



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Royal Gorge Field Office
3028 East Main Street
Cañon City, Colorado 81212



3809 LLCOF02000
COC-080497

DECISION

CPD Exploration LLC	:	
Attn: Casey Evans	:	
700 Rosalie Rd.	:	Surface Management
Bailey, CO. 80421	:	

NOTICE MODIFICATION COMPLETE AND DETERMINATION FOR REQUIRED FINANCIAL GUARANTEE AMOUNT

Your Notice Modification (MD-1) to include 3 settling ponds with an expanded diameter of 20 feet and 20 additional test pits was received by this office on March 17, 2022. BLM has reviewed the Notice modification and determined it is complete (Enclosure 1), containing all the information required by the surface management regulations outlined in 43 CFR 3809.301 and determined it is adequate to prevent unnecessary or undue degradation (UUD) as defined by 43 CFR 3809.5.

Based on review of data currently available, the proposed operation presents a low risk of impacting historic properties. There are also no lands or waters known to contain Federally proposed or listed threatened or endangered species or their proposed or designated critical habitat within the area of interest you have identified. Regulations outlined in 43 CFR 3809.420 (Enclosure 2) provide further details on performance standards that apply to your Notice operation, which include those related to cultural resources and threatened or endangered species.

Required Financial Guarantee - This office has reviewed the operation's current financial guarantee in the amount of \$2,726 and determined an increase of \$2,049 is required to meet all anticipated reclamation requirements; therefore, the new financial guarantee is \$4,775. The amount of the reclamation bond is based on the operator complying with all applicable operating and reclamation requirements as outlined in the Notice and the 43 CFR 3809.420 regulations.

The exploration work involves a total of 24 excavation test pits and 3 settling ponds within an area of 4.68 acres. No public access has been proposed for the operation. Access will be limited to an existing private two-track dirt road; therefore, the reclamation bond amount only reflects the disturbance related to the exploration activities. The BLM reclamation cost estimate included earth moving (e.g., backfilling of test pits), revegetation, pond closures, demolition of fencing, disposal of machinery, and mobilization of heavy equipment (Enclosure 3).

A completed bond form (Enclosure 4) and the additional financial guarantee in the amount of \$2,049 must be submitted to and accepted by the BLM Royal Gorge Field Office, 3028 East Main Street,

INTERIOR REGION 7 • UPPER COLORADO BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

Canon City, Colorado 81212. You must receive notification from this office accepting and obligating your financial guarantee before you begin any surface-disturbing operations. The types of instruments that are acceptable to the BLM for financial guarantees are found under 43 CFR 3809.555 regulations, and include cash, surety bonds, cashier's checks, money orders or irrevocable letters of credit. Personal checks are not an acceptable payment method.

This review and determination do not constitute certification of ownership to any entity named in the Notice, recognition of the validity of any associated mining claims, or recognition of the economic feasibility of the proposed operations.

Term of Notice – Your Notice will remain in effect for 2 years from the date of this letter, unless you notify this office beforehand that operations have ceased, and reclamation is complete. If you wish to conduct operations for another 2 years after the expiration date of your Notice, you must notify this office in writing on or before the expiration date as required by 43 CFR 3809.333 regulations. You will also have to submit an updated reclamation cost estimate at that time.

Occupancy Proposal – Per your request to occupy public lands longer than 14 days, BLM will require an occupancy proposal to determine if your request meets concurrence with 43 CFR 3715 regs (Use and Occupancy under the Mining Law; Enclosure 5). If concurrence is determined, BLM will conduct a NEPA analysis to determine if your occupancy will cause UUD under subpart 43 CFR 3715.5. Your proposed occupancy would be pending until a NEPA analysis is complete, and a decision is issued.

Appeal of the Decision Determining the Required Financial Guarantee Amount – Appeal of this Decision Determining the Required Financial Guarantee Amount can be pursued utilizing Form 1842-1 (Enclosure 6).

If you have any questions, please contact Stephanie Carter at 719-269-8551.

Sincerely,

KEITH BERGER

Digitally signed by KEITH BERGER
Date: 2022.04.01 12:00:29 -06'00'

Keith E. Berger
Field Manager
Royal Gorge Field Office

6 Enclosures

- 1 – Copy of Complete Notice Modification MD-1
- 2 – 43 CFR 3809.420 regs
- 3 – Reclamation cost estimate summary
- 4 – New Bond Form for Notice COC-080497 (\$4,775)
- 5 – 43 CFR 3715 regs
- 6 – Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals

cc: Casey Evans – email confirmation upon receipt of this letter
Russell Elliott – CDRMS, Park County

Complete Notice Mod MD-1

April 1, 2022

AMBER
PIKE

Digitally signed by

AMBER PIKE

Date: 2022.04.01

13:03:57 -06'00'

Casey Evans
700 Rosalie Rd
Bailey, Co 80421
Caseyevans69@gmail.com
720-292-4781

6th PM, T. 09 S., R 75 W., Sec. 17
Desert Gold # 3 - 105223180
BLM Serial # COC-080497
State File # P-2021-011

Site up river
6th PM, T. 09 S., R 75W., Sec. 17
Desert Gold # 2 - 105223179

A. Request for Extra/Larger Ponds;

Diagram included Exhibit A

I need to grow my existing 2 ponds from 6 ft. to 10 ft. radius. I need one more pond at a 10 ft. radius. For a total of 3 ponds at a 10 ft. radius in the same area. The existing ponds are too small and I need more water to run more product, the pay is very mucky. All water will be brought in from Bailey Water Station in Bailey. I will be using same 3 pond for both sites to save distance area.

B. Request to reset my pits;

I need to reset my 10 pits. I was only able to run 4 pits last year, the area is very mixed up due to old mining. All 4 pits have been reclaimed. I need a total of 10 pit this year. Each pit will be reclaimed before the next pit is started to cause as little disturbance as possible. I will only take out 50 lb. of black sands per day no more than 2 tons total offsite, for both sites, of black sand/gold for the year. I will be done by permit expires.

C. Open 5 acre with a 1 acre disturbance area up river;

6th PM, T.S. 09, R 75W., Sec. 17

Desert Gold # 2 - 105223179

Diagram included Exhibit B

I need to open a 5 acre plot with 1 acre disturbance area on Desert Gold # 2. I will need 20 pits. Each smaller pit will cause less damage instead of 1 large cut. I need to mine land that has not been touched. There is a existing 2 track road to transport pay to existing wash plant and then back to reclaim each pit, there will only be top surface damage. The existing 2 track is from previous miners. Each pit will be reclaimed before the next pit is started to cause as little disturbance as possible. I will only take out 50 lb. of black sands per day no more than 2 tons total, for both sites, of black sand/gold for the year offsite.

D. Request to be on the mine for more than 14 days at a time;

I need to be on the mine full time to complete work in a timely manner and to stop people from coming on the mine and stealing. I have encountered several people on the mine, they have passed though 2 closed gate, one that is clearly posted "No Trespassing" sign and a "Federal Mining Claim" signs. I will only have a small camper on site only to sleep and watch mine. I also need to watch the cows, they are a problem need to watch claim everyday for safety of animals / cows.

This will be enough testing information to give financial adviser.

Thanks

POND'S X3 EXHIBIT A

BIGER 20 FOOT WIDE TOTAL X 3 PONDS

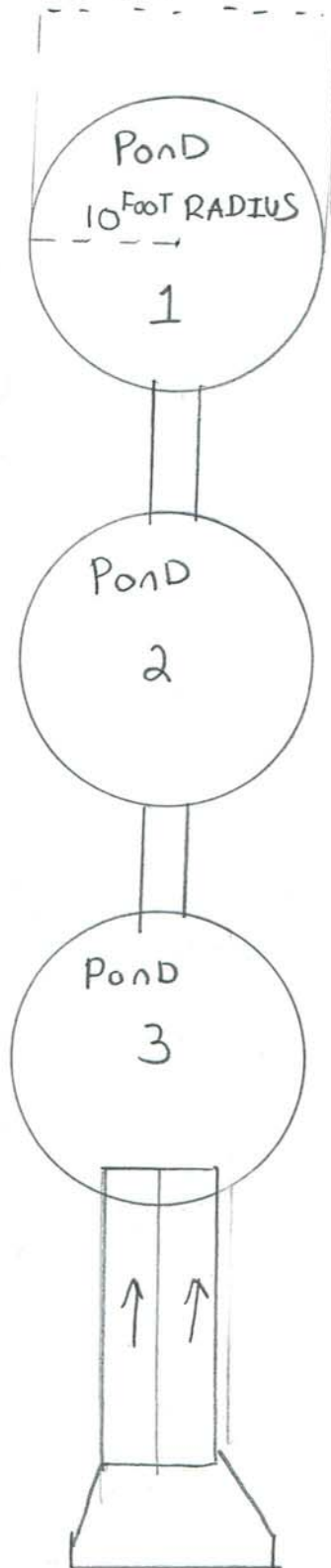
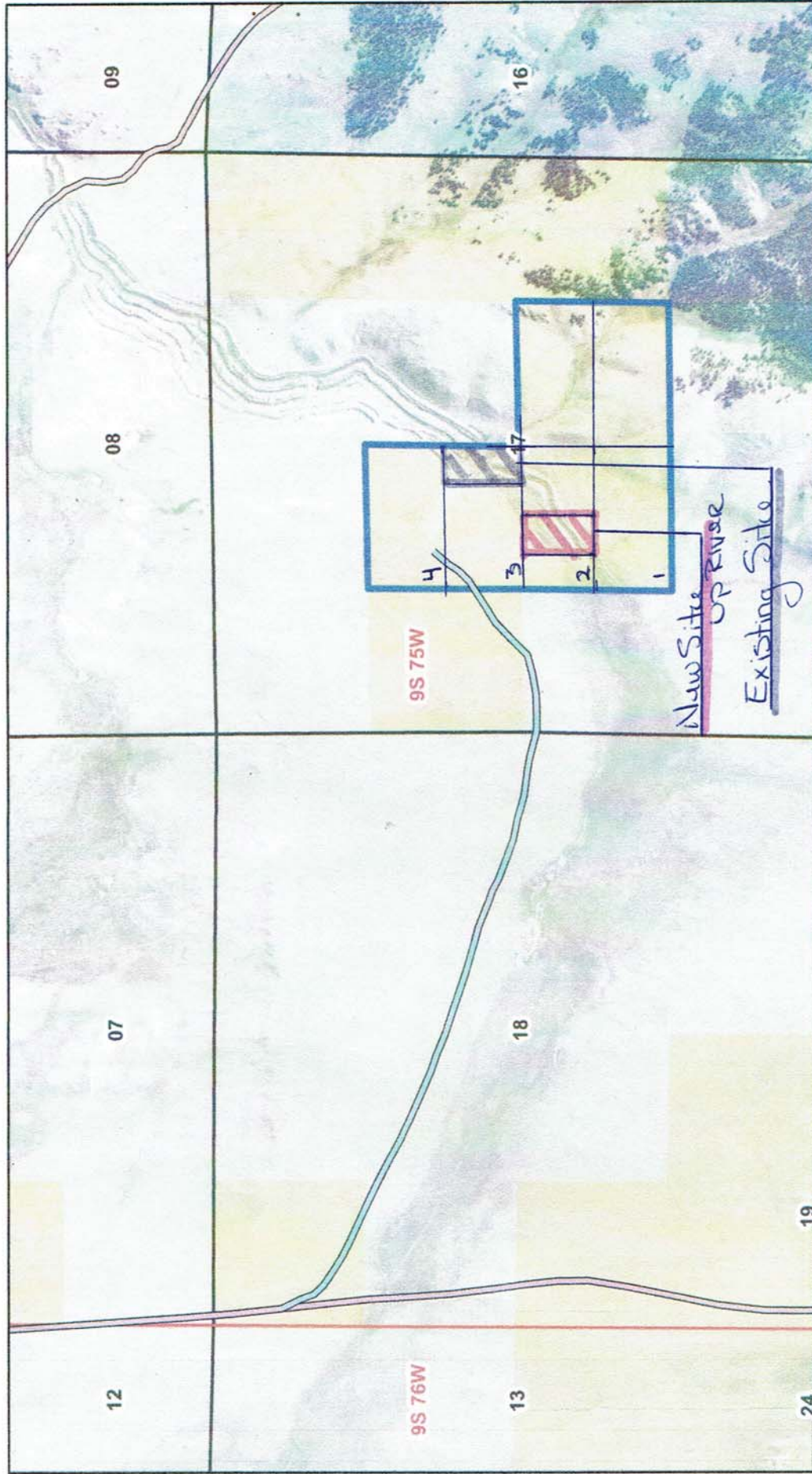


Exhibit B

Exhibit A to Access Agreement - Access Area to Mining Claim



Legend

- Proposed Mine Boundary
- Access Area
- Other County & Main Roads
- Bureau of Land Management
- Private
- State



Park County, T9S, R75W, Sec 17



NOTE TO MAP USERS
 No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

[Project List](#) / [Projects](#) / Reports

PROJECT INPUT SUMMARY REPORT DETAILED REPORT

Report: CPD Exploration Notice Mod MD-1

PRINT

SAVE

Required Bond Value



\$4,775

Bonds Estimate

Project Costs	Costs
Earth Moving	\$1,541
Site Work	\$0
Planting and Seeding	\$291
Closures	\$198
Demolition	\$215
Disposal	\$1,107

Project Costs	Costs
Monitoring	\$0
ISL Remediation	\$0
Mobilization	\$50
Administration	\$1,373
Required Bond Value	\$4,775

Fleet Requirements

Project Machinery	Machine Size
Bulldozer	215 horepower
Flatbed Tru k	15,000 pound gvw

Project Machinery	Machine Size

Crew Requirements

Project Crew	Requirements
Project Foremen	3.13 hours
Bulldozer Operators	15.64 hours
Laborers	26.17 hours
Service Truck Drivers	10.30 hours
Mechanics	19.45 hours
Haul Truck Drivers	0.48 hours

Mobilization

Machine	Unit Cost	Trips	Total Cost
	(dollars/mile)	(each)	(dollars)
Bulldozer	\$8.89	0	\$0

Machine	Unit Cost (dollars/mile)	Trips (each)	Total Cost (dollars)
			\$50
TOTAL			

Project Cost Summary

Unit Processes	Costs
Spread & Contour Excavation Pits	\$1,532
Spread & Contour Settling Pond 1	\$3
Spread & Contour Settling Pond 2	\$3
Spread & Contour Settling Pond 3	\$3
Reseeding 2 acres Disturbance	\$291
Fence Removal	\$215
Settling Pond 1 (Pond Liner Removal)	\$66
Settling Pond 2 (Pond Liner Removal)	\$66

Unit Processes	Costs
Settling Pond 3 (Pond Liner Removal)	\$66
Disposal of 2019 Deere Excavator Model 50G	\$679
Disposal Processing Sluice (Super Hog)	\$77
Disposal 2006 Holland LX665 Skid Steer	\$351
TOTAL	\$3,352

Project Overhead Costs

Project Cost

Project Operation and Maintenance Costs		\$3,352
Overhead Costs	Percentage	Costs
Project Contingency ②	<u>7.00</u> %	\$235
Contractor's Profit ②	<u>10.00</u> %	\$335
Liability Insurance ②	<u>1.50</u> %	\$35

Overhead Costs	Percentage		Costs
Bond Premium ⓘ	<u>0.00</u>	%	\$0
Engineering and Design ⓘ	<u>6.00</u>	%	\$201
Agency's Indirect Costs ⓘ	<u>14.00</u>	%	\$469
Agency Contract Administration ⓘ	<u>21.00</u>	%	\$99
Project Overhead Cost			\$1,373

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SURFACE MANAGEMENT PERSONAL BOND

Act of May 10, 1872, as amended (30 U.S.C. 22-54)
Act of December 29, 1916, as amended (39 Stat. 862)
Act of October 21, 1976, as amended (43 U.S.C. 1732-35, 1782)
Act of September 13, 1982 (31 U.S.C. 9301 et seq.)
Act of September 27, 1988 (102 Stat. 1776)
Act of April 16, 1993 (43 U.S.C. 299)

FORM APPROVED
OMB NO. 1004-0194
Expires: August 31, 2016

Individual _____; or Statewide _____; or Nationwide _____
(Enter Bureau of Land Management (BLM) Serial No.) (Enter Name of State, if applicable) ("Yes", if applicable)

KNOW ALL MEN BY THESE PRESENTS, THAT _____
(name)

of _____
(address)

as principal; is held firmly bound unto the United States of America in the sum of _____

_____ U.S. dollars (\$ _____)
lawful money of the United States, which may be increased or decreased by a rider hereto executed in the same manner as this bond.

The principal, pursuant to the authority conferred by Section 1 of the Act of September 13, 1982 (31 U.S.C. 9303), does hereby constitute and appoint the Secretary of the Interior to act as his attorney-in-fact for the purpose of negotiating the cash, letters of credit, savings accounts, certificates of deposit, or securities. The interest accruing on the United States securities, cash, or other instruments given above, in the absence of any default in the performance of any of the conditions, or stipulations set forth in this bond, the plan of operations/notice, must be paid to the principal. The principal hereby, for any heirs, executors, administrators, successors, and assignees, jointly and severally, ratifies and confirms whatever the Secretary will do by virtue of these presents.

The Secretary will transfer this deposit for the faithful performance of any and all of the conditions and stipulations as set forth in this bond, the plan of operations/notice cited above, and the regulations at 43 CFR 3802 and 43 CFR 3809. In the case of any default in the performance of the conditions and stipulations of such undertaking, it is agreed that the Secretary will have full power to assign, appropriate, apply, or transfer the deposit, or any portion thereof, to the satisfaction of any damages, reclamation, assessments, penalties, or deficiencies arising by reason of such default.

BOND CONDITIONS

1. WHEREAS, the principal has an interest in a mining claim(s), mill site(s), or tunnel site(s) and/or responsibility for operations and/or reclamation on the mining claim(s), mill site(s), or tunnel site(s) or public lands under the Acts cited in this bond; and
2. WHEREAS, the principal has filed an acceptable notice with the United States Department of the Interior, BLM and/or received approval from the BLM of the plan of operations cited above and said plan of operations/notice contains certain stipulations and conditions; and
3. WHEREAS, the principal hereby waives any right to notice of, and agrees that this bond will remain in full force and effect notwithstanding:
 - a. Any transfer(s) in whole or in part, of any or all of the land covered by the plan of operations/notice further agrees to remain bound under this bond as to the interests in the plan of operations/notice retained by the principal; and
 - b. Any modification of the plan of operations/notice retained by the principal; and
4. WHEREAS, the principal hereby agrees that notwithstanding the cancellation or relinquishment of any mining claim(s), mill site(s), or tunnel site(s) covered by this plan of operations/notice, whether by operation of law or otherwise, the bond will remain in full force and effect as to the terms and conditions of the plan of operations/notice, and obligations covered by this bond; and
5. WHEREAS, the principal agrees that in the event of any default under the plan of operations/notice and/or reclamation plan the bond may be forfeited and, the United States, through the BLM, may commence and prosecute any claim, suit, or other proceeding against the principal without the necessity of joining the owner(s) of the mining claim(s), mill site(s), or tunnel site(s) covered by the plan of operations/notice; and
6. WHEREAS, if the principal fails to comply with the provisions of 43 CFR 3802 and 43 CFR 3809, the principal will also be subject to the applicable provisions and penalties of Sections 303 and 305 of the Federal Land Policy and Management Act of 1976, *as amended* (43 U.S.C. 1733 and 1735). This provision will not be construed to prevent the exercise by the United States of any other legal and equitable remedy, including waiver of the default; and
7. WHEREAS, on the faith of the foregoing promises, representations, and appointments and in consideration of this bond, the United States has accepted the notice or approved the plan of operations referenced herein.
8. NOW, THEREFORE, the condition of this obligation is such that if said principal(s), heirs, executors, administrators, successors, or assignees will, in all respects, faithfully comply with all of the provisions of the plan of operations/notice referenced herein, and any amendments thereto, and the regulations at 43 CFR 3802 or 43 CFR 3809, then this obligation will be null and void; otherwise it will remain in full force and effect.

Executed this _____ day of _____, 20_____ :

State of _____

Principal _____

Country of _____

By _____
(Print name)

Subscribed and sworn to before me this _____ day

Signature _____

of _____, 20_____

Title _____

(Notary Public)

Business Address _____

(Date Commission Expires)

(TIN or SSN No., if applicable)

Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

If this bond is executed by a corporation, it should bear the seal of the corporation, if applicable.

NOTICES

THE PRIVACY ACT OF 1974 and the regulation in 43 CFR 2.48(d) require that you be furnished the following information in connection with information required by this application.

AUTHORITY: 30 U.S.C. 22 et. seq.; 43 U.S.C. 1732(b) and 1782(c); 31 U.S.C. 9301 et seq.; CFR 3802 and 43 CFR 3809.

PRINCIPAL PURPOSE: Information is being used to establish financial responsibility for surface disturbance on public lands.

ROUTINE USES: BLM will only disclose the information according to the regulations at 43 CFR 2.56(d).

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is necessary to obtain or retain a benefit. Failure to disclose this information may result in the BLM's rejection of your application.

THE PAPERWORK REDUCTION ACT OF 1995 requires us to inform you that:

The BLM collects this information to grant the right to conduct exploration and mining activities on public lands.

Response to this request is required to obtain or retain a benefit.

The BLM would like you to know that you do not have to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

BURDEN HOURS STATEMENT: Public reporting burden for this form is estimated to average about 8 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0194), Bureau Information Collection Clearance Officer (WO-630), 1849 C Street, N.W., Room 2134LM, Washington D.C. 20240.



Excerpt of 43 Code of Federal Regulations

A full set of regulations can be obtained online at <http://www.gpoaccess.gov/cfr/index.html>

Sec. 3809.420 What performance standards apply to my notice or plan of operations?

The following performance standards apply to your notice or plan of operations:

(a) General performance standards.

- (1) *Technology and practices.* You must use equipment, devices, and practices that will meet the performance standards of this subpart.
- (2) *Sequence of operations.* You must avoid unnecessary impacts and facilitate reclamation by following a reasonable and customary mineral exploration, development, mining and reclamation sequence.
- (3) *Land-use plans.* Consistent with the mining laws, your operations and post-mining land use must comply with the applicable BLM land-use plans and activity plans, and with coastal zone management plans under 16 U.S.C. 1451, as appropriate.
- (4) *Mitigation.* You must take mitigation measures specified by BLM to protect public lands.
- (5) *Concurrent reclamation.* You must initiate and complete reclamation at the earliest economically and technically feasible time on those portions of the disturbed area that you will not disturb further.
- (6) *Compliance with other laws.* You must conduct all operations in a manner that complies with all pertinent Federal and state laws.

(b) Specific standards.

- (1) *Access routes.* Access routes shall be planned for only the minimum width needed for operations and shall follow natural contours, where practicable to minimize cut and fill. When the construction of access routes involves slopes that require cuts on the inside edge in excess of 3 feet, the operator may be required to consult with the authorized officer concerning the most appropriate location of the access route prior to commencing operations. An operator is entitled to access to his operations consistent with provisions of the mining laws. Where a notice or a plan of operations is required, it shall specify the location of access routes for operations and other conditions necessary to prevent unnecessary or undue degradation. The authorized officer may require the operator to use existing roads to minimize the number of access routes, and, if practicable, to construct access roads within a designated transportation or utility corridor. When commercial hauling is involved and the use of an existing road is required, the authorized officer may require the operator to make appropriate arrangements for use and maintenance.
- (2) *Mining wastes.* All tailings, dumps, deleterious materials or substances, and other waste produced by the operations shall be disposed of so as to prevent unnecessary or undue degradation and in accordance with applicable Federal and state Laws.
- (3) *Reclamation.*
 - (i) At the earliest feasible time, the operator shall reclaim the area disturbed, except to the extent necessary to preserve evidence of mineralization, by taking reasonable measures to prevent or control on-site and off-site damage of the Federal lands.
 - (ii) Reclamation shall include, but shall not be limited to:
 - (A) Saving of topsoil for final application after reshaping of disturbed areas has been completed;
 - (B) Measures to control erosion, landslides, and water runoff;

- (C) Measures to isolate, remove, or control toxic materials;
 - (D) Reshaping the area disturbed, application of the topsoil, and revegetation of disturbed areas, where reasonably practicable; and
 - (E) Rehabilitation of fisheries and wildlife habitat.
- (iii) When reclamation of the disturbed area has been completed, except to the extent necessary to preserve evidence of mineralization, the authorized officer shall be notified so that an inspection of the area can be made.
- (4) *Air quality.* All operators shall comply with applicable Federal and state air quality standards, including the Clean Air Act (42 U.S.C. 1857 *et seq.*).
- (5) *Water quality.* All operators shall comply with applicable Federal and state water quality standards, including the Federal Water Pollution Control Act, as amended (30 U.S.C. 1151 *et seq.*).
Note: We have been informed by the Colorado Department of Public Health and Environment (CDPHE) that if construction is to disturb more than 1 acre (total, incl. roads, work areas and facilities) that you will need a pre-mining construction storm water permit. This is under the CDPHE, Water Quality Control Division, clean water facilities program, industrial permits unit.
- (6) *Solid wastes.* All operators shall comply with applicable Federal and state standards for the disposal and treatment of solid wastes, including regulations issued pursuant to the Solid Waste Disposal act as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*). All garbage, refuse or waste shall either be removed from the affected lands or disposed of or treated to minimize, so far as is practicable, its impact on the lands.
- (7) *Fisheries, wildlife and plant habitat.* The operator shall take such action as may be needed to prevent adverse impacts to threatened or endangered species, and their habitat which may be affected by operations.
- (8) *Cultural and paleontological resources.*
- (i) Operators shall not knowingly disturb, alter injure, or destroy any scientifically important paleontological remains or any historical or archaeological site, structures, building or object on Federal lands.
 - (ii) Operators shall immediately bring to the attention of the authorized officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the authorized officer. The authorized officer shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed with 10 working days after notification to the authorized officer of such discovery.
 - (iii) The Federal Government shall have the responsibility and bear the cost of investigations, and salvage of cultural and paleontology values discovered after a plan of operations has been approved, or where a plan is not involved.
- (9) *Protection of survey monuments.* To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operation, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.
- (10) *Fire.* The operator shall comply with all applicable Federal and state fire laws and regulations, and shall take all reasonable measures to prevent and suppress fires in the area of operations.

(11) *Acid-forming, toxic, or other deleterious materials.* You must incorporate identification, handling, and placement of potential acid-forming, toxic or other deleterious materials into your operations, facility design, reclamation, and environmental monitoring programs to minimize the formation and impacts of acidic, alkaline, metal-bearing, or other deleterious leachate, including the following:

- (i) You must handle, place, or treat potentially acid-forming, toxic, or other deleterious materials in a manner that minimizes the likelihood of acid formation and toxic and other deleterious leachate generation (source control);
- (ii) If you cannot prevent the formation of acid, toxic, or other deleterious drainage, you must minimize uncontrolled migration of leachate; and
- (iii) You must capture and treat acid drainage, or other undesirable effluent, to the applicable standard if source controls and migration controls do not prove effective. You are responsible for any costs associated with water treatment or facility maintenance after project closure. Long-term, or post-mining, effluent capture and treatment are not acceptable substitutes for source and migration control, and you may rely on them only after all reasonable source and migration control methods have been employed.

(12) *Leaching operations and impoundments.*

- (i) You must design, construct, and operate all leach pads, tailings impoundments, ponds, and solution-holding facilities according to standard engineering practices to achieve and maintain stability and facilitate reclamation.
- (ii) You must construct a low-permeability liner or containment system that will minimize the release of leaching solutions to the environment. You must monitor to detect potential releases of contaminants from heaps, process ponds, tailings impoundments, and other structures and remediate environmental impacts if leakage occurs.
- (iii) You must design, construct, and operate cyanide or other leaching facilities and impoundments to contain precipitation from the local 100-year, 24-hour storm event in addition to the maximum process solution inventory. Your design must also include allowances for snowmelt events and drain down from heaps during power outages in the design.
- (iv) You must construct a secondary containment system around vats, tanks, or recovery circuits adequate to prevent the release of toxic solutions to the environment in the event of primary containment failure.
- (v) You must exclude access by the public, wildlife, or livestock to solution containment and transfer structures that contain lethal levels of cyanide or other solutions.
- (vi) During closure and at final reclamation, you must detoxify leaching solutions and heaps and manage tailings or other process waste to minimize impacts to the environment from contact with toxic materials or leachate. Acceptable practices to detoxify solutions and materials include natural degradation, rinsing, chemical treatment, or equally successful alternative methods. Upon completion of reclamation, all materials and discharges must meet applicable standards.
- (vii) In cases of temporary or seasonal closure, you must provide adequate maintenance, monitoring, security, and financial guarantee, and BLM may require you to detoxify process solutions.

(13) *Maintenance and public safety.* During all operations, the operator shall maintain his or her structures, equipment, and other facilities in a safe and orderly manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and state laws and regulations.

Bureau of Land Management, Interior

§ 3715.0-5

law then existing for the use of lands embraced in unpatented mining claims by the United States, its lessees, permittees, and licensees continue in full force and effect.

Subpart 3715—Use and Occupancy Under the Mining Laws

AUTHORITY: 18 U.S.C. 1001, 3571 et seq.; 30 U.S.C. 22, 42, 612; 43 U.S.C. 1061 et seq., 1201, 1457, 1732 (b) and (c), 1733 (a) and (g).

SOURCE: 61 FR 37125, July 16, 1996, unless otherwise noted.

§ 3715.0-1 What are the purpose and the scope of this subpart?

(a) Purpose. The purpose of this subpart is to manage the use and occupancy of the public lands for the development of locatable mineral deposits by limiting such use or occupancy to that which is reasonably incident. The Bureau of Land Management (BLM) will prevent abuse of the public lands while recognizing valid rights and uses under the Mining Law of 1872 (30 U.S.C. 22 et seq.) and related laws governing the public lands, regardless of when those rights were created. BLM will take appropriate action to eliminate invalid uses, including unauthorized residential occupancy of the public lands.

(b) Scope. This subpart applies to public lands BLM administers. They do not apply to state or private lands in which the mineral estate has been reserved to the United States. They do not apply to Federal lands administered by other Federal agencies, even though those lands may be subject to the operation of the mining laws.

(c) This subpart does not impair the right of any person to engage in recreational activities or any other authorized activity on public lands BLM administers.

§ 3715.0-3 What are the legal authorities for this subpart?

The authorities for this subpart are 18 U.S.C. 1001, 3571 et seq.; 30 U.S.C. 22, 42, 612; 43 U.S.C. 1061 et seq., 1201, 1457, 1732 (b) and (c), 1733 (a) and (g).

§ 3715.0-5 How are certain terms in this subpart defined?

As used in this subpart the term:

Mining laws means all laws that apply to mining of locatable minerals on public lands and which make public lands available for development of locatable minerals. This includes, but is not limited to, the general authorities relating to mining of locatable minerals or to the public lands on which this subpart is based and case law which interprets those authorities.

Mining operations means all functions, work, facilities, and activities reasonably incident to mining or processing of mineral deposits. It includes building roads and other means of access to a mining claim or millsite on public lands.

Occupancy means full or part-time residence on the public lands. It also means activities that involve residence; the construction, presence, or maintenance of temporary or permanent structures that may be used for such purposes; or the use of a watchman or caretaker for the purpose of monitoring activities. Residence or structures include, but are not limited to, barriers to access, fences, tents, motor homes, trailers, cabins, houses, buildings, and storage of equipment or supplies.

Permanent structure means a structure fixed to the ground by any of the various types of foundations, slabs, piers, poles, or other means allowed by building codes. The term also includes a structure placed on the ground that lacks foundations, slabs, piers, or poles, and that can only be moved through disassembly into its component parts or by techniques commonly used in house moving. The term does not apply to tents or lean-tos.

Public lands means lands open to the operation of the mining laws which BLM administers, including lands covered by unpatented mining claims or millsites.

Prospecting or exploration means the search for mineral deposits by geological, geophysical, geochemical, or other techniques. It also includes, but is not limited to, sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present.

Reasonably incident means the statutory standard "prospecting, mining, or

processing operations and uses reasonably incident thereto” (30 U.S.C. 612). It is a shortened version of the statutory standard. It includes those actions or expenditures of labor and resources by a person of ordinary prudence to prospect, explore, define, develop, mine, or beneficiate a valuable mineral deposit, using methods, structures, and equipment appropriate to the geological terrain, mineral deposit, and stage of development and reasonably related activities.

Substantially regular work means work on, or that substantially and directly benefits, a mineral property, including nearby properties under your control. The work must be associated with the search for and development of mineral deposits or the processing of ores. It includes active and continuing exploration, mining, and beneficiation or processing of ores. It may also include assembly or maintenance of equipment, work on physical improvements, and procurement of supplies, incidental to activities meeting the conditions of §§3715.2 and 3715.2-1. It may also include off-site trips associated with these activities. The term also includes a seasonal, but recurring, work program.

Unnecessary or undue degradation, as applied to unauthorized uses, means those activities that are not reasonably incident and are not authorized under any other applicable law or regulation. As applied to authorized uses, the term is used as defined in 43 CFR 3802.0-5 and 3809.0-5.

[61 FR 37125, July 16, 1996, as amended at 62 FR 59822, Nov. 5, 1997]

§3715.0-9 Information collection.

(a) BLM has submitted to the Office of Management and Budget the information collection requirements contained in this subpart under 44 U.S.C. 3507 and the Paperwork Reduction Act of 1995 and assigned clearance number 1004-0169. BLM collects the information so that it may manage use and occupancy of public lands under the mining laws by prohibiting unauthorized uses and occupancies. A response to BLM is mandatory and required to obtain the benefit of occupying the public lands for reasonably incident activities.

(b) BLM estimates the public reporting burden for this information to average two hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer (DW-110), Bureau of Land Management, Building 50, Denver Federal Center, Denver, Colorado 80225-0047, and the Office of Management and Budget, Paperwork Reduction Project, 1004-0169, Washington, DC 20503.

§3715.1 Do the regulations in this subpart apply to my use or occupancy?

To determine if the regulations in this subpart apply to your activities, refer to Table 1 in this section.

TABLE 1

Applicability of this subpart	
If your proposed use of the public lands—	Then—
Includes occupancy and is “reasonably incident” as defined by this subpart.	The provisions of this subpart apply to you. You must seek concurrence from BLM before beginning this use and comply with all provisions of this subpart.
Involves the placement, construction, or maintenance of enclosures, gates, fences, or signs.	The provisions of this subpart apply to you. You must seek concurrence from BLM before beginning this use and comply with all provisions of this subpart.
Is reasonably incident, but does not involve occupancy.	The provisions of this subpart do not apply to you, except for §§3715.4, 3715.5 and 3715.7. You are subject to the applicable regulations in 43 CFR part 3800.
Is <i>not</i> reasonably incident (involving rights-of-way, for example), but may be allowed under the public land laws.	The occupancy consultation provisions of this subpart do not apply to you. Your use is not allowed under this subpart. You must seek authorization under 43 CFR Group 2900.
Is not allowed under the public land laws, the mining laws, the mineral leasing laws, or other applicable laws.	Your use is prohibited. You must not begin or continue unauthorized uses.

TABLE 1—Continued

Applicability of this subpart	
Involves occupancy of a site, or any subsequent site within a 25-mile radius of the initially occupied site, for 14 days or less in any 90-day period.	The provisions of this subpart do not apply to you. Refer to the applicable regulations in 43 CFR part 8360 and pertinent State Director supplementary rules. 43 CFR part 8360 will not otherwise apply to a reasonably incident use or occupancy that this subpart allows.

§3715.2 What activities do I have to be engaged in to allow me to occupy the public lands?

In order to occupy the public lands under the mining laws for more than 14 calendar days in any 90-day period within a 25-mile radius of the initially occupied site, you must be engaged in certain activities. Those activities that are the reason for your occupancy must:

- (a) Be reasonably incident;
- (b) Constitute substantially regular work;
- (c) Be reasonably calculated to lead to the extraction and beneficiation of minerals;
- (d) Involve observable on-the-ground activity that BLM may verify under §3715.7; and
- (e) Use appropriate equipment that is presently operable, subject to the need for reasonable assembly, maintenance, repair or fabrication of replacement parts.

§3715.2-1 What additional characteristic(s) must my occupancy have?

In addition to the requirements specified in §3715.2, your occupancy must involve one or more of the following:

- (a) Protecting exposed, concentrated or otherwise accessible valuable minerals from theft or loss;
- (b) Protecting from theft or loss appropriate, operable equipment which is regularly used, is not readily portable, and cannot be protected by means other than occupancy;
- (c) Protecting the public from appropriate, operable equipment which is regularly used, is not readily portable, and if left unattended, creates a hazard to public safety;
- (d) Protecting the public from surface uses, workings, or improvements which, if left unattended, create a hazard to public safety; or
- (e) Being located in an area so isolated or lacking in physical access as

to require the mining claimant, operator, or workers to remain on site in order to work a full shift of a usual and customary length. A full shift is ordinarily 8 hours and does not include travel time to the site from a community or area in which housing may be obtained.

§3715.2-2 How do I justify occupancy by a caretaker or watchman?

If you assert the need for a watchman or caretaker to occupy the public lands to protect valuable or hazardous property, equipment, or workings, you must show that the need for the occupancy is both reasonably incident and continual. You must show that a watchman or caretaker is required to be present either whenever the operation is not active or whenever you or your workers are not present on the site.

§3715.2-3 Under what circumstances will BLM allow me to temporarily occupy a site for more than 14 days?

BLM may allow temporary occupancy at a single site to extend beyond the 14-day period described in §3715.1 if you need to secure the site beyond 14 days through the use of a watchman as allowed by §3715.2-2, and you have begun consultation with BLM under §3715.3. If BLM decides not to concur in the occupancy, the temporary occupancy must stop.

§3715.3 Must I consult with BLM before occupancy?

Before beginning occupancy, you must consult with BLM about the requirements of this subpart. See Table 2 in this section.

TABLE 2

Consultation requirements	
If you are proposing a use that would involve occupancy.	Then.
Under a plan of operations or a modification submitted under 43 CFR part 3800, subpart 3802 or subpart 3809.	You must include in the proposed plan of operations the materials required by § 3715.3–2 describing any proposed occupancy for BLM review concurrently with review of the plan of operation. BLM will determine whether you have complied with the requirements of this subpart together with its decision approving or modifying the plan.
Under the notice provisions of 43 CFR part 3800, subpart 3809.	You must submit the materials required by § 3715.3–2 together with the materials submitted under 43 CFR 3809.1–3 for BLM review concurrently with its review of the proposed activity. Any activities in the notice that do not involve occupancy and are reasonably incident may proceed in accordance with 43 CFR part 3800, subpart 3809.
And is a “casual use” under 43 CFR 3809.1–2 or does not require a plan of operations under 43 CFR 3802.1–2 and 3809.1–4 or a notice under 43 CFR 3809.1–3.	You are subject to the consultation provisions of this subpart and must submit the materials required by § 3715.3–2 to BLM. Any casual use activities that do not involve occupancy and are reasonably incident may proceed in accordance with 43 CFR part 3800, subpart 3809.
Or enclosures, fences, gates, or signs intended to exclude the general public.	You are subject to the consultation provisions of this subpart and must submit the materials required by § 3715.3–2 to BLM.

§ 3715.3–1 At what point may I begin occupancy?

You must not begin occupancy until—

(a) You have complied with either 43 CFR part 3800, subpart 3802 or 3809 and this subpart, and BLM has completed its review and made the required determinations under the applicable subparts, and

(b) You have obtained all federal, state and local mining, reclamation, and waste disposal permits, approvals, or other authorizations for the particular use or occupancy as required under this subpart.

§ 3715.3–2 What information must I provide to BLM about my proposed occupancy?

You must give BLM a detailed map that identifies the site and the placement of the items specified in paragraphs (c), (d), and (e) of this section, and a written description of the proposed occupancy that describes in detail:

(a) How the proposed occupancy is reasonably incident;

(b) How the proposed occupancy meets the conditions specified in § 3715.2 and § 3715.2–1;

(c) Where you will place temporary or permanent structures for occupancy;

(d) The location of and reason you need enclosures, fences, gates, and signs intended to exclude the general public;

(e) The location of reasonable public passage or access routes through or around the area to adjacent public lands; and

(f) The estimated period of use of the structures, enclosures, fences, gates, and signs, as well as the schedule for removal and reclamation when operations end.

§ 3715.3–3 How does BLM process the information I submit about my proposed occupancy?

BLM will review all proposed occupancies and all proposed enclosures, fences, gates, or signs intended to exclude the general public to determine if your proposed occupancy or use will conform to the provisions of §§ 3715.2, 3715.2–1 and 3715.5. BLM will complete its review of a proposed occupancy not involving a plan of operations within 30 business days of receipt of the materials, unless it concludes that the determination cannot be made until:

(a) 30 business days after it prepares necessary environmental documents, and

(b) 30 business days after it has complied with section 106 of the National Historic Preservation Act, Section 7 of

the Endangered Species Act, and/or other applicable statutes, if applicable.

§ 3715.3-4 How will BLM notify me of the outcome of its review process?

At the conclusion of the review, BLM will make a written determination of concurrence or non-concurrence, and will send it to you. For operations conducted under a plan of operations, BLM will include this written determination in the decision that approves, modifies, or rejects the plan.

§ 3715.3-5 What will BLM's notification include?

(a) BLM will include in each determination of concurrence a statement requiring you to continue to comply with §§ 3715.2, 3715.2-1 and 3715.5.

(b) BLM will specify in each determination of non-concurrence how the proposed occupancy fails to meet the conditions of § 3715.2, § 3715.2-1 or § 3715.5, and will provide you an opportunity to modify the proposed occupancy or appeal the determination under § 3715.9.

§ 3715.3-6 May I begin occupancy if I have not received concurrence from BLM?

If you have not received concurrence from BLM, you must not begin occupancy even though you have submitted, or plan to submit, an amended occupancy proposal or an appeal.

§ 3715.4 What if I have an existing use or occupancy?

(a) By August 18, 1997, all existing uses and occupancies must meet the applicable requirements of this subpart. If not, BLM will either issue you a notice of noncompliance or order any existing use or occupancy failing to meet the requirements of this subpart to suspend or cease under § 3715.7-1. BLM will also order you to reclaim the land under 43 CFR part 3800, subpart 3802 or 3809 to BLM's satisfaction within a specified, reasonable time, unless otherwise expressly authorized.

(b) If you are occupying the public lands under the mining laws on August 15, 1996, you may continue your occupancy for one year after that date, without being subject to the procedures this subpart imposes, if:

(1) You notify BLM by October 15, 1996 of the existence of the occupancy using a format specified by BLM; and

(2) BLM has no pending trespass action against you concerning your occupancy.

(c) The one-year grace period provided in paragraph (b) of this section will not apply if at any time BLM determines that your use or occupancy is not reasonably incident and the continued presence of the use or occupancy is a threat to health, safety or the environment. In this situation, BLM will order an immediate temporary suspension of activities under § 3715.7-1(a).

(d) If you have no existing occupancies, but are engaged in uses of the public lands under the mining law, you are subject to the standards in § 3715.5. BLM will determine if your existing uses comply with those standards during normal inspection visits to the area and during BLM review of notices and plans of operations filed under 43 CFR part 3800.

§ 3715.4-1 What happens after I give BLM written notification of my existing occupancy?

(a) BLM will visit your site during the normal course of inspection to obtain the information described in § 3715.3-2. After the visit, BLM will make a determination of concurrence or non-concurrence.

(b) You must provide the information described in § 3715.3-2 to BLM. You may provide it either in writing or verbally during a site visit by BLM field staff.

§ 3715.4-2 What if I do not notify BLM of my existing occupancy?

If you do not provide the written notice required in § 3715.4, you will be subject to the enforcement actions of § 3715.7-1, the civil remedies of § 3715.7-2, and the criminal penalties of § 3715.8.

§ 3715.4-3 What if BLM does not concur in my existing use or occupancy?

If BLM determines that all or any part of your existing use or occupancy is not reasonably incident:

(a) BLM may order a suspension or cessation of all or part of the use or occupancy under § 3715.7-1;

(b) BLM may order the land to be reclaimed to its satisfaction and specify a reasonable time for completion of reclamation under 43 CFR part 3800; and

(c) BLM may order you to apply within 30 days after the date of notice from BLM for appropriate authorization under the regulations in 43 CFR Group 2900.

§3715.4-4 What if there is a dispute over the fee simple title to the lands on which my existing occupancy is located?

BLM may defer a determination of concurrence or non-concurrence with your occupancy until the underlying fee simple title to the land has been finally determined by the Department of the Interior. During this time, your existing occupancy may continue, subject to §3715.5(a).

§3715.5 What standards apply to my use or occupancy?

(a) Your use or occupancy must be reasonably incident. In all uses and occupancies, you must prevent or avoid “unnecessary or undue degradation” of the public lands and resources.

(b) Your uses must conform to all applicable federal and state environmental standards and you must have obtained all required permits before beginning, as required under 43 CFR part 3800. This means getting permits and authorizations and meeting standards required by state and federal law, including, but not limited to, the Clean Water Act (33 U.S.C. 1251 et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as required under 43 CFR part 3800.

(c) Your occupancies must conform to all applicable federal and state environmental standards and you must have obtained all required permits before beginning, as required under this subpart and 43 CFR part 3800. This means getting permits and authorizations and meeting standards required by state and federal law, including, but not limited to, the Clean Water Act (33 U.S.C. 1251 et seq.), Clean Air Act (42 U.S.C. 7401 et seq.), and the Resource Conservation and Recovery Act (42

U.S.C. 6901 et seq.), as required under this subpart and 43 CFR part 3800.

(d) If your prospecting or exploration activities involve only surface activities, you must not place permanent structures on the public lands. Any temporary structures you place on the public lands during prospecting or exploration will be allowed only for the duration of the activities, unless BLM expressly and in writing allows them to remain longer. If your prospecting or exploration activities involve subsurface activities, you may place permanent structures on the public lands, if BLM concurs.

(e) All permanent and temporary structures you place on the public lands must conform with the applicable state or local building, fire, and electrical codes, and occupational safety and health and mine safety standards. If state or local codes require, you must obtain a certificate of occupancy or its equivalent before you begin use or occupancy involving permanent structures. If state or local law requires, you must also acquire appropriate sewerage and sanitation permits before the occupancy or use of a permanent structure placed on the public lands.

§3715.5-1 What standards apply to ending my use or occupancy?

Unless BLM expressly allows them in writing to remain on the public lands, you must remove all permanent structures, temporary structures, material, equipment, or other personal property placed on the public lands during authorized use or occupancy under this subpart. You have 90 days after your operations end to remove these items. If BLM concurs in writing, this provision will not apply to seasonal operations that are temporarily suspended for less than one year and expected to continue during the next operating season or to operations that are suspended for no longer than one year due to market or labor conditions.

§3715.5-2 What happens to property I leave behind?

Any property you leave on the public lands beyond the 90-day period described in §3715.5-1 becomes property of

the United States and is subject to removal and disposition at BLM's discretion consistent with applicable laws and regulations. You are liable for the costs BLM incurs in removing and disposing of the property.

§ 3715.6 What things does BLM prohibit under this subpart?

Except where other applicable laws or regulations allow, BLM prohibits the following:

(a) Placing, constructing, maintaining or using residences or structures for occupancy not meeting:

(1) The conditions of occupancy under §§ 3715.2 or 3715.2-1; or

(2) Any of the standards of occupancy under § 3715.5;

(b) Beginning occupancy before the filing, review, and approval or modification of a plan of operation as required under 43 CFR part 3800, subparts 3802 or 3809;

(c) Beginning occupancy before consultation with BLM as required by § 3715.3 for activities that do not require a plan of operations under 43 CFR part 3800, subpart 3802 or that are defined as casual use or notice activities under 43 CFR part 3800, subpart 3809;

(d) Beginning occupancy without receiving a determination of concurrence because the proposed occupancy or fencing will not conform to the provisions of § 3715.2, § 3715.2-1 or § 3715.5;

(e) Not complying with any order issued under this subpart within the time frames the order provides;

(f) Preventing or obstructing free passage or transit over or through the public lands by force, threats, or intimidation; provided, however, that reasonable security and safety measures in accordance with this subpart are allowed;

(g) Placing, constructing, or maintaining enclosures, gates, or fences, or signs intended to exclude the general public, without BLM's concurrence;

(h) Causing a fire or safety hazard or creating a public nuisance;

(i) Not complying with the notification and other requirements under § 3715.4 relating to an existing occupancy; and

(j) Conducting activities on the public lands that are not reasonably incident, including, but not limited to:

non-mining related habitation, cultivation, animal maintenance or pasturage, and development of small trade or manufacturing concerns; storage, treatment, processing, or disposal of non-mineral, hazardous or toxic materials or waste that are generated elsewhere and brought onto the public lands; recycling or reprocessing of manufactured material such as scrap electronic parts, appliances, photographic film, and chemicals; searching for buried treasure, treasure trove or archaeological specimens; operating hobby and curio shops; cafes; tourist stands; and hunting and fishing camps.

§ 3715.7 How will BLM inspect my use or occupancy and enforce this subpart?

(a) BLM field staff is authorized to physically inspect all structures, equipment, workings, and uses located on the public lands. The inspection may include verification of the nature of your use and occupancy to ensure that your use or occupancy is, or continues to be, reasonably incident and in compliance with §§ 3715.2, 3715.2-1, 3715.4-1 and 3715.5.

(b) BLM will not inspect the inside of structures used solely for residential purposes, unless an occupant or a court of competent jurisdiction gives permission.

§ 3715.7-1 What types of enforcement action can BLM take if I do not meet the requirements of this subpart?

BLM has four types of orders that it can issue depending on the circumstances:

(a) Immediate suspension.

(1) BLM may order an immediate, temporary suspension of all or any part of your use or occupancy if:

(i) All or part of your use or occupancy is not reasonably incident or is not in compliance with §§ 3715.2, 3715.2-1, 3715.3-1(b), 3715.5 or 3715.5-1, and

(ii) an immediate, temporary suspension is necessary to protect health, safety or the environment.

(2) BLM will presume that health, safety or the environment are at risk and will order your use or occupancy to be immediately and temporarily suspended if:

(i) You are conducting an occupancy under a determination of concurrence under this section; and

(ii) You fail at any time to meet any of the standards in §3715.3-1(b) or §3715.5(b), (c), or (e).

(3) The suspension order will describe—

(i) How you are failing or have failed to comply with the requirements of this subpart; and

(ii) The actions, in addition to suspension of the use or occupancy, that you must take to correct the noncompliance and the time by which you must suspend the use or occupancy. It will also describe the time, not to exceed 30 days, within which you must complete corrective action.

(4) The suspension order will not be stayed by an appeal.

(b) Cessation order.

(1) BLM may order a temporary or permanent cessation of all or any part of your use or occupancy if:

(i) All or any part of your use or occupancy is not reasonably incident but does not endanger health, safety or the environment, to the extent it is not reasonably incident;

(ii) You fail to timely comply with a notice of noncompliance issued under paragraph (c) of this section;

(iii) You fail to timely comply with an order issued under paragraph (d) of this section; or

(iv) You fail to take corrective action during a temporary suspension ordered under paragraph (a) of this section.

(2) The cessation order will describe—

(i) The ways in which your use or occupancy is not reasonably incident; is in violation of a notice of noncompliance issued under paragraph (c) of this section; or is in violation of an order issued under paragraphs (a) or (d) of this section, as appropriate;

(ii) The actions, in addition to cessation of the use or occupancy, that you must take to correct the noncompliance;

(iii) The time by which you must cease the use or occupancy, not to exceed 30 days from the date the Interior Board of Land Appeals affirms BLM's order; and

(iv) The length of the cessation.

(c) Notice of noncompliance.

(1) If your use or occupancy is not in compliance with any requirements of this subpart, and BLM has not invoked paragraph (a) of this section, BLM will issue an order that describes—

(i) How you are failing or have failed to comply with the requirements of this subpart;

(ii) The actions that you must take to correct the noncompliance and the time, not to exceed 30 days, within which you must start corrective action; and

(iii) The time within which you must complete corrective action.

(2) If you do not start and complete corrective action within the time allowed, BLM may order an immediate suspension under paragraph (a) of this section, if necessary, or cessation of the use or occupancy under paragraph (b) of this section.

(d) Other. If you are conducting an activity that is not reasonably incident but may be authorized under 43 CFR Group 2900 or 8300, or, as to sites in Alaska, 43 CFR part 2560, BLM may order you to apply within 30 days from the date you receive the order for authorization under the listed regulations.

[61 FR 37125, July 16, 1996, as amended at 62 FR 59822, Nov. 5, 1997]

§3715.7-2 What happens if I do not comply with a BLM order?

If you do not comply with a BLM order issued under §3715.7-1, the Department of the Interior may request the United States Attorney to institute a civil action in United States District Court for an injunction or order to prevent you from using or occupying the public lands in violation of the regulations of this subpart. This relief may be in addition to the enforcement actions described in §3715.7-1 and the penalties described in §3715.8.

§3715.8 What penalties are available to BLM for violations of this subpart?

The penalties for individuals and organizations are as follows:

(a) Individuals. If you knowingly and willfully violate the requirements of this subpart, you may be subject to arrest and trial under section 303(a) of

FLPMA (43 U.S.C. 1733(a)) and/or section 4 of the Unlawful Occupancy and Inclosures of Public Lands Act (43 U.S.C. 1064). If you are convicted, you will be subject to a fine of not more than \$100,000 or the alternative fine provided for in the applicable provisions of 18 U.S.C. 3571, or imprisonment not to exceed 12 months, or both, for each offense.

(b) Organizations. If an organization or corporation knowingly or willfully violates the requirements of this subpart, it is subject to trial and, if convicted, will be subject to a fine of not more than \$200,000, or the alternative fine provided for in the applicable provisions of 18 U.S.C. 3571.

§ 3715.8-1 What happens if I make false statements to BLM?

You are subject to arrest and trial before a United States District Court if, in any matter under this subpart, you knowingly and willfully falsify, conceal or cover up by any trick, scheme or device a material fact, or make any false, fictitious or fraudulent statements or representations, or make or use any false writings or document knowing the same to contain any false, fictitious or fraudulent statement or entry. If you are convicted, you will be fined not more than \$250,000 or the alternative fine provided for in the applicable provisions of 18 U.S.C. 3571, or imprisoned not more than 5 years, or both.

§ 3715.9 What appeal rights do I have?

If you are adversely affected by a BLM decision, order or determination made under this subpart, you may appeal the decision, order or determination to the Interior Board of Land Appeals (IBLA) under the provisions of 43 CFR part 4.

§ 3715.9-1 Does an appeal to IBLA suspend a BLM decision?

(a) An appeal to IBLA does not suspend an order requiring an immediate, temporary suspension of occupancy issued under § 3715.7-1(a) before the appeal or while it is pending. In this case, the provisions of 43 CFR 4.21(a) do not apply.

(b) The provisions of 43 CFR 4.21(a) apply to all other BLM decisions, or-

ders or determinations under this subpart.

PART 3720 [RESERVED]

PART 3730—PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS: GENERAL

Subpart 3730—Public Law 359; Mining in Powersite Withdrawals: General

Sec.

3730.0-1 Purpose; lands open.

3730.0-3 Authority.

3730.0-9 Information collection.

Subpart 3731—Power Rights

3731.1 Power rights retained in the United States.

Subpart 3732—Withdrawals Other Than for Powersite Purposes

3732.1 Act ineffective as to other withdrawals.

Subpart 3733—Risk of Operation

3733.1 Financial risk of operation.

3733.2 Liability of United States.

Subpart 3734—Location and Assessment Work

3734.1 Owner of claim to file notice of location and assessment work.

Subpart 3735—Prior Existing Mining Locations

3735.1 No limitation or restriction of rights under valid claims located prior to withdrawal.

3735.2 No limitation of rights where claimant in diligent prosecution of work when future withdrawals made.

Subpart 3736—Mining Operations

3736.1 Placer locator to conduct no mining operations for 60 days.

3736.2 Hearing; notice of protest.

Subpart 3737—Use

3737.1 Mining claim and millsite use.

Subpart 3738—Surface Protection Requirements

3738.1 Bond or deposit required.

3738.2 Restoration of surface condition.



Fw: CPD Exploration Notice Modification MD-1 Letter and Bond Determination

Pike, Amber M <apike@blm.gov>

Fri, Apr 1, 2022 at 1:08 PM

To: "Russell - DNR, Elliott" <elliott.russell@state.co.us>

Hi Elliott,

FYI for your records

--

Mrs. Amber Pike

Geologist - Solid Minerals Program

Mining Law and Mineral Materials

U.S. Dep't of Interior Region 7 - Upper Colorado Basin

BLM Royal Gorge Field Office

3028 E. Main St.

Cañon City, CO 81212

Phone - (719) 269 - 8750

From: Pike, Amber M

Sent: Friday, April 1, 2022 1:08 PM

To: casey evans <caseyevans69@gmail.com>

Cc: Carter, Stephanie S <sscarter@blm.gov>

Subject: CPD Exploration Notice Modification MD-1 Letter and Bond Determination

Hi Casey,

Reference the attached decision letter pertaining to your complete Notice Modification MD-1 and the subsequent bond determination. As you requested to add 20 additional testing pits with 4 test pits under reclamation, I calculated the bond based on a total of 24 test pits. Until reclamation is deemed complete for your previous 4 test pits, I have to include these holes into your bond calculation. I also included an additional settling pond with all 3 ponds increasing to a radius of 10 feet. Your bond did increase per the modification, from \$2,726 to \$4,775. Operations can not continue until our office receives the additional bond amount (\$2,049) and the new bond form.

Per your request to occupy BLM lands longer than 14 days, BLM will require an occupancy proposal from you to determine concurrence with 43 CFR 3715 regs. What that means is, "do you meet the regulation requirements to have an occupancy longer than 14 days". I've outlined the specific regs in the letter you need to meet in order to determine concurrence. Your occupancy proposal should include, but not limited to, explanation of how your occupancy is "reasonably incident" to your operations, description of your occupancy (e.g., signage, lodging, waste disposal, etc.) and brief summary of ops. I've attached the 3715 regs for reference.

Feel free to reach out with any questions.

Take care,

--

Mrs. Amber Pike
Geologist - Solid Minerals Program
Mining Law and Mineral Materials
U.S. Dep't of Interior Region 7 - Upper Colorado Basin
BLM Royal Gorge Field Office
[3028 E. Main St.](#)
[Cañon City, CO 81212](#)
Phone - (719) 269 - 8750

7 attachments



033022 CPD Exploration Notice MD1 Complete Letter Signed.pdf
294K



040122 Complete Notice.pdf
1478K



2022 CPD Exploration Notice MD1 Sherpa Bond Review-Updated.pdf
280K



2022 CPD Exploration LLC Notice Bond Form.pdf
192K



43 CFR 3809.420.pdf
39K



2020 Form 1842-1.pdf
71K



3715_regs.pdf
147K