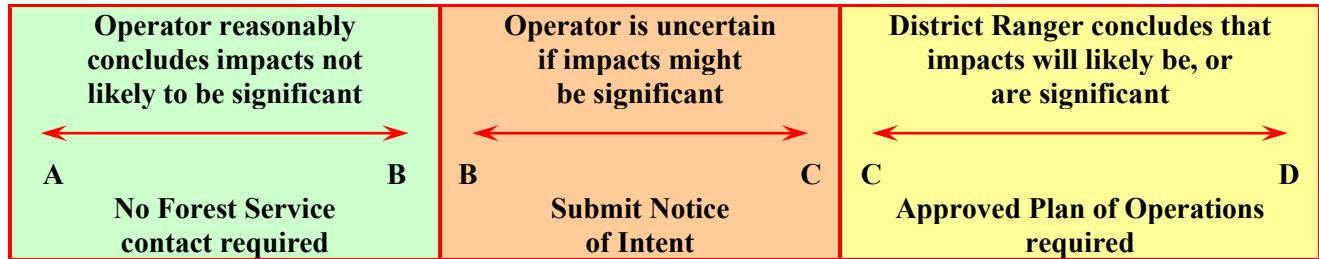


U.S. Forest Service Mining Regulations – 36 CFR 228, Subpart A

Summary of regulations at 228.4(a): The District Ranger’s authority to regulate mining activities is triggered by the degree of surface disturbance associated with proposed or ongoing mineral activities.



A/B – activities not likely to cause a significant disturbance of surface resource. The following types of activities are excluded from the operator having to submit a Notice of Intent (228.4(a)(1)):

- Operations that are limited to use of vehicles on existing National Forest System (NFS) roads;
- Prospecting and sampling activities such as taking small mineral samples, gold panning, metal detecting (for mineral deposits, not cultural artifacts), non-motorized hand sluicing, battery operated dry washers, and collecting mineral specimens using hand tools;
- Marking and monumenting mining claims;
- Underground operations which will not cause significant disturbance of surface resources;
- Operations, which in their totality, will not cause surface disturbance which is substantially different than that caused by other users of the NFS who are not required to obtain FS authorizations;
- Operations which will not involve the use of mechanized earthmoving equipment, such as bulldozers or backhoes, or the cutting of trees, unless those operations otherwise might cause a significant disturbance of surface resources.

B/C – activities that might cause significant disturbance of surface resources (228.4(a)):

- Except for use of mechanized earthmoving equipment or the cutting of trees, no specific or general types of activities are listed to help trigger Notice of Intent (NOI) submission;
- NOI submission to the District Ranger (DR) is triggered by the operator’s reasonable uncertainty as to the significance of the potential disturbance on surface resources;**
- When a NOI is submitted to the DR, the DR will acknowledge receipt and inform the proponent whether or not a Plan of Operations is required;
- NOI acknowledgement is not a regulatory instrument** so it is not a Federal action that triggers the National Environmental Policy Act (NEPA) and other requirements.

C/D – activities that will likely cause or are causing significant disturbance of surface resources requires the submission of a proposed plan of operations (228.4(a)(3) and (4)):

- The regulation does not list activities which would automatically fall into this category;
- Whether or not the operator submits a NOI, the DR has final authority to require a plan of operations if the DR concludes that activities will likely cause or are causing significant resource disturbances;**
- If the DR determines that operations will likely cause or are causing significant disturbance of surface resources, the operator must submit a proposed plan of operations for approval and operations cannot be conducted until a plan of operations is approved by the DR.
- A proposed plan of operations triggers NEPA and other requirements.

The phrase “*will likely cause significant disturbance of surface resources*” means that, based on past experience, direct evidence, or sound scientific projection, the District Ranger reasonably expects that the proposed operations would result in impacts which more probably than not need to be avoided or ameliorated by means such as reclamation, bonding, timing restrictions, and other measures to minimize adverse environmental impacts to NFS resources.**

** Federal Register, Vol. 70, No. 107, June 6, 2005



Notice of Intent Instructions 36 CFR 228.4(a) - Locatable Minerals



If you have a question about the NOI process or mining regulations, contact the Forest Service office that administers the lands involved with your proposed mining operation.

The purpose of submitting a Notice of Intent (NOI) for a proposed mining operation is to provide the Forest Service District Ranger with sufficient information to determine if the level of proposed disturbance will require a Plan of Operations and a detailed environmental analysis. The District Ranger will, within 15 days of receipt of the NOI, evaluate the NOI and notify the operator whether or not a Plan of Operations is required.

A NOI is required from any person proposing to conduct operations which might cause a significant disturbance of surface resources. If you are uncertain whether your operation falls within this category, we recommend you file a NOI. It can be included as part of a letter to the District Ranger and should address the five items listed below.

1. the name, address, and telephone number of the operator. The NOI should be signed and dated by the operator.

2. the area involved. The description should include the township, range, and ¼ section of where your proposal will occur and with enough detail to locate the area on the ground. We recommend you enclose a map of suitable scale (U.S. Geological Survey map scale 1: 24,000) with your NOI and indicate on the map where your operations would be located on the ground.

3. the nature of the proposed operations. Describe what you plan to do. Include when and how you will be operating, the proposed start-up date, and the expected duration of the activities. List other details such as the number of people involved in the operation, equipment you intend to use (sizes, capacity, frequency of use), depth of proposed suction dredging or excavation, how waste material will be handled, what vegetation will be removed, the size of area to be disturbed, quantity of material to be removed, housing or camping facilities to be used, and the method for sewage and waste disposal.

4. the route of access to the area of operations. Describe the route of access or display it on your enclosed map, and identify individual roads and trails you intend to use.

5. the method of transport. Describe the vehicles or other transport used to carry people, equipment, supplies, and living quarters to and from the work site. Describe if transport will be by foot, stock (horses, mules, etc.), trucks, helicopters, motorcycles, cars, etc.

