

APPENDIX A

Laws and Regulations for Mining on Public Lands

- 43 CFR 3500, Solid Minerals Exploration and Mining Operations (administered by BLM and USFS); Federal Land Policy and Management Act of 1976; and Mineral Leasing Act of 1920 – These laws, in combination with other agency plans (i.e., Caribou National Forest Land and Resource Management Plan and BLM Pocatello Resource Management Plan) require the agencies to analyze proposed mining operations to ensure that exploration and mining plans are consistent with and responsive to requirements of the lease, license, or permit.
- 43 CFR 3510, Phosphate Leasing (administered by BLM) – Lists procedures for qualified applicants to obtain rights to develop deposits of phosphate on federal land that is available for leasing.
- 43 CFR 3590, Solid Minerals (Other Than Coal) Exploration and Mining Operations (administered by BLM) – Requires submittal of a mine and reclamation plan for BLM review. Provides for orderly development of mineral deposits without waste or damage to deposits, and promotes maximum recovery using operating practices that will avoid, minimize, or correct damage to the environment.
- 43 CFR 3592 (administered by BLM) – Establishes requirements for permit applications for mining on land leased from the federal government. These requirements include submittal of exploration and mining plans which detail the proposed exploration, prospecting, testing, development, or mining operations to be conducted by the applicant and/or leasee. BLM reviews the proposed mining activity with USFS specialists and receives input from USFS regarding disturbance and reclamation of portions of the proposed mining action that would occur on land administered by USFS.
- 43 CFR 3594.1(a) – Requires mining operations be conducted in a manner that yields maximum recovery of mineral deposits while recognizing the need to protect other environmental resources.
- 36 CFR 251 Subpart b – Stipulates that entities that propose to occupy National Forest System land for specified purposes must obtain a Special Use Permit from USFS.
- Sections 404 and 401 of the Clean Water Act (CWA), administered by USCOE, regulate activities that would fill or dredge wetlands and other waters of the U.S. Section 401 of the CWA requires any applicant for a federal license or permit that may result in discharge of a pollutant to waters of the US to obtain a certification from the state of Idaho (IDEQ) that the proposed discharge will comply with applicable effluent limitations and water quality standards. These two permits are applied for in a Joint Application for Permit. Information in the Joint Application for Permit is also submitted to the Idaho Department of Water Resources (IDWR) to obtain a Stream Alteration Permit.
- NEPA of 1969 – Requires that federal agencies use a multidisciplinary approach to evaluate potential impacts of the proposed detailed mine plan on the human environment. The agencies are required to compile an EIS to disclose to the public what the decisionmaker considered in reaching the decision.

- Non-Federal Actions – Mining and reclamation plans requiring protection of nonmineral resources and reclamation of land affected by exploration and/or mining must be authorized by IDL pursuant to the Idaho Administration Procedures Act (IDAPA).
- The Bevill Amendment excludes phosphate waste from being considered hazardous waste. As specified in 40 CFR §261.4(6)&(7), “The following solid wastes are not considered hazardous wastes: Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore).”