

# APPENDIX J.

## ENERGY AND NON-ENERGY MINERAL POLICY

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### BUREAU OF LAND MANAGEMENT—ENERGY AND NON-ENERGY MINERAL POLICY

This statement sets forth BLM policy for the management of energy and non-energy mineral resources (mineral resources) on public lands. It reflects the provisions of five important acts of Congress relating to mineral resources: the Domestic Minerals Program Extension Act of 1953, the Mining and Minerals Policy Act of 1970, the Federal Land Policy and Management Act of 1976, the National Materials and Minerals Policy, Research and Development Act of 1980, and the Energy Policy Act of 2005. This policy represents a commitment by BLM to implement the requirements of these statutes consistent with BLMs other statutory obligations, as follows:

The Domestic Minerals Program Extension Act of 1953 states that each department and agency of the Federal Government charged with responsibilities concerning the discovery, development, production, and acquisition of strategic or critical minerals and metals shall undertake to decrease further, and to eliminate where possible, the dependency of the United States on overseas sources of supply of each such material.

The Mining and Minerals Policy Act of 1970 declares that it is the continuing policy of the Federal Government to foster and encourage private enterprise in the development of a stable domestic minerals industry and the orderly and economic development of domestic mineral resources. This act includes all minerals, including sand and gravel, geothermal, coal, and oil and gas.

The Federal Land Policy and Management Act of 1976 reiterates that the 1970 Mining and Minerals Policy Act shall be implemented and directs that public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals and other resources.

The National Materials and Minerals Policy, Research and Development Act of 1980 requires the Secretary of the Interior to improve the quality of minerals data in Federal land use decision-making.

The Energy Policy Act of 2005 encourages energy efficiency and conservation; promotes alternative and renewable energy sources; reduces dependence on foreign sources of energy; increases domestic production; modernizes the electrical grid; and encourages the expansion of nuclear energy.

The BLM recognizes that public lands are an important source of the Nation's energy and non-energy mineral resources, some of which are critical and strategic. The BLM is responsible for making public lands available for orderly and efficient development of these resources under principles of Multiple Use Management, and the concept of Sustainable Development as was defined at the World Summit on Sustainable Development in 2002, in Johannesburg, South Africa.

The following principles will guide the BLM in managing mineral resources on public lands:

1. Except for Congressional withdrawals, public lands shall remain open and available for mineral exploration and development unless withdrawal or other administrative actions are clearly justified in the national interest in accordance with the Department of the Interior Land Withdrawal Manual 603 DM 1, and the BLM regulations at 43 CFR 2310. Petitions to the Secretary of the Interior for revocation of land withdrawals for mineral exploration and development will be evaluated through the land use planning process.
2. The BLM endorses the Sustainable Development Plan of Implementation applicable to mineral resources signed by 193 countries, including the United States; in Johannesburg in 2002. This plan encourages Social, Environmental, and Economic considerations before decisions are made on mineral operations. The BLM actively encourages development by private industry of public land mineral resources, and promotes practices and technology that least impact natural and human resources.

3. The BLM will adjudicate and process mineral patent applications, permits, operating plans, mineral exchanges, leases, and other mineral use authorizations for public lands in a manner to prevent unnecessary and undue degradation, and in a timely and efficient manner, and will require financial assurances to provide for reclamation of the land and for other purposes authorized by law. Mine closure and reclamation considerations include alternative forms of use such as for landfills, wind farms, biomass facilities and other industrial uses, to attract partnerships to utilize the existing mine infrastructure for a future economic opportunity.
4. The BLM land use planning and multiple-use management decisions will recognize that, with few exceptions, mineral exploration and development can occur concurrently or sequentially with other resource uses. The least restrictive stipulations that effectively accomplish the resource objectives or uses will be used. The BLM will coordinate with surface owners when the Federal minerals estate under their surface ownership is proposed for development.
5. Land use plans will reflect geological assessments and mineral potential on public lands through existing geology and mineral resource data, and to the extent feasible, through new mineral assessments to determine mineral potential. Partnerships with State Geologists and the U.S. Geological Survey for obtaining existing and new data should be considered.
6. The BLM will work closely with Federal, State and Tribal governments to reduce duplication of effort while processing mineral related permit applications.
7. The BLM will monitor locatable, salable and leasable mineral operations to ensure proper resource recovery and evaluation, production verification, diligence and enforcement of terms and conditions. The BLM will ensure receipt of fair market value for mineral materials, and appropriate royalty rates for leasable commodities unless otherwise provided for by statute.
8. The BLM will continue to develop e-Government solutions that will provide for electronic submission and tracking of applications for exploration and development of mineral resources. The BLM will continue to provide public access to mineral records, including spatial display of all types of authorizations and mineral resource data.
9. The BLM will maintain and enhance the understanding, skills, and abilities of effective professional, technical, and managerial personnel knowledgeable in adjudication, geology, mineral exploration and development.
10. To the extent provided by law, regulation, secretarial order, and written agreement with the Bureau of Indian Affairs, the BLM will apply the above principles to the management of mineral resources and operations on Indian Trust lands in order to comply with its Trust Responsibilities.

  
Kathleen Clarke  
Director

Date

April 21, 2006