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Ms. Anne M. Tapp
Energy Program Director
Grand Canyon Trust
2601 North Fort Valley Road
Flagstaff, AZ 86001

Dear Ms. Tapp:

Thank you for your September 29, 2015, email and attached signatures of support regarding issuance of amended regulations governing mining on public lands managed by the Forest Service and the U.S. Bureau of Land Management (BLM). Forest Service Chief Thomas Tidwell has asked the Minerals and Geology Management to respond.

We appreciate your inquiry and proposal relating to inactive mining on National Forest System lands regarding the duration of approved plans of environmental operations; required supplemental review under the National Environmental Policy Act (NEPA); required inspection of mining operations; and imposed deadlines on reclamation activities and compliance with long-term environmental monitoring requirements. I will respond to each point separately.

Limit the duration of approved plans of operations to 20 years. The Forest Service rarely approves Plans of Operations for periods longer than 10 years. The majority of the Plans approved on National Forest System lands average five years, but only large operations with long-term activities are approved for longer periods. However, the Forest Service reserves the right to re-evaluate the mining activities along with the reclamation bonds at any time.

Require supplemental review under NEPA, as well as a new approval, for any mining operation that has been inoperative for 10 or more consecutive years. The Forest Service conducts additional NEPA analysis when necessitated by resource and environmental changes on the ground. There is no authority to require additional NEPA analysis or supplemental review unless environmental conditions or mining activities have changed. If during the idle status conditions change, supplemental NEPA analysis will be initiated. In addition, the operator is required to maintain the claim and associated facilities during non-operating periods.

Require the BLM and the Forest Service to regularly inspect mining operations during non-operational periods. With regard to mining inspections, the Forest Service continues to inspect mines annually as required by law. Currently, the Forest Service requires operators to provide an annual statement when mining operations are suspended consistent with Title 36 Code of Federal Regulations Subpart 228.10(c).



Impose deadlines for commencing and completing reclamation activities once mining operations cease and impose long-term monitoring requirements for surface water and groundwater quality. All approved mining Plans of Operation require a reclamation plan and bond. The reclamation plan addresses requirements including a completion date and any long-term monitoring needs.

In addition to your fourth point, Chief Tidwell recently authorized the use of long-term financial assurances (long-term trusts) for mining sites that may have post-reclamation challenges, such as water treatment and tailing dam maintenance. Under this policy, the mine operator will fund the trust account at the approval stage of the Plan of Operations, removing any potential financial burden to taxpayers.

Again, thank you for your letter and your concern for our Nation's forests.

Sincerely,


NICHOLAS E. DOUGLAS
Director, Minerals and Geology Management