

U.S. Department of the Interior
Bureau of Land Management

BLM and Good Samaritan Liability Protections

A photograph of a forested hillside. In the foreground, there is a dirt path leading towards a wooden structure, possibly a cabin or a small building, and a tall, dark metal tower. The background is a dense forest of trees, some of which are showing autumn colors. The sky is clear and blue.

Kathleen Benedetto
Senior Adviser
Bureau of Land Management
April 26, 2018



U.S. Department of the Interior
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BLM's Origins

- Founded in 1946.
- General Land Office (established in 1812) merged with the U.S. Grazing Service.
- Part of a Truman Administration reorganization.







The Bureau of Land Management

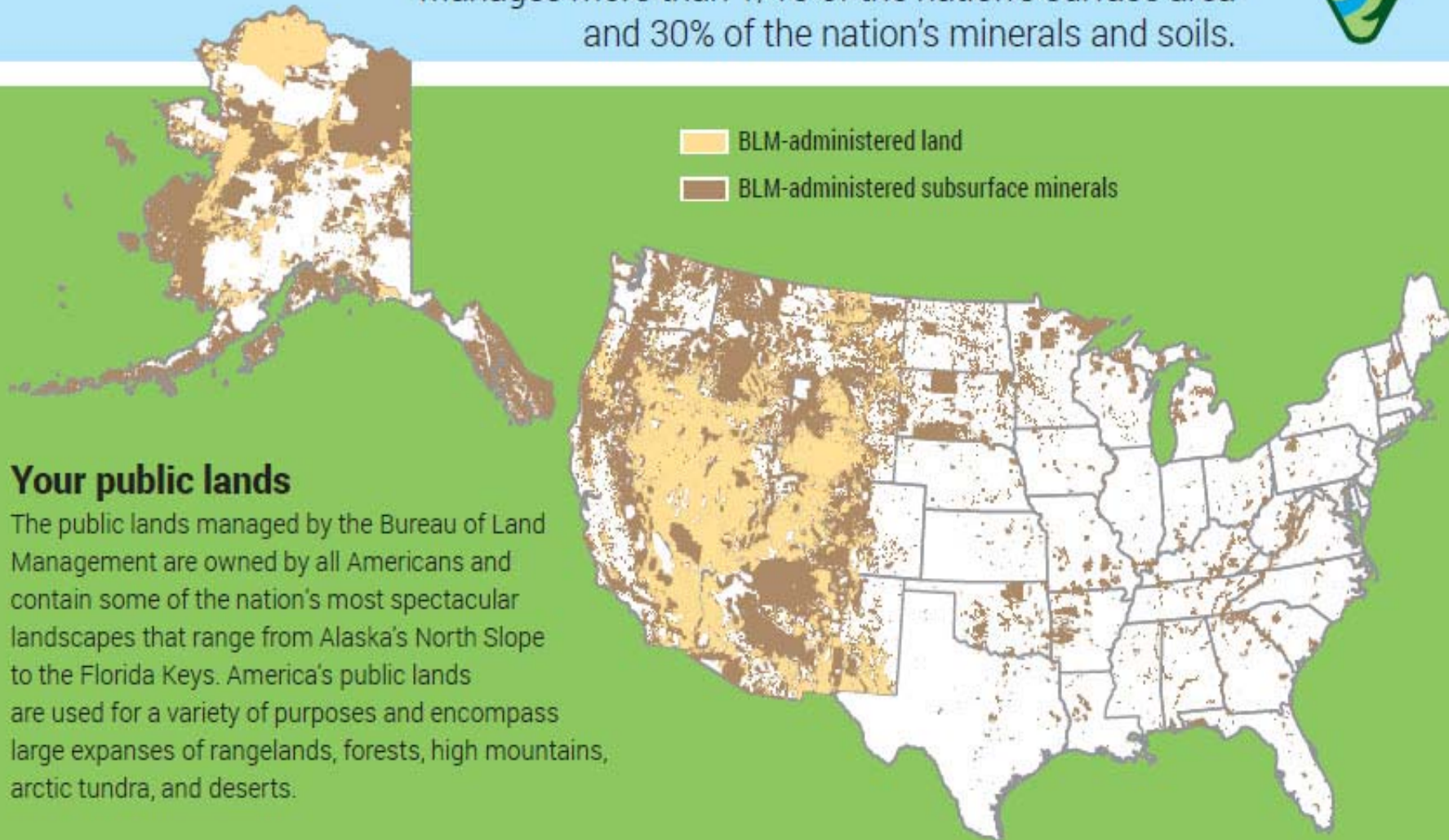
Manages more than 1/10 of the nation's surface area
and 30% of the nation's minerals and soils.



-  BLM-administered land
-  BLM-administered subsurface minerals

Your public lands

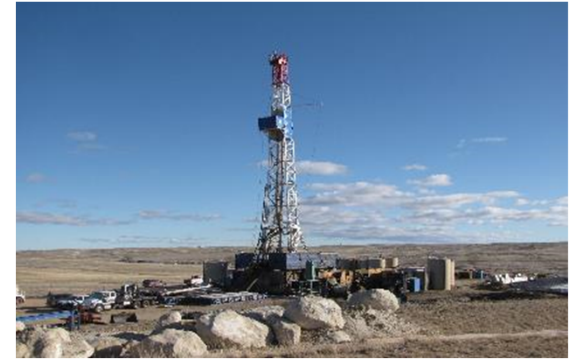
The public lands managed by the Bureau of Land Management are owned by all Americans and contain some of the nation's most spectacular landscapes that range from Alaska's North Slope to the Florida Keys. America's public lands are used for a variety of purposes and encompass large expanses of rangelands, forests, high mountains, arctic tundra, and deserts.





What We Do

- The BLM's mission is to sustain the health, diversity, and productivity of America's public lands for the multiple use and the enjoyment of present and future generations.
- We manage for a variety of uses such as energy development, hardrock mining, livestock grazing, recreation, and timber harvesting while ensuring natural, cultural, and historic resources now and into the future.
- We aim to maximize opportunities for commercial, recreational, and conservation activities on public lands.





Mining on Public Lands

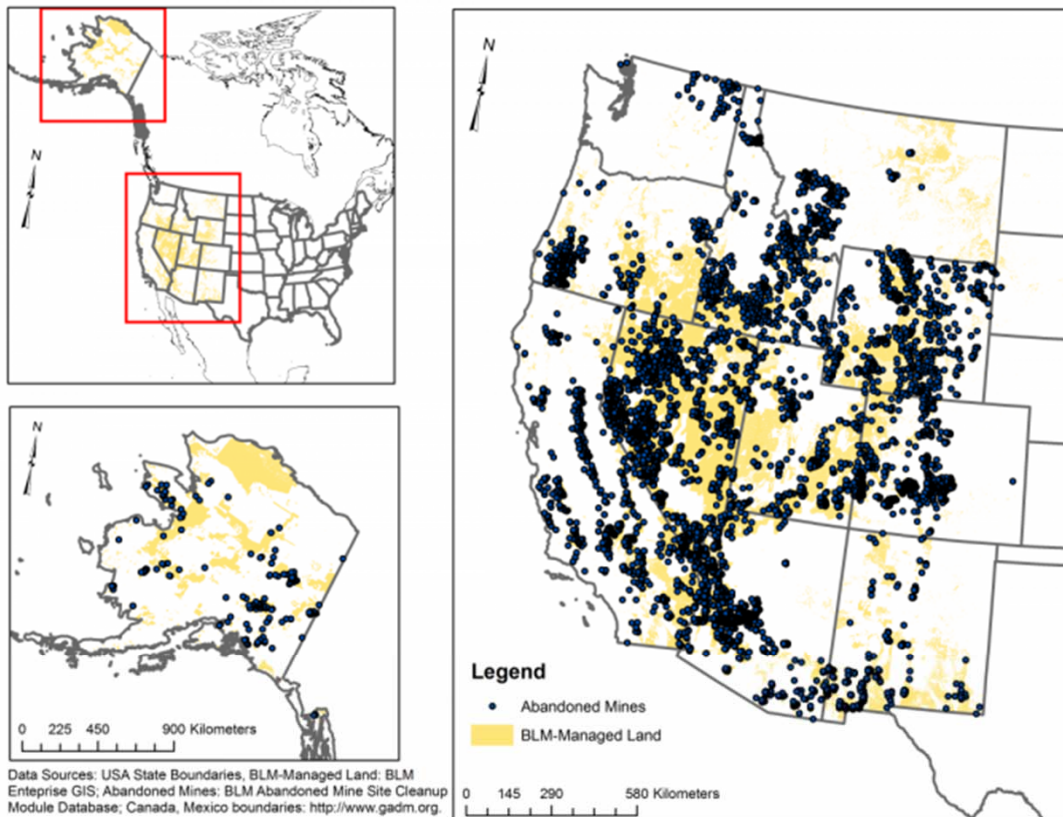
- Over the last 150 years, much BLM-managed land has seen some form of hardrock mining.
- This has resulted in disturbed and sometimes contaminated land in parts of the West.
- Addressing the hazards created by abandoned mines on public lands is an important BLM objective.





BLM AML Inventory

AML Sites on BLM-managed lands (as of 1/5/17)

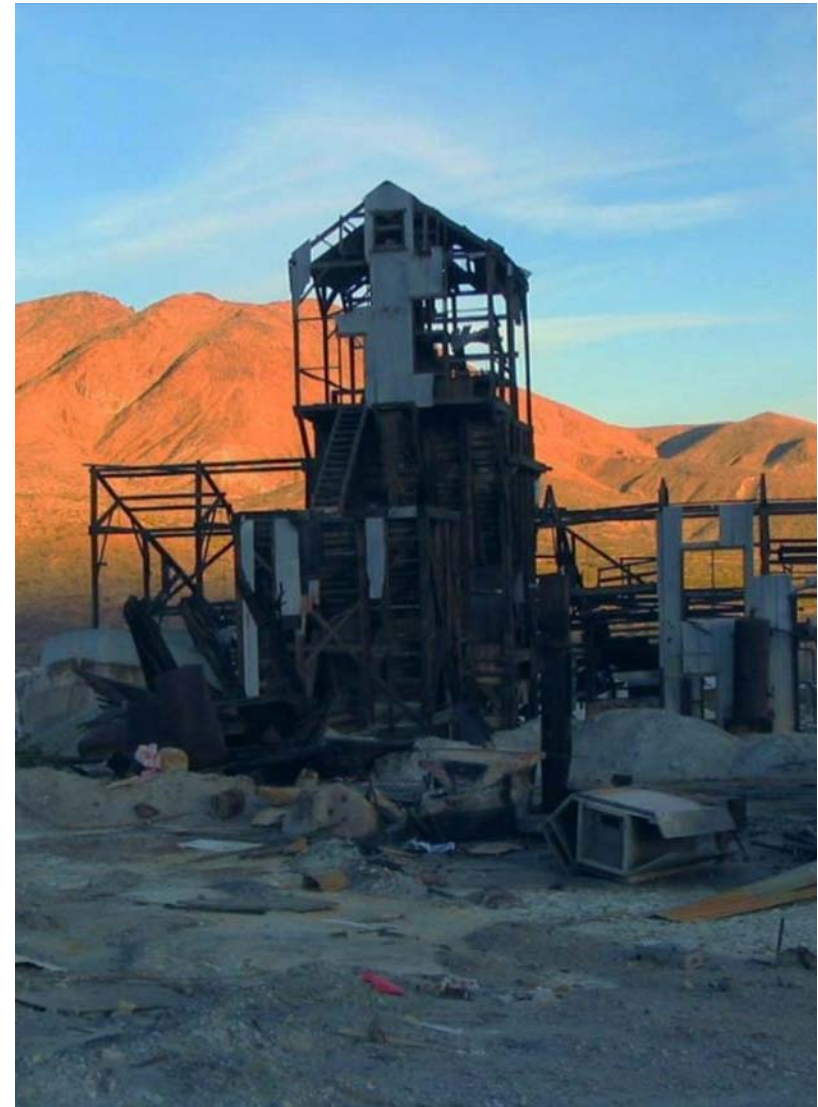


- Mining activities prior to Jan. 1, 1981, the effective date of BLM's Surface Management regulations, were often not properly reclaimed, and in many cases no financially responsible party exists to help pay for cleanup.
- The BLM maintains an inventory of known abandoned mine lands on public lands. Most of the sites are abandoned hardrock mines.
- Since 2009, BLM has identified over 100,000 mining-related features situated on over 50,000 AML sites on public lands.



BLM AML Inventory

- Over the last six years the BLM has mitigated physical safety issues at over 6,300 AML sites, restored water quality on 8,500 acres of BLM-managed land, and conducted monitoring on 5,100 AML sites.
- Each year an average of 5,400 new AML features & associated sites are discovered on public lands, with many millions of acres of BLM-managed lands yet to be inventoried.
- These unaddressed features and sites can be a significant risk to public health & safety, the natural environment, and local communities across the West.





Prioritizing AML Reclamation



- The BLM prioritizes abandoned mine reclamation work based on public safety, human health, and environmental risk. The highest priority is given to mines that present the greatest safety risk to the public, such as those located closest to population centers, schools, or recreation areas, and those with the greatest potential environmental concern.
- Criteria for the ranking of environmental sites includes human presence, threat to the environment, relative toxicity of contaminants, impacted media and location of the site relative to surface water and/or groundwater, aquifer characteristics, and soil or sediment characteristics.



AML Cooperation

- The resources required to reclaim dangerous AML sites is intensive and requires cooperation with local, state, and federal partners.
- The BLM supports leveraging collaborative resources by establishing and maintaining partnerships intended to cooperatively invest personnel and capital to address hazardous physical safety as well as environmental features on public lands.





AML Cooperation

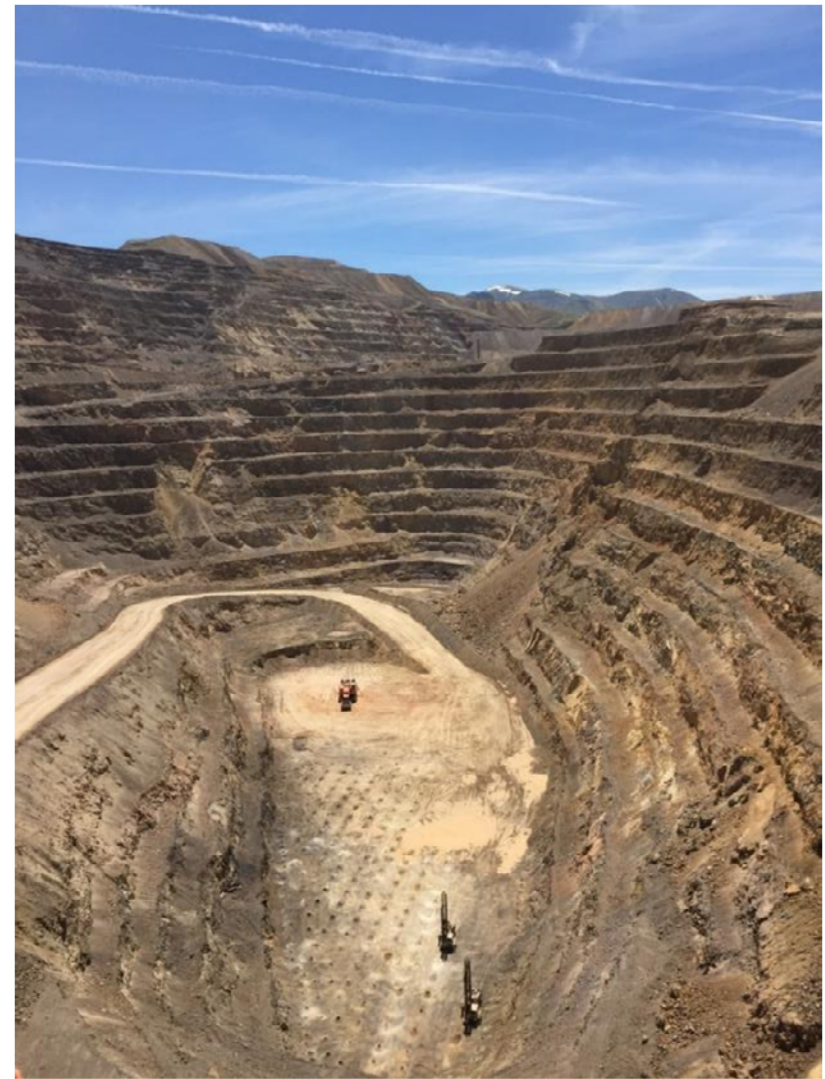
- The Western Governors Association has a history of involvement in AML issues (see Policy Resolution 2016-07: Cleaning Up Abandoned Mines in the West) and could help coordinate a state-federal-private sector effort to inventory, prioritize and remediate AML sites.
- Incorporation of Good Samaritans to support the BLM in addressing AML cleanup aligns well with the need to apply a variety of resources to reduce risk and alleviate contamination.





BLM Statutory Authorities

- The BLM has, through the Secretary of the Interior, been delegated the authority to exercise its Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) remediation responsibilities.
- In addition, the BLM is required to comply with all applicable laws, regulations and policies that apply to environmental quality and protections.
- Significant statutes that guide BLM authorization actions include the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act as well as the National Environmental Policy Act.





AML Cleanup Guidelines

To fully exercise the Agency's compliance obligations, the following guidelines are considered beneficial when authorizing a cleanup action on public lands:

- That an appropriate site characterization be completed prior to taking action.
- That the public land management agency retain authorization and oversight authority of the action.
- That an agreement of all parties be in place to identify the outcome desired by the action planned.
- That the BLM retain the right to determine if the applicant is considered a potential responsible party or does qualify as a Good Samaritan to engage in the proposed action.
- That the action(s) taken may require that the requested operations be considered subject to the BLM Surface Management Regulations of 1981.



Other Bureaus At DOI With an Interest in AML

- The National Park Service also has many AML sites that pose health and safety risks and in some cases environmental problems.
- The U.S. Geological Survey doesn't have land management responsibilities, however they do have the skills and knowledge to help identify appropriate ways to address AML in complex geologic terrains.



The USMIN Project Mission

The USGS mineral deposit database project (USMIN) was initiated in 2011 to develop a 21st century geospatial database of mineral deposit information for the United States



USMIN Database Includes

- Topographic symbols
- Mineral deposit database
- Critical Minerals
- Significant Deposits
- Library



Mineral Deposit Data

Prospects

Deposits

Mines

Districts

Commodity

Resources
Production

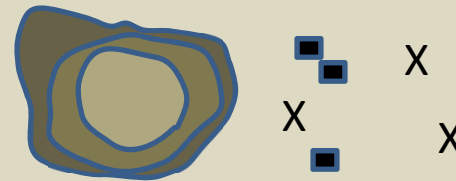
Geology

Activity
History

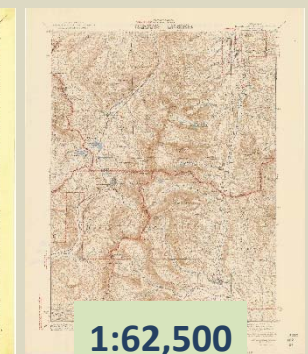
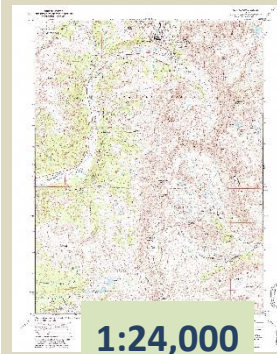
Deposit Type

References

Mine Symbol Data



Adit, prospect, mine, quarry, pit, glory hole,
gravel borrow, shaft, dump, open pit mine,
placer mine, sand and gravel pit, settling
pond, slag pile, strip mine, tailings, trench.....





Mineral Deposit Data

Prospects

Deposits

Mines

Districts

NI 43-101 Technical Report Mountain Pass Rare Earth Project, San Bernardino County, California

Report Date: May 7, 2012
Effective Date: January 4, 2012

Report Prepared for
MolyCorp, Inc.



Report Prepared by
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Chapter 7
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MACKAY SCHOOL OF MINES

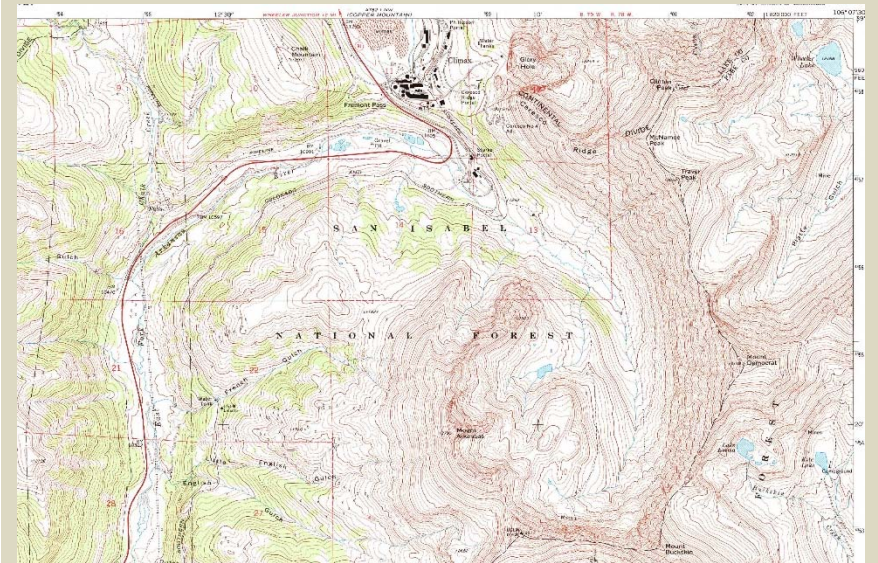
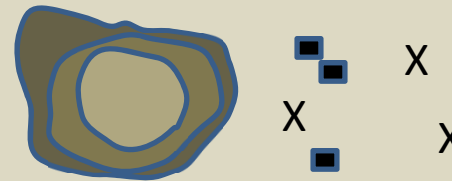
NEVADA BUREAU OF MINES AND GEOLOGY
BULLETIN 105
**TUNGSTEN DEPOSITS
IN NEVADA**

HAROLD K. STAGER
U.S. Geological Survey
JOSEPH V. TINGLEY
Nevada Bureau of Mines and Geology

Prepared in cooperation with the U.S. Geological Survey
1988

A study of tungsten with sections on its history, mineralogy, geology and processing, uses, occurrence, geologic distribution, with a review of the geology and geology of Nevada deposits. This is the eighth of 275 highlights volumes in "Results of the Nevada Mining Industry Survey, 1987-1988" and is available in hard copy, microfiche, and other formats at the Nevada Bureau of Mines and Geology.

Mine Symbol Data





Mineral Deposit Database

Objective

Develop a comprehensive 21st century geospatial database of mines, mineral deposits and mineral districts of the United States

Purpose

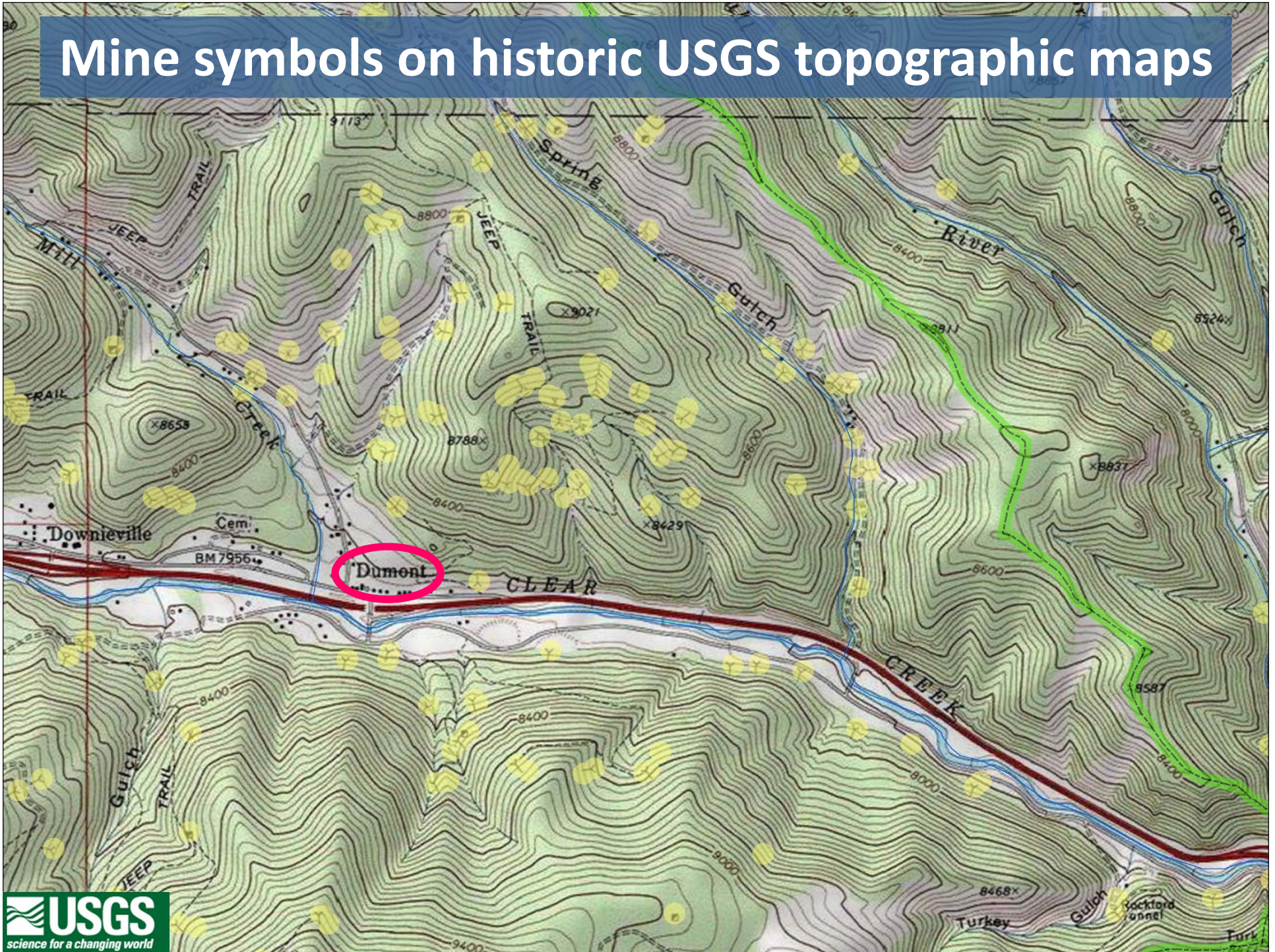
- Provide high-quality, landscape scale data for land management to support actions and policies
- Answer questions such as:
 - What mineral resources does US have and where are they?
 - How many mines are there in the US and how much land is impacted by mining?
 - How many watersheds are impacted by mining?
 - How many abandoned mines are there?



Mineral Deposit Database

- Federal, state, and local government agencies; industry groups and companies; and non-governmental organizations collect data on mine locations and activity, but there is no national compilation of mine locations and types

Mine symbols on historic USGS topographic maps





Secretary Jewell's Testimony 12/09/2015 Before the House Natural Resources Committee

“The USGS has also developed methods to help reconstruct pre-mining environmental conditions in these watersheds, because it is neither cost effective nor technically feasible to remediate to environmental conditions cleaner than were present naturally prior to mining.”



USMIN

The USMIN project is in part supported by BLM with through Mining Law Administration money that is paid by the mining Industry with Claim Location and Maintenance Fees.

This project should negate the need for extensive AML inventories.



Collaborative Cleanup Efforts



The BLM is poised to discuss the opportunity to enhance or advance an AML cleanup on public land through a collaborative partnership with a Good Samaritan via a pilot / demonstration project.



Questions?