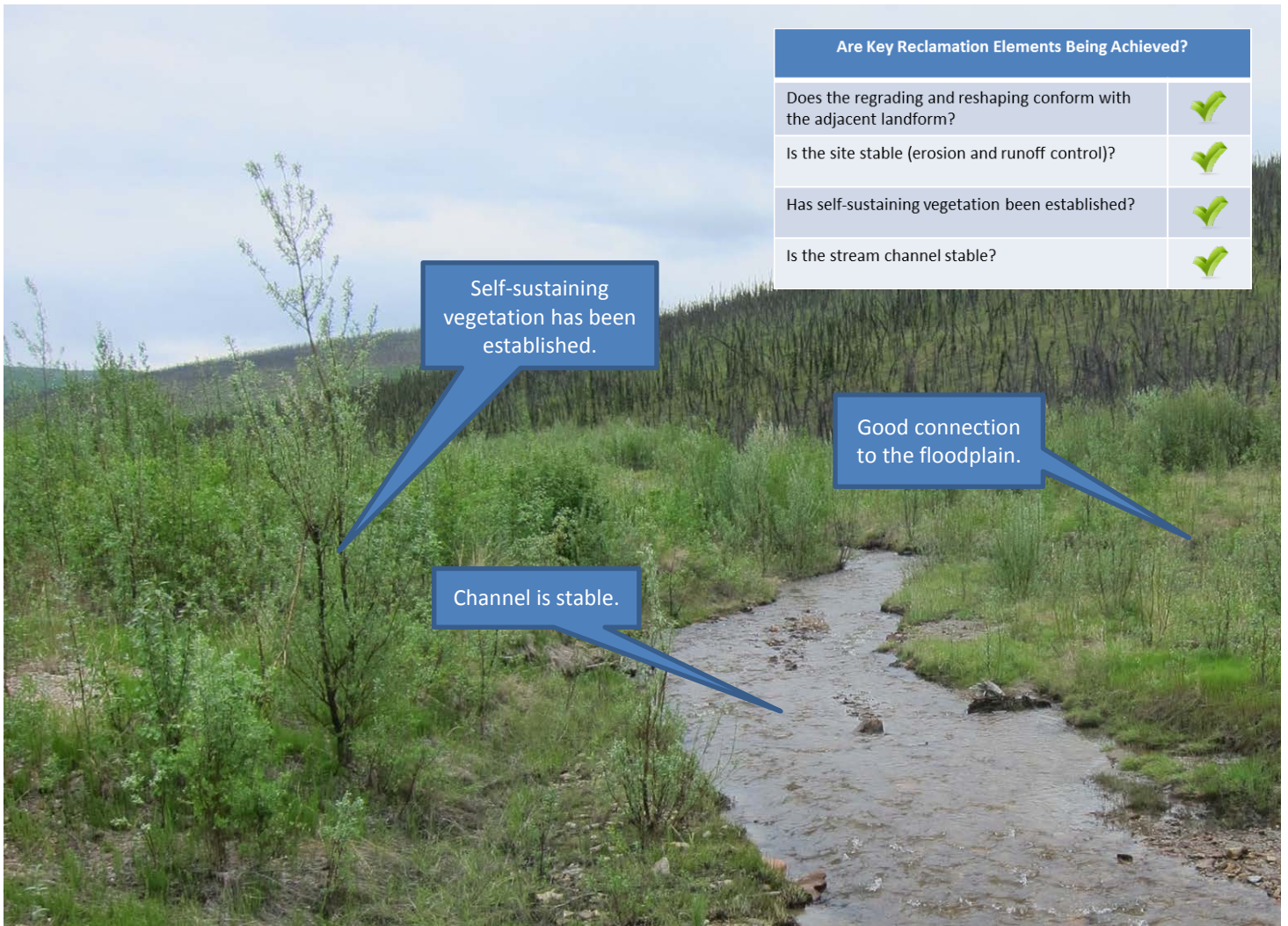
The REM approach provides common standards the BLM will use to determine when stream reclamation is complete and when the reclamation bond may be released. By using the REM approach, the BLM can ensure clear and measurable stream reclamation objectives are included in the operator's approved reclamation plan. Specific policy requirements are outlined in *Reclamation Effectiveness Monitoring (REM) for Placer Mined Streams* which can be found at <http://www.blm.gov/ak/st/en/prog/minerals.html>.

Who is affected by this reclamation guidance?

- Miners who are in or within 100 feet of a perennial stream channel
- Miners whose operations include stream bypasses or diversions.

Key Points - Reclamation

- Reclamation includes:
 - Stable channel form
 - Functioning riparian area
 - Rehabilitated fisheries and wildlife habitat
- Stream reclamation to the level required in the regulations may take time and technical expertise.



Reclamation Bonding

Reclamation Cost Estimates and Financial Guarantees

For certain higher risk mining operations, the BLM will require the operator to prepare a Reclamation Cost Estimate and certain operations will require an individual financial guarantee.

For an operation that:

- Proposes surface disturbance or vegetative stripping in, or within, 100 feet of a perennial stream, or
- Is on uplands with slopes greater than 33% or with the potential for significant slope failure related to mining activities, or
- Is at a site where demobilization can only be completed by air or during frozen conditions (winter months), or
- Is greater than 25 acres of unreclaimed disturbance, or
- For operators with an unresolved enforcement order at the time of bond payment or a history of noncompliance with BLM regulations,

Then, the BLM will require the development of a detailed Reclamation Cost Estimate.

The BLM will use the Reclamation Cost Estimate to assure that an operation is sufficiently bonded and determine if use of the state bond pool is appropriate. Mines that meet the criteria above are more likely to have high reclamation costs. The Reclamation Cost Estimate is a template to give an accurate estimate of what it would cost the BLM to contract with a third party to reclaim a mine should the miner fail to do so. If the cost of reclamation exceeds one-third of the available funds in the Alaska state bond pool, the operator will not be allowed to use the bond pool. Instead, they will be required to obtain an individual financial guarantee. This protects the bond pool by reducing the risk the failure of a single operation could jeopardize the bond pool's viability. It also assures that operations are adequately bonded so the public does not incur the cost of properly reclaiming abandoned operations.

Release of Bonds

Bond release may take longer than it has in the past.

- If an operator has an individual financial guarantee:

Partial release (up to 60%) of the guarantee can be made in a prorated manner, based on the progress made toward the desired final reclamation conditions. The remainder will be released when the Field Manager determines that the operator has successfully completed reclamation. This includes revegetation of the disturbed area and any effluent discharged from the area has met applicable Federal and State effluent and water quality standards for one year without needing additional treatment. (*43 CFR 3809.591, BLM Surface Management Handbook, Section 6.4.3.1*)

- If an operator is covered by the state bond pool:

Since the Alaska state bond pool does not allow for partial bond release, all reclamation, including revegetation of the site, must be completed before the bond is released.

In addition, before a financial guarantee is released (including guarantees through the state bond pool) the BLM will provide public notice of the pending release and accept public comments for 30 days. The BLM can address any substantive comments in the written decision to release the financial guarantee. (*43 CFR 3809.590, BLM Surface Management Handbook, Section 6.4.3.3*)

Key Points – Bonding

- Some operations may require a Reclamation Cost Estimate to ensure adequate bonding.
- Some operations may require an individual financial guarantee.
- If you are using the state bond pool, the BLM cannot release your bond until all reclamation, including revegetation of the site, is complete.
- Once all requirements are met, it will take at least 60 days for BLM to post and process the release of your bond.