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

Arizona State Office November 1997

# Finding of No Significant Impact and Programmatic Environmental Assessment for:

# Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona

# United States Department of the Interior

**BUREAU OF LAND MANAGEMENT**

Arizona State Office
222 North Central Avenue
Phoenix, AZ 85004-2203


In reply refer to:

November 18, 1997

Dear Reader:

Enclosed is a Finding of No Significant Impact (FONSI) and the supporting Programmatic Environmental Assessment for Selected Actions for Mining Claim Use and Occupancy in Arizona (EA).

The Proposed Action (PA), consisting of seven "generic occupancy proposals" was analyzed in the EA to assess the direct, indirect and cumulative environmental effects of occupancies associated with existing and future casual use and notice level operations. It also assesses the environmental effects of occupancies associated with previously approved plans of operation.

A Decision Record does not accompany these documents. Decisions will be made on a case-by-case basis by the responsible official working directly with mining claimants. In this way, the Bureau of Land Management (BLM) can maintain the flexibility required to respond to site specific environmental conditions and needs. Qualified individuals may appeal decisions based upon this FONSI and supporting EA on a site- and case-specific basis. Appeals must be filed pursuant to the Code of Federal Regulations, 43 CFR Part 4.

BLM Field Offices will perform the appropriate level of site-specific National Environmental Policy Act (NEPA) analysis and documentation (including the application of categorical exclusions and administrative determinations) for all proposed occupancies under the subject regulations.

If analysis finds that the proposed occupancy would significantly differ from the proposed occupancies listed in the proposed action or that the proposed occupancy might result in impacts not previously addressed, a site-specific EA-level analysis or environmental impact statement-level analysis may be required.

Thank you for participating in this EA. You are encouraged to continue your involvement.

Sincerely,

Lonna O'Neal

for Denise P. Meridith
State Director

Enclosure

## Finding of No Significant Impact (FONSI)

The Bureau of Land Management (BLM) is required by regulations at 43 CFR 3715 to give formal written concurrence to requests made to occupy mining claims and millsites on public lands where BLM administers both the mineral and surface estates. The proposed action would allow the BLM to give concurrence to seven "typical" occupancy scenarios that involve 5 acres of surface disturbance or less.

## Rationale for a Finding of No Significant Impact

This FONSI is supported by the attached Programmatic Environmental Assessment for Selected Actions for Mining Claim Use and Occupancy in Arizona (EA). The rationale for this determination is as follows:

The proposed action ...

- requires the operator or claimant to comply with the 43 CFR 3715 regulations. These regulations provide greater management control over mining claim use and occupancy than previous management practices and regulations.

- does not have adverse effects to public health and safety or highly controversial environmental effects since major aspects of mining claim use and occupancy would require either permits or approvals from Federal, State, or County agencies. Decisions based on this FONSI would not violate Federal, State, Local, or Tribal law. The operator/claimant would be required to have all necessary permits and approvals before beginning any use or occupancy and all subsequent activities must be conducted in accordance with all applicable laws and regulations.

- does not have significant impacts on unique geographic characteristics. The proposed action specifically excludes requests to occupy mining claims or millsites on areas of critical environmental concern, special recreation management areas, wilderness study areas or designated wilderness areas, Indian Trust lands and wild and scenic river corridors (designated or determined suitable).

- does not have an adverse effect on significant cultural resources and no effect on Threatened and Endangered species (T&E) or their critical habitat. Decisions based on this FONSI require BLM to conduct site-specific and case-specific cultural resource evaluations and wildlife/T&E clearances.

- does not have significant effects on minority or low-income groups. Decisions based on this FONSI would not have disproportionately high and adverse human health or environmental effects on minority and low-income populations.

**Determination**

On the basis of analysis of potential environmental impacts contained in the attached EA and all other information available to me, it is my determination that the proposed action will not have any significant impacts on the human environment. Therefore, an Environmental Impact Statement is not required.

Lorna O'Neal

for Denise P. Meridith
State Director

11/18/97
Date

# Selected Actions for Mining Claim and Millsite Use and Occupancy in Arizona

PROGRAMMATIC ENVIRONMENTAL ASSESSMENT

Department of the Interior
Bureau of Land Management
Arizona State Office

November 1997

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# Appendix 4 - Standard Operating Procedures, Special Stipulations, and Actions and Activities Not Allowed

# Standard Operating Procedures

## 1. Initial filing

Before any action is taken on the ground for activities involving occupancy as defined by 43 CFR 3715, the claimant or operator must have written concurrence from BLM. All existing occupancies, must have written concurrence from BLM to continue. This includes those claimants or operators who qualified for the grace period given by the regulations.

Before concurrence can be given, the mine operator must demonstrate to the satisfaction of the BLM, through the 3715 filing, that the proposed use or occupancy is reasonably incident to prospecting, mining, or processing uses. The activities performed must be substantially regular and reasonably calculated to lead to the extraction and beneficiation of minerals. All operations must comply with all applicable environmental and safety laws. It is the claimant or operator's responsibility to show that his activities meet these conditions.

Claimants or operators who qualified for the grace period will be inspected and final concurrence, if given, will be based on information obtained during the inspection and the claimant's or operator's 3715 filing.

All structures on a mining claim must be included in the filing required by 43 CFR 3715.3-2, if they will be used by the claimant or operator or if the claimant or operator claims the right to possess the structure. Any structure found on a mining claim that is not used by the claimant and is not listed in the 3715 filing is subject to seizure by BLM according to the procedure given by 43 CFR 3715. BLM may, at its discretion, preserve the building for its historical significance or remove the structure and reclaim the lands. If BLM is forced to remove the structure and reclaim the lands, BLM will attempt to find the responsible party and require of that person compensation for the costs of removal and reclamation.

## 2. Reasonably Incident Decision

BLM will use the 3715 filing to determine that the proposed use or occupancy meets the requirements of the regulations. The proposal must be reasonably incident to prospecting, mining, or processing and uses reasonably incident thereto. In addition, all activities, structures, methods, and equipment proposed must be reasonably incident as defined by the regulations and be appropriate to the geologic terrain, mineral deposit, and stage of development of the property. BLM will review the 3715 filing with the claimant and, at the discretion of management, inspect the claim or millsite, and/or request more information, including the following:

- Exploration data, including assays, assay procedures, and samples.
- Process flow sheets, including a list of all chemicals to be used together with material safety data sheets and consumption rates.
- A detailed list of all equipment that will be used on the claim with production rates and periods of use.

After reviewing all relevant information and conducting an optional site inspection, BLM will determine if the proposed occupancy is reasonably incident to mining and if residential occupancy can be authorized. BLM will then notify the claimant or operator in writing of this determination. Further analysis, including NEPA analysis, is not required if BLM determines that the proposed occupancy is not reasonably incident.

**Step 3, NEPA Analysis.**

NEPA analysis for occupancy proposals that are reasonably incident will consist of the following steps.

- BLM will screen proposals to ensure the following:
  - The proposals involve no restricted lands specifically excluded in this EA.
  - The proposals contain the common elements of the proposed action of this EA.
  - The proposals would result only in impacts that have been addressed in this EA.

- If the proposal under analysis fails this preliminary screening, BLM would perform a site-specific analysis. This site-specific analysis may tier to this EA.
  - BLM will notify the claimant in writing of the performance measures that would apply to the proposed occupancy.

***When proposed occupancies pass the initial screening, BLM will do the following:***

- BLM will review proposals to decide if they contain some or all of the performance measures developed for the proposed action in this EA.
  - Performance measures are discussed in step three, but briefly they are mitigation measures or practices that apply to the seven proposed occupancies in the proposed action that lessen the impacts of those occupancies. The performance measures will be released to the public, and operators can decide which, if any, they will voluntarily adopt. Any standards voluntarily adopted would speed the processing of a proposal.
  - BLM will prepare another NEPA analysis of the proposal by analyzing the impacts of the performance measures that were not adopted.
    - Operations that adopt only some performance measures can go on as proposed if, because of site-specific engineering controls or mitigating measures such as topography or geology, analysis finds no more impacts.
    - If impacts result from failing to adopt all of the performance measures, as a condition of concurrence BLM may impose site-specific performance measures or the standards not voluntarily adopted.

- Before authorizing surface disturbance, BLM will inventory and evaluate all areas to be disturbed or affected for wildlife, vegetation, and cultural resources.
  - BLM will request information from the Arizona Game and Fish Department's Heritage Data Management System to determine whether any special status species are known to

occur in the area. When conditions warrant, BLM will confer with the Arizona Game and Fish Department on the effects the proposed occupancies will have on wildlife resources.

- If the biological evaluation reveals that the proposed occupancy may affect threatened or endangered species or designated or proposed critical habitat, BLM will conduct Section 7 consultation/conferencing with the Fish and Wildlife Service before authorizing any activity.
- BLM must consult with the State Historic Preservation Officer (SHPO) when potentially significant historical, archeological, or other cultural resources could be affected by the proposed development.

- Operations that use all of the performance measures and conform to the typical operations analyzed in this EA may be processed using an administrative determination.
  - BLM makes an administrative determination that the NEPA documentation previously prepared (this EA) fully covers the site-specific proposal and no more analysis is needed.
  - Administrative determinations would be used where analysis shows that the proposed occupancy conforms to the proposed action and all impacts involved are addressed in this EA.
  - BLM will notify the claimant in writing of the performance measures that apply to the proposed occupancy.

**Step 4, Required Permits and Financial Guarantees.**

The regulations require operators to have in hand all needed permits before operations begin. All occupancies and/or operations must conform to Federal and State environmental standards and, when required, operators must post a financial guarantee before surface disturbance begins.

At the discretion of the Field Manager, BLM may require the operator or claimant to prove that all needed permits have been issued before concurring with the occupancy proposal and any time after operations begin. Generally, BLM will not require a claimant or operator to prove these permits have been issued. But, Arizona BLM will require the claimant or operator to show the permits required by the Environmental Protection Agency (EPA) under the National Pollution Discharge Elimination System (NPDES) and by ADEQ under the Aquifer Protection Program (APP). In addition, Arizona BLM will require the claimant or operator to contact the Mine Safety and Health Administration and the Arizona State Mine Inspector before beginning operations.

The following list includes the facilities and systems that must be permitted under the NPDES program as well as those that can be exempted. The claimant or operator must review this list and determine if any of the processes or facilities fit into a category that must be permitted under NPDES. If the claimant or operator's proposed processes or facilities appear to need an NPDES permit, the claimant must contact the EPA Region IX, Chief of the NPDES Permits Office. The EPA will then decide if the claimant needs an NPDES permit. The operator or claimant must

inform BLM as to whether an NPDES permit will be required for the proposed facilities or operations. If EPA determines that a permit is needed, the operator or claimant must submit a copy of the NPDES application and a copy of the final permit to BLM.

An NPDES permit is needed for the following facilities:

- Any point-source discharge associated with industrial activity.

***Generally an NPDES permit is needed for:***

- Process related discharges.
- Discharges of mine drainage as described in 40 CFR 440.
- Storm water runoff not meeting the definition of mine drainage which contacts any overburden, raw material, intermediate products, finished products, byproducts or waste product at a site.
- Storm water runoff from construction sites disturbing 5 or more acres.

EPA regulations at 40 CFR 440 set effluent limitations (numeric values that cannot be exceeded) for process related discharges and mine drainage. Facilities subject to these effluent limitations are permitted on an individual basis.

Storm water discharges may be covered under a general NPDES permit. The general permit requires the submittal of a notice of intent and the implementation of a storm water pollution prevention plan to control pollutants in the discharges.

Construction activities under 5 acres are exempt from the NPDES process but mining activities are not exempt. Runoff from construction activity disturbing 5 or more acres is permitted under a separate general permit specifically for construction projects. In Arizona, BLM will require any claimant/operator, before beginning operations, to contact EPA for either an NPDES permit, a general permit for construction projects or an affirmation from the EPA, in writing, that no permit is needed if the operation will:

- engage in activities involving mining, milling, any kind of mineral processing and/or facility construction or maintenance.

- engage in exploration activities that involve bulk sampling techniques and/or the construction or maintenance of permanent structures or facilities.

- engage in exploration activities involving occupancy that do not involve the construction of permanent structures or facilities but have 5 acres (or more in the case of plans of operation) of unreclaimed disturbance (including access roads).

It is always the claimant/operators responsibility to obtain all necessary NPDES permits. However, Arizona BLM ***will not*** require a claimant/operator to show these permits have been issued before beginning operations when:

- the operations are purely exploration.

  ***and***
- the operations do not involve the construction or maintenance of permanent structures or bulk sampling.

  ***and***
- the operations involve less than 5 acres of surface disturbance, including access.

For further information regarding NPDES permits, the claimant/operator should contact Terry Oda, Chief of the NPDES Permits Office (415-744-1923), Laura Gentile, NPDES mining permits (415-744-1913) or Eugene Bromley, Storm water (415-744-1906)

The following lists include the facilities, processes, and septic systems that must be permitted under an individual APP permit as well as those that can be exempted or general permitted under APP. The claimant or operator must review these lists and determine if any of the processes or facilities fit into a category that must be permitted under an individual APP permit. If the claimant or operator's proposed processes or facilities appear to need an individual APP permit, the claimant must contact the ADEQ APP permits section. The ADEQ APP permits section will then decide if the claimant needs to submit either an APP "determination of applicability" form or an APP application. The operator or claimant must inform BLM as to whether an individual APP permit will be required for the proposed facilities or operations. If ADEQ determines that an individual APP permit is needed, the operator or claimant must submit a copy of the APP application to BLM. For information on obtaining APP permits contact:

Arizona Department of Environmental Quality
APP Mining Unit
Water Permits Section
3033 N. Central Ave.
Phoenix, Az. 80012
ph (602) 207-4692

An individual or area-wide APP permit is needed for the following facilities:

- Surface impoundments including holding, storage settling, treatment or disposal pits, ponds and lagoons.
- Solid waste disposal facilities.
- Injection wells.
- Land treatment facilities.
- Facilities that add a pollutant to a salt dome formation, salt bed formation, dry well, or underground cave or mine.
- Mine tailing piles and ponds.
- Mine leaching operations.
- Septic tank systems with a capacity of greater than 20,000 gallons per day.
- Septic tank systems that have a capacity of between 2,000 and 20,000 gallons per day

and do not meet the requirements of either A.A.C. R18-9-126.B or A.A.C. R18-9-126.C.

- Point source discharges to navigable waters.

The following facilities and operations may be general permitted under the APP program:

- Storm water impoundments that are regulated under an individual National Pollutant Discharge Elimination System (NPDES) permit or a general Storm water NPDES permit.
- Discharge of wash water from sand and gravel operations or placer mining operations if only physical processes are employed and no hazardous substances, other than those naturally occurring, have been added or exposed during the operation.
- Septic systems that operate at less than 2,000 gpd.
- Septic systems that operate between 2,000 gpd and 20,000 gpd and that have been reviewed by the ADEQ APP permits section and meet the conditions of either A.A.C. R18-9-126.B or A.A.C. R18-9-126.C.

The facilities that are exempt from the APP program are listed in the Arizona Revised Statutes (A.R.S.) 49-250.B as follows:

- Household and domestic activities.
- Household gardening and watering activities.
- Noncommercial use of consumer products generally available to the public.
- Ponds for watering livestock and wildlife.
- Mining overburden returned to the excavation site, including any common material that has been excavated and removed from the excavation site and has not been subjected to any chemical or leaching agent or process of any kind.
- Leachate resulting from the direct, natural infiltration of precipitation through undisturbed regolith or bedrock if pollutants are not added to the leachate as a result of any material or activity placed or conducted by man on the ground surface.
- Facilities that have ceased operation prior to before January 1, 1986.
- Storage, treatment, or disposal of inert material, i.e., broken concrete, asphaltic pavement, manufactured asbestos-containing products, brick, rock, gravel, soil, and materials that, when subjected to a water leach test that is designed to approximate natural infiltrating waters, will not leach substances in concentrations that exceed numeric aquifer quality standards.
- Structures that are designed and constructed not to discharge, which and that are built on an impermeable barrier that can be visually inspected for leakage.
- Pipelines and tanks designed, constructed, operated, and regularly maintained so as not to discharge.
- Surface impoundments for the containment of uncontaminated Storm water, except for Storm water impoundments that are regulated under an NPDES permit and to which a general permit under APP applies.

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. The operator must forward to BLM a copy of the written notification from the Arizona State Mine Inspector that this form was received.

For copies of this form contact the ASMI at:

Arizona State Mine Inspector
1700 W. Washington, Suite 400
Phoenix, AZ. 85007
ph. (602) 542-5971

In addition, operators must submit to the Mine Safety and Health Administration (MSHA) form 2000-7. This form establishes, for agency purposes, the legal identity of the operator. The operator/claimant must also file a "start-up notice" with MSHA. This is an informal letter that is filed with MSHA to notify the agency that operations will begin. After operations start, operators must have on-site, at all times, a copy of their 2000-7 form together with their 7 digit MSHA number and copies of the quarterly report, form 7000-2. Copies of the necessary forms are available on a limited basis at some BLM offices, but are always available from MSHA. For additional information or copies of the necessary forms contact MSHA directly at:

U.S. Department of Labor
Mine Safety and Health Administration
63 E. Main, Suite 303
Mesa, AZ. 85201
ph. (602) 649-5452

MSHA generally does not require an operator/claimant to establish a legal identity (submit form 2000-7) or submit a start-up notice when:

- Operation involve only exploration activities in abandoned or inactive mines, such as geologic mapping, chip or channel sampling and long-hole drilling. If it is necessary to begin the rehabilitation of mine workings, such as roads, mine structures or timbering, to perform exploration activities, then the submission of form 2000-7 and a start-up notice is required. In these cases, contact MSHA for further guidance.

- Operations are primarily recreational such as prospecting clubs or other organizations that derive their profits and/or revenues from dues and fees that are largely independent of the extraction, processing or sale of mineral commodities.

If an operator or claimant stops an operation, moves an operation, or permanently closes it, the operator or claimant must notify MSHA and ASMI of the intent to close or move the operation and ADEQ if the operation is regulated under the APP program.

Operators or claimants who conduct operations under a notice must give BLM a certification, as required by 43 CFR 3809.1-9, that a financial guarantee exists to ensure reclamation. At any time BLM may ask the notice-level operator or claimant to show the existence of this guarantee. Before agreeing to allow an operation to proceed, BLM Arizona will require the operator or claimant to show the existence of this guarantee when proposed operations involve residential

occupancy (making a home) or leaching operations. A copy of the regulations in 43 CFR 3809.1-9 is contained in Appendix 2.

**Step 5, Once Occupancies or Uses Begin.**

When BLM concurs with an occupancy, the written concurrence must be kept on the mine property and shown to any BLM employee asking to see it.

BLM will use the Compliance Assessment - Safety, Health, and the Environment Protocol Manual for the Bureau of Land Management and the Safety and Health Management BLM Manual Handbook (H1112-1) as guidelines for inspecting facilities on a mining claim. BLM uses these manuals to inspect its operations and facilities. These documents are reference guides and do not apply requirements above those found in the regulations.

If during inspections, BLM discovers that operations or facilities are not maintained or operated according to regulations or if reasonably incident activities cease and BLM inspections reveal that observable on-the-ground activities have stopped, BLM will employ the enforcement actions in 43 CFR 3715.7-1.

## Performance Measures

**1. Facilities and Equipment:** All facilities and equipment on a mining claim or millsite 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 structures used and/or occupied by a mining claimant or operator must be noted in the 3715 filing. Any structures that existed before the subject regulations, not claimed on a 3715 filing may become, at the discretion of management, the property of the United States. If an operator/claimant claims the right to possess and use a pre-existing building on his/her claim, and if this structure is determined by BLM to be historically significant, BLM may require the operator/claimant to restore the structure to its condition prior to the use or occupancy..

If at any time, reasonably incident activities cease, and inspections by BLM personnel reveal that observable on-the-ground activities have stopped, BLM may terminate the concurrence and order all or part of the use and occupancy to stop and be removed from the public lands.

Single structures for the storage of compatible chemicals and housing of equipment or supplies will be encouraged over the use of several small outlying structures when practical. Temporary

structures such as tents, campers, or trailer homes will be encouraged over the use of permanent structures such as buildings, homes or cabins. When practical, you must use flat lying areas, with low erosion potential, as the preferred site for all facilities. All operations must have at least one (1) ABC type fire extinguisher on site at all times.

BLM's written concurrence for the occupancy must be kept on the mine property and presented to any BLM personnel requesting to see it.

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 all applicable 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 (ASMI).

**2. Vehicles:** All automobiles and motor homes on mining claims or millsites must have current registration. All off-highway motor vehicles (any motorized vehicle when operated off of highways on either 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. Structure Condition:** The exterior of all buildings (including roofs) and trailers on public lands and other related outdoor structures must be in good physical condition, well maintained, well painted or otherwise treated to protect against deterioration and kept clean and in good repair. BLM may specify paint colors to limit visual impacts. The operator is responsible to insure that all structures meet State, county, or local electrical, mechanical, safety and public health codes.

**4. 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 process reagents in quantities exceeding a 30 day supply will not be allowed without additional NEPA analysis. When the claimant/operator requests a process chemical inventory that does not exceed a 30 day supply the claimant/operator must demonstrate the need for the inventory requested in the 43 CFR 3715 filing. This restriction does not apply to household chemicals or chemicals stored in quantities less than the CERCLA reportable quantity (40 CFR 302). 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 all applicable 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 (ASMI). Operators must submit

a complete list of all the chemicals they plan to store on their claims or millsites 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.

**5. Fuel and Petroleum Product Storage:** All petroleum product storage tanks and barrels, placed above ground, must be in a bermed area. The bermed area must be lined with an impervious lining. The bermed area must be able to contain 110% of the capacity of the tank(s) and/or barrels. Facilities that store 1320 gallons of oil or more or 660 gallons in a single tank must have a Spill Prevention Control and Countermeasures Plan (SPCC) 40 CFR 112.20 (a). These plans must be developed and then approved by a registered professional engineer. The SPCC plan must determine if the facility can cause "substantial harm to the environment". If it does, then a Facility Response Plan is also required.

**6. Mobile Homes:** No permanent foundations will be erected for mobile homes. No mobile home will have an enclosed deck or add-on room. Porches may be installed, but any porch will be easily removable from the mobile home. Porches will not be enclosed with any material, except for screening. Roll-up sunshades are also permitted. Mobile homes must have at least 10 feet between them.

**7. Authorized Number, Types and Uses:** The mine operator will not exceed the number or type of structures specified in the approved 3715 filing. All structures must be removed within the time frames stated in the 3715 filing. The operator/claimant must furnish the BLM a copy of the Aquifer Protection Permit before operations begin, whenever an APP is required.

BLM will coordinate with the claimant or operator to ensure that the number of people required to reside on a mining claim or millsite will be sufficient to perform the tasks of mining and/or milling and to provide for site security. BLM will also work with the claimant or operator to insure that only the number of people required for operations and site security will be in residence (making a home) on the claim at any time. Based on this consultation and the subsequent environmental analysis, BLM will specify the maximum number of people, including family members, that can reside on the claim for more than 14 days in any 90 day period.

**8. 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.

**9. Tanks:** Liquid Petroleum Gas storage, used for household purposes, will not exceed one hundred and twenty five (125) gallons at each mobile home, cabin, or house. Each tank will be installed, mounted, and maintained in a way that meets all applicable safety code provisions. At a minimum this means chained to the structure.

**10. Appliances and Yard Furniture:** Except water softeners, evaporative coolers and air

conditioners, no household appliances of any kind will be installed or stored outside of a structure. Only furniture designed and constructed for exterior use is permitted outdoors. Tables, grills, and fire-containing devices will be repaired as necessary to assure proper function, rigidity, support and appearance.

**11. 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.

**12. 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.

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

**14. 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.

**15. 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.

**16. 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.

**17. Explosive Storage:** All explosive storage, regardless of the class of explosive or the amount stored inside the magazine, shall meet the requirements of the Arizona Revised Statues Title 27.

**18. Fences:** BLM will attempt to keep the public lands open to public entry at all times. But, where public health and safety is 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.

**19. Reclamation:** Regulations at 43 CFR 3809.1-1 require that all operations will be reclaimed. Occupancy site reclamation will include, but is not limited to, complete removal of all structures, regrading, replacement of topsoil or growth medium and establishing native vegetation to establish a diverse, effective, and permanent vegetative cover to reflect the post mining land use. All reclamation operations will be conducted in accordance with the BLM Solid Mineral Reclamation Handbook (H-3042-1).

## Actions and Activities Not Allowed

The cultivation of crops and establishment or garden plots.

Activities including animal maintenance or pasturage. This includes the construction of

corrals, chicken coups, 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 by the subject regulations.

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 busses, truck trailers, other abandoned vehicles, adits, tunnels or caves.