



**Exploring for Minerals
on the
Salmon-Challis
National Forest**

United States
Department of Agriculture
Forest Service

Salmon-Challis National Forest
1206 South Challis Street
Salmon, ID 83467

FOREST SERVICE LOCATABLE MINING REGULATIONS

Forest Service regulations for locatable or hard rock minerals are found in the Code of Federal Regulations (CFR) at 36 CFR 228A.

Notice of Intent – Anyone proposing to prospect for hard rock or locatable minerals (gold/silver, gems, mineral specimens) which may disturb surface resources **must file a Notice of Intent to Operate** (36 CFR 228.4(a)) with the local District Ranger. Any use of mechanized equipment, cutting of trees, or occupancy of National Forest lands requires that a Notice be filed. Activities which are limited to operation of vehicles on existing (open) forest roads, the occasional removal of small mineral specimens or marking and monumenting mining claims normally do not require a Notice.

Plan of Operations – The District Ranger will review the Notice of Intent and notify the operator whether a more detailed Plan of Operations will be required. An approved Plan of Operations is required if the activities proposed will likely cause or are causing significant disturbance to surface resources. To avoid problems and delays, contact the local District Ranger or Forest headquarters well in advance of planned operations if you have any questions about whether a Notice or Plan will be needed for your activities.

How long does it take to get an approved Plan of Operation? -- The length of time to process the Plan of Operations depends on the complexity of the proposal and the degree and type of surface-disturbing activities being proposed. Up to one year may be necessary where consultation with other agencies may be required.

Given that it may take this long to process and approve a Plan, it is standard agency advice that an operator should submit their plan for USFS review as early as possible during the operating season **prior to** their desired start-up date.

HOW DOES THE PROCESS WORK?

- A. Contact us by phone or stop in for a visit. If you intend to operate on Forest lands, we recommend that you first discuss your plans with one of the minerals management specialists on the Forest. For information related to minerals activities in the Salmon area, contact Russ Bjorklund or Julie Hopkins at 208-756-5100. For the Challis area, please contact either Piper Goessel or Amanda Kriwox at 208-879-4100.

The minerals management specialists can help you determine whether you need to submit a Notice of Intent or Plan of Operations and give you general advice about how to complete the recommended form(s), how long the process may take, whether a reclamation bond will be required, a general estimate of how much the bond will be, and whether additional permits or approval from other agencies will be required.



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B. Arrange a field review of your proposal with the minerals management specialist. Once you have submitted a Plan of Operations, you will receive a letter from the Forest Service acknowledging receipt of your plan and requesting a field review of your proposal during a snow-free period. During the field review, you will explain the details of your proposal to the minerals management specialist. Any surface-disturbing activities would be discussed at this point, including use of mechanized equipment, vegetation clearing, road construction, excavation or trenching, impacts to cultural resources, diverting or drafting water, access behind locked gates, occupancy, etc.

The minerals management specialist will advise you of activities that may delay or prohibit the approval process. In particular, they will be able to advise you whether your planned operations may require permitting from other Federal or State regulatory agencies and may suggest alternate methods that make the permitting process both easier and faster.

Once you and the minerals management specialist have come to a mutual understanding of the details of your proposal, you may be asked to re-submit your plan incorporating any changes you may have discussed.

- C. Forest Service specialists will review your plan and conduct an environmental analysis. Once you have resubmitted your plan with incorporated changes, the Forest Service will conduct an interdisciplinary review of your proposal and document the findings in an environmental analysis. The number of specialists involved in reviewing your proposal will depend on the location and complexity of the proposal and the degree and type of surface-disturbing activities proposed. Forest Service and other State and Federal regulations require that we consult with certain regulatory agencies that provide oversight to various resources.

Heritage or Cultural Resources: Your proposal will be reviewed by an archaeologist. To meet regulatory obligations with the State of Idaho, the archaeologist will conduct a survey to determine if your proposal has the potential to impact any historic, Native American, or other significant cultural features that may be legally protected.

The archaeologist must complete a report and send it to the Idaho State Historic Preservation Office (SHPO). Once SHPO has received the report, they have **30 days** in which to respond.

Generally, the minerals management specialist will advise you during the field review if there are readily identifiable heritage resources that your proposal may affect. If possible, you will be advised to modify your proposal in order to avoid them.



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If your proposal cannot be modified to avoid the cultural resources, and those cultural resources are legally protected (e.g. eligible for the National Register of Historic Places), it is conceivable that your Plan of Operations will be delayed until special mitigations to preserve or record the cultural resources can be completed.

Fisheries: Your proposal will be reviewed by a fishery biologist. In order to meet the regulatory obligations of the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS), the biologist will perform an analysis of effects and complete a biological evaluation (BE) and biological assessment (BA). The purpose of the BE/BA is to analyze whether there is any potential effect to threatened, endangered, or sensitive fish species. If the analysis results in a “**no effect**” determination, the analysis of the Plan of Operations may proceed with no further involvement by NMFS or FWS. If the analysis results in a “**may affect**” or “**likely to adversely affect**” determination, the Forest Service will be required to consult with either NMFS or FWS or both agencies. The consultation process will include the development of conservation measures by NMFS or FWS that must be included in any Plan of Operations approved by the Forest Service. Depending on the complexity of the plan, the consultation process can take between two and six months.

Wildlife (very similar to Fisheries): Your proposal will be reviewed by a wildlife biologist. In order to meet the regulatory obligations of the U.S. Fish and Wildlife Service (FWS), the biologist will perform an analysis of effects and complete a biological evaluation (BE) and biological assessment (BA). The purpose of the BE/BA is to determine whether there is any potential affect to threatened, endangered, or sensitive wildlife species. If the analysis results in a “**no effect**” determination, the analysis of the Plan of Operations may proceed with no further involvement by FWS. If the analysis results in a “**may affect**” or “**likely to adversely affect**” determination, the Forest Service will be required to consult with either NMFS or FWS or both agencies. The consultation process will include the development of conservation measures by NMFS or FWS that will be included in any Plan of Operations that is approved by the Forest Service. Depending on the complexity of the plan, the consultation process can take between two and six months.

In summary, in order to meet regulatory obligations, a Plan of Operations will always be reviewed by a minimum of four Forest Service specialists, including a minerals management specialist, an archaeologist, a fisheries biologist, and a wildlife biologist. Depending on the activities proposed in the Plan of Operations, a number of other specialists could be involved. The list may include an engineer, geologist, hydrologist, recreation specialist, land surveyor, noxious weeds specialist, etc.



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- D. What about placer operations? In general, if you are going to propose a placer operation, you will need to obtain a water right from the State of Idaho. For operations of limited duration (one year or less) and water quantity, it may be possible to get a temporary water right through the Idaho Department of Water Resources.

All proposed placer operations will also be reviewed by a hydrologist. In order to meet regulatory obligations of the U.S. Army Corps of Engineers, the hydrologist determine whether the operating area is in a jurisdictional wetland. If so, delineation of the wetland may be necessary, and the operator would be required to obtain a 404 permit from the U.S. Army Corps of Engineers. Between the potential additional mapping, analysis, and permitting for operations in a wetland, there is a strong possibility that the operator will be unable to start any ground-disturbing work within the same year as the project submittal. Therefore, standard agency advice, as mentioned earlier, is that an operator should submit their Plan of Operations for USFS review as early as possible during the operating season **prior to** their desired start-up date.

E. Environmental documentation.

Scoping: Prior to documenting your proposal, the Forest Service publishes notice of it in a local newspaper in order to inform interested parties and allows up to 30 days to give them a chance to comment on your proposal.

Depending on what activity is proposed, the Forest Service selects from three different types of analysis: 1) a Categorical Exclusion (CE), 2) an Environmental Assessment (EA), or 3) an Environmental Impact Statement (EIS). The type of analysis that is selected depends on the nature of the issues involved. For relatively simple projects where there are no extraordinary circumstances, the timing is generally one year or less, and we have made “**no effect**” determinations for heritage resources, fisheries, and wildlife, we generally use a Categorical Exclusion. A CE takes from 3-6 months to complete. This time is needed to ensure availability of the various resource specialists and to receive concurrence (if necessary) from the regulatory agencies described.

For more complex proposals where there may be extraordinary circumstances involved or where a “**may affect**” or “**likely to adversely affect**” determination has been made for heritage resources, fisheries, or wildlife, we generally use an environmental assessment (EA). The EA process generally takes a minimum of six months to one year. **NOTE: Most placer operations will require the completion of an EA.**

For very complex proposals, where we estimate significant impacts will occur, an environmental impact statement (EIS) may be required. Time frames for completing an EIS are significant and generally require a commitment of resources from the proponent in order to complete the analysis process.