



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Phoenix District
Hassayampa Field Office
21605 North 7th Avenue
Phoenix, Arizona 85027
www.blm.gov/az/

In Reply Refer To:
3809 (P010) JS
AZA-36148

NOV 21 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7013 0600 0000 5945 1225

DECISION

Ned W. Hyduke, II :
32385 State Highway 78 : Surface Management
Ripley, CA 92225 :

PLAN OF OPERATIONS APPROVED – CONDITIONS OF APPROVAL REQUIRED

Your Plan of Operations, case file number AZA-36148, originally submitted on November 19, 2012, for your proposed exploration and mining project located in W½, section 27, T.5 N., R.11 W., Gila & Salt River Meridian, La Paz County, Arizona is hereby approved subject to the conditions of approval (COA) listed below. You must conduct operations as described in the Plan of Operations and in accordance with the following Bureau of Land Management (BLM) conditions of approval:

Conditions of Approval:

1. Your operation must conform to the Performance Measures for AZA-36148 as listed in Appendix I of the *Harquahala Mountain Sampling Project Environmental Assessment*, DOI-BLM-AZ-P010-2013-0013-EA. These measures are necessary to prevent any unnecessary or undue degradation (UUD) in accordance with 43 CFR 3809.411(d)(2).
2. Your operation must conform to the guidelines of Appendix II of the *Harquahala Mountain Sampling Project Environmental Assessment*, DOI-BLM-AZ-P010-2013-0013-EA. These guidelines are necessary to ensure your compliance with state regulations, as required by 43 CFR 3809.420(a)(6).
3. Your operation must comply with all performance standards listed in 43 CFR 3809.420.

This office has issued a separate Determination of Financial Guarantee Decision for this operation. You must not begin activities under the approved Plan of Operations until you receive notification from the BLM Arizona State Office that the financial guarantee has been accepted and obligated.

Approval of a Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claim involved in the mining operation. You must obtain any local, state, or Federal permits, licenses, or reviews that may be required for the operation. Agencies may include, but are not limited to: U.S. Army Corps of Engineers (COE), U.S. Department of Labor Mine Safety & Health Administration (MSHA), Arizona Department of Environmental Quality (ADEQ), Arizona Department of Water Resources (ADWR), and the Arizona State Mine Inspector (ASMI), as required by 43 CFR 3809.420(a)(6).

Appeal of a Decision under 43 CFR 3809

If you are adversely affected by this decision, you may request that the BLM Arizona State Director review this decision. If you request State Director review of this decision, your written request must be a single package that includes a brief written statement explaining why BLM should change its decision and any documents that support your written statement (see 43 CFR 3809.805 (a)). The request for State Director Review must be received at: Bureau of Land Management, State Director Review, C/O Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. When you submit your request for State Director review, you may also request a meeting with the State Director (see 43 CFR 3809.805 (b)).

This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Arizona State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at Bureau of Land Management Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027 which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at Bureau of Land Management Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027 within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals (IBLA), or for a stay pursuant to 43 CFR 3809.808 (b) during a State Director review, the petition for a stay must accompany your notice of appeal or with your package requesting State Director review. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision shall show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except where otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Please contact Geologist Judd Sampson at (623) 580-5576, with any questions.

Sincerely,


Rem Hawes
Field Manager

Enclosures:

- 1 – Title 43, Subtitle B, Chapter II, Subchapter C, Part 3800, Subpart 3809, Section 420 of the Code of Federal Regulations, *Performance Standards*.
- 2 – Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.

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

**Environmental Assessment
DOI-BLM-AZ-P010-2013-0013-EA
JULY 2014**

Harquahala Mountain Sampling Project

Case Number AZA-36148

Hassayampa Field Office
21605 North 7th Avenue
Phoenix, AZ 85027
Phone: (623) 580-5500
Fax: (623) 580-5580



APPENDIX I

Performance Measures for AZA-36148:

1. Facilities and Equipment: All facilities and equipment on a mining claim or mill site must be appropriate and reasonably incident to prospecting, mining, or processing operations. All equipment and facilities must be presently operable, subject to the need for reasonable assembly, maintenance, repair, or fabrication of replacement parts. Facilities, methods and equipment must be appropriate to the terrain, mineral deposit, and stage of mineral development. BLM will utilize the Compliance Assessment - Safety, Health, and the Environment Protocol Manual for the Bureau of Land Management and/or the Safety and Health Management BLM Manual Handbook (H1112-1) for guidelines for the inspection of facilities (excluding residential facilities) on a mining claim. All operations must be kept neat, clean and free of debris. The facilities must present a safe work environment for the employees and facilities must be constructed to meet all applicable electrical, mechanical, safety and public health codes and/or regulations. All operations must be conducted in strict accordance with Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulations and the Arizona Mining Code administered by the Arizona State Mine Inspector (SMI).

2. Vehicles: All automobiles and motor homes on mining claims or mill sites must have current registration. All off-highway motor vehicles (any motorized vehicle when operated off of highways on land, water, snow, or ice) must have current registration if used on roads outside of the mining claim. BLM off-highway vehicle designations must be followed outside of the mining claim. In addition, the claimant or operator will allow no vehicle or piece of equipment to be parked or positioned in a way that impedes the normal flow of traffic.

3. Chemical Storage: All chemicals must be stored, according to Department of Transportation standards, in approved containers with proper labeling. Rusted, dented, leaking or otherwise damaged containers must be removed from the public lands. All buildings used for the storage of chemicals must be placarded and storage of reagents in quantities exceeding a 14 day supply will not be allowed. Chemical and fuel storage facilities on public lands must be used to store only those chemicals and fuels essential for mining, milling, and processing operations occurring on the public lands. Incompatible chemicals must be protected from each other and stored in a manner that does not present a hazard. All operations must be conducted in strict accordance with Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) regulations and the Arizona Mining Code administered by the Arizona State Mine Inspector (SMI). Operators must submit a complete list of all the chemicals they plan to store on their claims or mill sites with Material Safety Data Sheets. BLM through its inspection program will monitor operations to see that only essential chemicals, in appropriate quantities, are stored on site.

4. Beginning operations: As required by Titles 18 and 27 of the Arizona Administrative Code, the claimant or operator must submit a "Notice of Start-up, Move, or Stop for Portable Equipment and Mine Operations" whenever operations begin, move or are suspended. It is the operator's responsibility to send BLM a copy of the written notification from the Arizona State Mine Inspector that this form was received.

5. Fire Prevention: Consistent with all applicable laws and subject to reclamation, vegetation must be cleared for a minimum distance of:

- 30 feet from all structures.
- 15 feet from any site on which a fire will be built and flammable ground litter must be cleared for at least a 5 foot radius around the fire.
- 15 feet from any site where welding, grinding, or any other spark producing operation will be performed.

Spark arrestors must be used on chainsaws, quad-runners and motorcycles.

6. Grounds: Grounds will be well maintained, safe, uncluttered, and free of litter and debris. All operations will provide a clean and maintained view for the public from any roadways or thoroughfares by which the public may approach or pass mining operations on BLM lands.

7. Pets: Nonessential animals and/or free-roaming pets or animals are not allowed.

8. Waste and Sewage Handling and Removal: The term "waste" as used herein means all discarded matter including, but not limited to human waste, trash, garbage, refuse, petroleum products, ashes and equipment. Refuse will be stored in receptacles that have covers and lids, are painted, undented, waterproof, and both vermin and raven proof. Wastes will be disposed of in accordance with local laws. This should be an ongoing effort and unused equipment, trash, refuse, and litter should be removed periodically to maintain the highest aesthetic standards achievable during mining operations. The mine operator will provide an effective system for the collection and disposal of garbage and trash. This will be done by contracting with a trash removal firm, or with appropriate public entities, or through self efforts of the operator or any combination of these methods as directed by the Field Manager. Wastes shall be disposed of in a sanitary landfill unless otherwise approved by the Field Manager.

All sewage treatment facilities will be constructed and operated in accordance with all necessary permits utilizing accepted engineering practice and procedures. The operator/claimant must have a septic permit from the county in which the septic system is located before the system can be operated.

9. Public Signs: Public signs for which the operator is responsible must be appropriately located, accurate, attractive and well maintained. Permanent signs will be prepared in a professional manner, consistent with BLM standards and must be approved by BLM before installation.

10. Mine Wastes: If mined materials are removed from the public lands for processing, it will be the responsibility of the claimant or operator to insure that wastes generated in processing these materials are not hazardous materials or toxic wastes, if such wastes are to be returned to the public lands for disposal. BLM, at the discretion of the Field Manager, may require sampling of the wastes and subsequent analytic procedures to verify that such wastes are not hazardous materials or toxic wastes. The claimant or operator will pay the costs of sampling and analytic procedures.

11. Fences: BLM will attempt to keep the public lands open to public entry at all times. But, where public health and safety are a primary concern or it is essential that access be limited to protect valuable mining equipment or supplies from theft or loss, BLM will authorize the placing on public lands of fences, gates, and signs to limit public access. Where public safety is a paramount concern, BLM may, at the discretion of the Field Manager, use administrative procedures to formally close the lands to public entry using the procedures specified by 43 CFR 8364.

Where fences, gates, and signs must be built and maintained for site security or for public safety, the BLM will determine, through a site inspection that such enclosures are reasonable. Should the claimant or operator be ordered to build and maintain fenced enclosures or post signs by either MSHA, OSHA or the SMI, the claimant must provide written proof of such an order to BLM before authorization is given and actual construction can begin. All fences and gates will be constructed to protect livestock and wildlife in the area. Exact specifications for fences and gates will be developed on a site-specific basis using information obtained in the biological assessment performed by BLM. Minimum requirements for fences are in the BLM Manual Handbook H-1741-1, Fencing.

Whenever fences, gates, or signs are placed on the public lands, BLM will require the claimant or operator to post public directions on the fence or gate showing routes to public lands around or behind the fenced enclosure. The exact nature of the posting to be used will be decided on a case by case basis by the Field Manager. Whenever locked gates are used, BLM will require the claimant or operator to give BLM a key or use a system of double locks.

12. Reclamation: Regulations at 43 CFR 3809.301 require that all operations be reclaimed. Reclamation of the exploration pits as work progresses by backfilling excavated material into the pits and recontouring (as needed) excavation sites to the original contours will be required. Areas of activity will be raked upon departure to remove tracks from machinery. All reclamation operations will be conducted in accordance with the BLM Solid Mineral Reclamation Handbook (H-3042-1).

13. Mitigation Measures for Wildlife and Habitat: Look out for and avoid desert tortoises. If tortoises must be moved to avoid harming them they should be moved according to Arizona Game and Fish Department guidelines (Appendix II). Avoid destroying or damaging vegetation to the greatest extent practicable while driving off road and operating equipment.

14. Cultural and Paleontological Resources: Regulations at 43 CFR 3809(b)(8) require that the operator shall not knowingly disturb, alter, injure, destroy or take any scientifically important paleontological remains or any historical, archaeological, or cultural district, site, structure, building or object. The operator shall also immediately bring to the attention of the authorized officer any such cultural and/or paleontological resources that might be altered or destroyed by his operation, and shall leave such discovery intact until told to proceed by the authorized officer.

15. Noxious Weeds: Pressure wash mechanized equipment and vehicles prior to arrival at the sampling site. This prevents the importation of potentially invasive species or noxious weeds. Prior to transport out of the area of operations, pressure wash vehicles and equipment to prevent the transport of vegetation seed sources outside of the area.

Actions and Activities Not Allowed

- The cultivation of crops and establishment of garden plots.
- Activities including animal maintenance or pasturage. This includes the construction of corrals, chicken coops, kennels and stables.
- The development of small trade or manufacturing concerns, hobby and curio shops, cafes, tourist stands, and hunting and fishing camps.
- The storage, treatment, processing, or disposal of non-mineral, hazardous or toxic waste that are generated elsewhere and brought onto the public lands.
- Any activities involving recycling or reprocessing of manufactured material such as scrap electronic parts, appliances, photographic film, and chemicals.
- Searching for buried treasure, treasure trove or archeological specimens is strictly prohibited.
- Blocking access to the public lands through the placement of berms, wire cables, stones, vegetative debris or other materials placed on roads constructed on public lands.
- Living in abandoned buses, truck trailers, other abandoned vehicles, adits, tunnels or caves.

APPENDIX II

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES ENCOUNTERED ON DEVELOPMENT PROJECTS

Arizona Game and Fish Department

Revised October 23, 2007

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

The Sonoran population of desert tortoises occurs south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position parallel to the ground at all times, and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 40° Celsius (105° Fahrenheit) unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to one-half mile, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 40° Celsius (105° Fahrenheit), the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises. Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mojave population of desert tortoises (north and west of the Colorado River). Mojave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.
- Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.

ELECTRONIC CODE OF FEDERAL REGULATIONS

e-CFR Data is current as of November 19, 2014

[Title 43](#) → [Subtitle B](#) → [Chapter II](#) → [Subchapter C](#) → [Part 3800](#) → [Subpart 3809](#) → [§3809.420](#)

Title 43: Public Lands: Interior

PART 3800—MINING CLAIMS UNDER THE GENERAL MINING LAWS

Subpart 3809—Surface Management

§3809.420 What performance standards apply to my notice or plan of operations?

The following performance standards apply to your notice or plan of operations:

(a) *General performance standards*—(1) *Technology and practices*. You must use equipment, devices, and practices that will meet the performance standards of this subpart.

(2) *Sequence of operations*. You must avoid unnecessary impacts and facilitate reclamation by following a reasonable and customary mineral exploration, development, mining and reclamation sequence.

(3) *Land-use plans*. Consistent with the mining laws, your operations and post-mining land use must comply with the applicable BLM land-use plans and activity plans, and with coastal zone management plans under 16 U.S.C. 1451, as appropriate.

(4) *Mitigation*. You must take mitigation measures specified by BLM to protect public lands.

(5) *Concurrent reclamation*. You must initiate and complete reclamation at the earliest economically and technically feasible time on those portions of the disturbed area that you will not disturb further.

(6) *Compliance with other laws*. You must conduct all operations in a manner that complies with all pertinent Federal and state laws.

(b) *Specific standards*—(1) *Access routes*. Access routes shall be planned for only the minimum width needed for operations and shall follow natural contours, where practicable to minimize cut and fill. When the construction of access routes involves slopes that require cuts on the inside edge in excess of 3 feet, the operator may be required to consult with the authorized officer concerning the most appropriate location of the access route prior to commencing operations. An operator is entitled to access to his operations consistent with provisions of the mining laws. Where a notice or a plan of operations is required, it shall specify the location of access routes for operations and other conditions necessary to prevent unnecessary or undue degradation. The authorized officer may require the operator to use existing roads to minimize the number of access routes, and, if practicable, to construct access roads within a designated transportation or utility corridor. When commercial hauling is involved and the use of an existing road is required, the authorized officer may require the operator to make appropriate arrangements for use and maintenance.

(2) *Mining wastes*. All tailings, dumps, deleterious materials or substances, and other waste produced by the operations shall be disposed of so as to prevent unnecessary or undue degradation

and in accordance with applicable Federal and state Laws.

(3) Reclamation. (i) At the earliest feasible time, the operator shall reclaim the area disturbed, except to the extent necessary to preserve evidence of mineralization, by taking reasonable measures to prevent or control on-site and off-site damage of the Federal lands.

(ii) Reclamation shall include, but shall not be limited to:

(A) Saving of topsoil for final application after reshaping of disturbed areas have been completed;

(B) Measures to control erosion, landslides, and water runoff;

(C) Measures to isolate, remove, or control toxic materials;

(D) Reshaping the area disturbed, application of the topsoil, and revegetation of disturbed areas, where reasonably practicable; and

(E) Rehabilitation of fisheries and wildlife habitat.

(iii) When reclamation of the disturbed area has been completed, except to the extent necessary to preserve evidence of mineralization, the authorized officer shall be notified so that an inspection of the area can be made.

(4) Air quality. All operators shall comply with applicable Federal and state air quality standards, including the Clean Air Act (42 U.S.C. 1857 *et seq.*).

(5) Water quality. All operators shall comply with applicable Federal and state water quality standards, including the Federal Water Pollution Control Act, as amended (30 U.S.C. 1151 *et seq.*).

(6) Solid wastes. All operators shall comply with applicable Federal and state standards for the disposal and treatment of solid wastes, including regulations issued pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (42 U.S.C. 6901 *et seq.*). All garbage, refuse or waste shall either be removed from the affected lands or disposed of or treated to minimize, so far as is practicable, its impact on the lands.

(7) Fisheries, wildlife and plant habitat. The operator shall take such action as may be needed to prevent adverse impacts to threatened or endangered species, and their habitat which may be affected by operations.

(8) Cultural and paleontological resources. (i) Operators shall not knowingly disturb, alter, injure, or destroy any scientifically important paleontological remains or any historical or archaeological site, structure, building or object on Federal lands.

(ii) Operators shall immediately bring to the attention of the authorized officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the authorized officer. The authorized officer shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed within 10 working days after notification to the authorized officer of such discovery.

(iii) The Federal Government shall have the responsibility and bear the cost of investigations and salvage of cultural and paleontology values discovered after a plan of operations has been approved, or where a plan is not involved.

(9) Protection of survey monuments. To the extent practicable, all operators shall protect all survey monuments, witness corners, reference monuments, bearing trees and line trees against unnecessary or undue destruction, obliteration or damage. If, in the course of operations, any monuments, corners, or accessories are destroyed, obliterated, or damaged by such operations, the

operator shall immediately report the matter to the authorized officer. The authorized officer shall prescribe, in writing, the requirements for the restoration or reestablishment of monuments, corners, bearing and line trees.

(10) *Fire.* The operator shall comply with all applicable Federal and state fire laws and regulations, and shall take all reasonable measures to prevent and suppress fires in the area of operations.

(11) *Acid-forming, toxic, or other deleterious materials.* You must incorporate identification, handling, and placement of potentially acid-forming, toxic or other deleterious materials into your operations, facility design, reclamation, and environmental monitoring programs to minimize the formation and impacts of acidic, alkaline, metal-bearing, or other deleterious leachate, including the following:

(i) You must handle, place, or treat potentially acid-forming, toxic, or other deleterious materials in a manner that minimizes the likelihood of acid formation and toxic and other deleterious leachate generation (source control);

(ii) If you cannot prevent the formation of acid, toxic, or other deleterious drainage, you must minimize uncontrolled migration of leachate; and

(iii) You must capture and treat acid drainage, or other undesirable effluent, to the applicable standard if source controls and migration controls do not prove effective. You are responsible for any costs associated with water treatment or facility maintenance after project closure. Long-term, or post-mining, effluent capture and treatment are not acceptable substitutes for source and migration control, and you may rely on them only after all reasonable source and migration control methods have been employed.

(12) *Leaching operations and impoundments.* (i) You must design, construct, and operate all leach pads, tailings impoundments, ponds, and solution-holding facilities according to standard engineering practices to achieve and maintain stability and facilitate reclamation.

(ii) You must construct a low-permeability liner or containment system that will minimize the release of leaching solutions to the environment. You must monitor to detect potential releases of contaminants from heaps, process ponds, tailings impoundments, and other structures and remediate environmental impacts if leakage occurs.

(iii) You must design, construct, and operate cyanide or other leaching facilities and impoundments to contain precipitation from the local 100-year, 24-hour storm event in addition to the maximum process solution inventory. Your design must also include allowances for snowmelt events and draindown from heaps during power outages in the design.

(iv) You must construct a secondary containment system around vats, tanks, or recovery circuits adequate to prevent the release of toxic solutions to the environment in the event of primary containment failure.

(v) You must exclude access by the public, wildlife, or livestock to solution containment and transfer structures that contain lethal levels of cyanide or other solutions.

(vi) During closure and at final reclamation, you must detoxify leaching solutions and heaps and manage tailings or other process waste to minimize impacts to the environment from contact with toxic materials or leachate. Acceptable practices to detoxify solutions and materials include natural degradation, rinsing, chemical treatment, or equally successful alternative methods. Upon completion of reclamation, all materials and discharges must meet applicable standards.

(vii) In cases of temporary or seasonal closure, you must provide adequate maintenance, monitoring, security, and financial guarantee, and BLM may require you to detoxify process solutions.

(13) *Maintenance and public safety.* During all operations, the operator shall maintain his or her structures, equipment, and other facilities in a safe and orderly manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to alert the public in accordance with applicable Federal and state laws and regulations.

[66 FR 54861, Oct. 30, 2001]

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR...

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules of practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)