APPENDIX D

OTHER FEDERAL REGULATORY AUTHORITIES

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1. INTRODUCTION

Besides the EPA authorities described in Appendix C, mining operations are subject to a complex web of federal, state, and local requirements. Many of these require permits before the mining operations commence, while many simply require consultations, mandate the submission of various reports, and/or establish specific prohibitions or performance-based standards. Among the federal statutes that are potentially applicable are those shown in Table 1 at the end of this appendix. Also shown are the agencies with primary responsibility for implementing or administering the statute and the types of requirements imposed on those subject to various statutory provisions.

A great deal of effective coordination among federal agencies has taken place in the past, often based on informal working relationships. However, there are many instances of conflicting or overlapping authorities (e.g., Executive Order Number 12580 -- Organic Acts) which require resolution. Overall, federal agencies with responsibilities related to mining activities need to coordinate their efforts more consistently than has occurred to date. Where appropriate and useful, this framework recommends that such relationships be formalized, so that appropriate coordination occurs regularly. This increased coordination is important to streamline the regulatory process. This will likely require some Memoranda of Understanding between agencies that articulate specific actions and time frames for accomplishment.

A key element in the consideration of responsibilities of federal agencies is the dual role of many federal agencies as both land managers responsible for oversight of various activities on such lands and as parties that may be regulated by state agencies or EPA. In developing specific regulatory actions (e.g., developing a general permit for abandoned and inactive mines on federal land), EPA representatives will need to be aware of the potentially precedent-setting actions in the exercise of regulatory tools on federal lands that may have implications for actions taken with respect to private land owners.

A sizable challenge in working with federal agencies will be addressing the inactive and abandoned mines on federal lands. For example, where a comprehensive watershed risk-based approach is used, federal agencies need to commit to carry out specific pollution prevention or control measures identified for particular sites. The Office of Surface Mining Reclamation and Enforcement (OSM) could share technical expertise gained by administering the Abandoned Mine Land Program to states and tribes. Under this program, Wyoming has reclaimed more than 20,000 acres of non-coal abandoned mine land; and Colorado, Montana, the Navajo Tribe, New Mexico, Utah, and Wyoming have closed more than 2,400 portals and 4,000 shafts. (OSM 1994)

There are also many specific federal agency coordination issues. For instance, statutory mandates set different priorities that may limit consolidating priority setting. SMCRA Section 403 priority setting criteria rank danger and human health higher than environmental factors. Federal agencies other than EPA may not now issue abatement orders under Section 106 of CERCLA (per a 1996 amendment to Executive Order 12580). Also, federal agencies other than EPA do have delegated authority to recover funds for remedial actions on federal lands. Frequently, federal land managers would like to participate

in devising remediation at specific sites. EPA may also wish to explore having federal land managers undertake some enforcement actions using other authorities.

Many other agencies are designated as Natural Resources Trustees under CERCLA. The National Contingency Plan includes some duties of the trustees: assessing damage to natural resources, negotiation with potentially responsible parties, and seeking compensation from the responsible parties. Land managing agencies such as the BLAM and tribal chairmen have natural resource trust authority under CERCLA.

Another specific component of the relationship with other federal agencies involves active mine plans. It is important that the portions of these plans that indicate how the mine plan will meet applicable environmental standards are included and contain all appropriate information. Therefore, a joint, improved process involving EPA and other appropriate federal agencies is needed. (A similar issue exits for states.)

There is also an important partnership dimension to relationships between federal-state agencies in which the various agencies provide assistance and training to enhance their capability of their partners to regulate mining activities effectively. Partnerships in the joint assessment of mine sites are also needed to most efficiently use limited resource dollars to determine the extent of health and environmental risk at abandoned sites at a national level.

2. GENERAL FRAMEWORK FOR MINING ON FEDERAL LAND

There are many statutes and associate regulatory programs that govern federal land management and the disposition of minerals on federal lands. The Bureau of Land Management (BLM) has issued regulations that require operations to be conducted so as to prevent unnecessary or undue degradation of the lands or their resources, including environmental resources and the mineral resources themselves. The regulations specify that operators are to comply with federal and state environmental laws, including the Clean Water Act (CWA). Regulations encourage coordination and cooperation between the BLM and state regulatory agencies.

An operator who intends to disturb more than five cumulative acres, or to operate in certain sensitive areas, must file a plan of operations before commencing operations (lower level disturbances are subject to different requirements). The plan of operations must identify the site, they type of operations proposed, and measures to be taken to prevent unnecessary or undue degradation and to meet reclamation standards. These standards include (but are not limited to) the following:

- Taking reasonable measures to prevent or control on- and off-site damage to federal lands
- Measures taken to control erosion, landslides, and water runoff

- Measures to isolate, remove, or control toxic materials

- Reshaping the disturbed area, replacement of topsoil, and revegetation, where reasonably practicable.

Reclamation standards specifically do not apply to previously disturbed areas on a mining claim; operators are responsible only for their own disturbances. A reclamation bond is required for plans of operations, with amounts based on the type of operation and the operator's compliance record. In general, BLM does not require duplicate bonds where thee is also a state bonding requirement.

The Forest Service operates under several statutes that mandate the planning and management of lands within the National Forest System. These include the Organic Act of 1897, the Multiple Use and Sustained Yield Act of 1960 (MUSYA) and the National Forest Management Act of 1976 (NFMA). The Organic Act delegated broad authority over most land use activities within the National Forest System. It also provides for continued state jurisdiction over National Forest lands. Finally, it declares that forests shall remain open prospecting, location, and development of minerals under applicable laws, and that waters within the boundaries of the National Forests may be used for domestic mining and milling, among other uses. Section 3 of the MUSYA authorizes the Forest Service to cooperate with state and local governments in managing the National Forests. The NFMA amended the Rangelands and Renewable Resources Act of 1974 by establishing an extensive system of planning for the National Forests. Forest Service regulations require that mining rights are exercised in a way that will minimize adverse environmental impacts on surface resources.

Forest Service regulations (36 CFR 228) are broad and similar to BLM's in that they impose few specific technical standards. Regulations require that a proposed plan of operations be prepared unless there will be no significant disturbance of surface resources. All operators must comply with all applicable federal and state pollution control laws, including the CWA. Regulations allow for reclamation bonding conditioned on compliance with the reclamation standards. These standards (§122.8(g)) require that, where practicable, operators reclaim sites to prevent on- and off-site damage to the environment and forests surface resources, including (among others):

- Control of erosion and prevention of landslides
- Control of water runoff
- Isolation, removal, or control of toxic materials
- Reshaping and revegetation of disturbed areas, where reasonably practicable.

The National Environmental Policy Act of 1969 (NEPA) is also a significant influence on federal Land management and planning on Federal lands. NEPA requires federal agencies to consider the environmental impacts of their proposed actions, along with alternatives to the proposed actions. Under NEPA and applicable regulations of the Council on Environmental Quality, federal agencies must prepare an environmental assessment (EA and/or and environmental impact statement (EIS) before

undertaking any major federal actions significantly affecting the quality of the human environment. If the proposed action will not significantly affect the environment, the agency can issue a finding of no significant impact (FONSI). If a FONSI is not appropriate and an EIS is determined to be necessary, it must contain, among other things, a consideration of alternatives to the proposed decision, a full discussion of significant environmental impacts, an evaluation of cumulative effects, and a discussion of mitigation measures.

BLM and the Forest Service generally conduct a NEPA analysis before taking any formal planning action, issuing any permit or lease, or approving a mining plan of operations or other activity on federal lands. Those actions considered major and that will have significant environmental impact or public interest trigger the preparation on an EIS.

Mining Regulation on National Park Service and Fish and Wildlife Service Lands

The National Park Service has been charged by Congress to manage units of the National Park System so as to conserve the scenery and the natural and historic objects and wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. The Fish and Wildlife Service has jurisdiction over a variety of areas designed primarily for species protection, such as National Fish and Wildlife Refuges. Although mineral operations are generally prohibited in these areas, both agencies have some statutory and regulatory authority for controlling allowed mineral development, including mineral development rights such as valid mining claims that had vested before designating the lands as protected areas.

The Mineral Leasing Act of 1920 specifically excludes National Parks and National Monuments from federal mineral leasing. Subsequent legislation and BLM regulations at 43 CFR 3100.0-2(2) make clear that, except for three national recreation areas, all units of the National Park Service are closed to federal mineral leasing. The Mining in the Parks Act of 1976 eliminated the language contained in six units of the Park System that allowed the location of mining claims within these units. As a result, all units of the National Park System are now closed to the location of mining claims under the 1872 Mining Law. The Act also directed the Secretary of the Interior to develop regulations to control all activities resulting from the exercise of valid existing mineral rights on patented and unpatented mining claims in any area of the National Park System to preserve the pristine beauty of these areas. In 1977, the National Park Service promulgated the requisite regulations in 36 CFR Part 9, Subpart A. Section 11 of the Act provides that a claimant subject to the Act who believes he has suffered a loss by operation of the Act or by orders or regulations issued pursuant to it may bring a takings claim in U.S. Court of Claims.

The National Park Service has extensive regulations governing exercise of valid existing mineral rights (36 CFR Part 9 Subpart A). The regulations restrict water use, limit access, and require complete reclamation. They also require that operators obtain an access permit and approval of a plan of operations before beginning any activity. A plan of operations requires specific site and operations

information, and may require the operator to submit a detailed environmental report. Operators must comply with any applicable federal, state, and local laws or regulations.

The Fish and Wildlife Service (F&WS) manages a disparate group of wildlife refuges, fish hatcheries, research centers, etc., established either by statute, executive order, or public land order. Most F&WS units were either withdrawn from mineral entry when they were established, those few that were open to such entry have since been withdrawn. The F&WS has brief regulations (50 CFR 29.32) governing the preexisting mineral rights on lands under its jurisdiction. These regulations state that such rights shall, to the greatest extent practicable...prevent damage, erosion, pollution, or contamination of the lands, waters, facilities, and vegetation of the area. Operators must comply with all applicable federal and state laws and regulations for the protection of wildlife and the administration of the area. Waste and contaminating substances must be confined so as to prevent damage to the area, and shall be restored as nearly as possible to its condition before commencement of mining operations. However, nothing in the regulations may be applied in a manner contravening or nullifying vested mineral rights. As of the early 1990s, there were no known active mining operations in the F&WS preserve system although there may have been valid existing rights under the Mining Law in some cases.

Other Related Regulations, Policies, and Issues

U.S. Bureau of Indian Affairs. The *Indian Mineral Development Act of 1982* is the Bureau of Indian Affairs' overall planning and management statute for mineral development on tribal lands. Regulations governing the mining development have been promulgated at 25 CFR 211, Leasing of Tribal Lands, 25 CFR 212, Leasing of Allotted Lands; 25 CFR 213 Leasing of Restricted Lands for Members of the Five Civilized Tribes, Oklahoma, for Mining; and 25 CFR 225, Oil and Gas, Geothermal, and Solid Mineral Agreements. In addition, tribes have many internal policies regarding the protection of Tribal Trust Resources.

State/Federal Memoranda of Understanding. BLM and the Forest Service often reach agreements (Memoranda of Understanding (MOU)) with the states in which their lands are located. California's MOUs with the Forest Service (1979) and with BLM (1990) are illustrative. The 1979 MOU for reclamation insures that lead agencies accept reclamation plans that meet state and federal requirements. The 1990 MOU also gives the state the opportunity to comment on environmental assessments, the reclamation plans, and cooperative enforcement of bond adjustments and releases.

Regulation on Split-Estate Lands. Split-Estate lands are those where one party owns the surface estate, and another owns some or all of the underlying mineral estate. In the split-estate situation, the mineral estate is usually considered dominant, unless otherwise provided for by contract. The dominant mineral estate has the implied right to enter, occupy, and make such use of the surface as is reasonably necessary to explore, mine, remove, and market the minerals.

Where the United States owns the mineral estate, but not the surface estate, a lessee of the minerals must comply with the terms of the BLM leasing regulations (43 CFR Group 3500). Certain categories of public domain minerals may be located under the Mining Law, even if the surface has been patented. When allowed, location and development are subject to the Mining Law and BLM, Forest Service, National Park Service, and F&WS regulations to the same extent as other mining claims. The control the United States has over the surface estate, which could be owned by a party other than the United States if it is a split-estate situation, may vary depending upon the applicable law.

Because the United States can regulate the activity of mineral lessees, operators, permittees, and mining claimants ono split-estate lands where the United States owns the minerals but not the surface, it has some level of control over whether those operations comply with federal and other laws, including environmental laws. Agencies are more limited in their control of split-estate lands where the United States owns the surface, but another party owns the mineral estate. This situation often arises when a federal agency, such as the Forest Service, has acquired the surface estate for a specific purpose, and the conveyance is subject to a reservation of minerals. Where this is the case, the surface rights of the United States may be subject to the rights of the owner of the dominant mineral estate to enter the property and use the surface for all purposes reasonably necessary for development of the mineral estate. While the United States as surface owner may have some authority to regulate the surface use, it generally would not have the right to prohibit completely, use of the surface for development of the underlying minerals, since the mineral estate is dominant.

Inactive and Abandoned Mines on Federal Lands. None of the authorizing statutes described above provide for the reclamation of previously abandoned mines on federal land. Until the relatively recent past, statutory authority for BLM and most other federal agencies did not explicitly provide even for regulation, including reclamation, of mineral development on most federal lands. As a result, the residue of over a century of intense mineral development on federal lands, as well as patented and other private lands, remains. In recent years, Congress has considered some legislation relevant to mine reclamation. To date, none of these proposals has become law.

3. ADDITIONAL FEDERAL LAWS APPLICABLE TO MINING ACTIVITIES

Other federal statutes may also play a general role in mining regulation. The following sections describe the purposes and broad goals of several federal statutes, some of which have been mentioned above. The discussion for each statute also provides an overview of the requirements and programs implemented by the respective implementing agencies.

Endangered Species Act. The Endangered Species Act (ESA) (16 U.S.C. §§1531–1544) provides a means whereby ecosystems supporting threatened or endangered species may be conserved and provides a program for the conservation of such species. Under the ESA, the Secretary of the Interior or the Secretary of Commerce, depending on their responsibilities pursuant to the provisions of Reorganization Plan No. 4 of 1970, must determine whether any species is endangered or threatened due

to habitat destruction, overuse, disease, or predation, the inadequacy of existing regulatory mechanisms, or other natural or artificial factors. When the Secretary determines that a species is endangered or threatened, the Secretary must issue regulations deemed necessary and advisable for the conservation of the species. In addition, to the extent prudent and determinable, she or he must designate the critical habitat of the species.

Section 7 of the ESA requires federal agencies to ensure that all federally associated activities within the United States are not likely to jeopardize the continued existence of threatened or endangered species or of critical habitat that are important in conserving those species. Agencies undertaking a federal action must consult with the F&WS which maintains current lists of species designated as threatened or endangered, to determine the potential impacts a project may have on protected species. The National Marine Fisheries Service undertakes the consultation function for marine and anadromous fish species while the F&WS is responsible for terrestrial (and avian), wetland and fresh water species.

The F&WS has established a system of informal and formal consultation procedures, and these must be undertaken as appropriate in preparing an EA or EIS. Many states also have programs to identify and protect threatened or endangered species other than federally listed species. If a federally listed threatened or endangered species may be located within the project area and/or may be affected by the project, a detailed endangered species assessment (biological assessment) may be prepared independently or concurrently with the EIS and included as an appendix. States may have similar requirements for detailed biological assessments as well.

National Historic Preservation Act. The National Historic Preservation Act (NHPA) (16 U.S.C. §§470 et. seq.) establishes federal programs to further the efforts of private agencies and individuals in preserving the historical and cultural foundations of the nation. The NHPA authorizes the establishment of the National Register of Historic Places. It establishes an Advisory Council on Historic Preservation authorized to review and comment upon activities licensed by the federal government that have an effect upon sites listed on the National Register of Historic Places or that are eligible to be listed. The NHPA establishes a National Trust Fund to administer grants for historic preservation. It authorizes the development of regulations to require federal agencies to consider the effects of federally-assisted activities on properties included in, or eligible for, the National Register of Historic Places. It also authorizes regulations addressing state historical preservation programs. State preservations programs can be approved where they meet minimum specified criteria. Additionally, Native American tribes may assume the functions of state Historical Preservation officers over tribal lands where the tribes meet minimum requirements. Under the Act, federal agencies assume the responsibility for preserving historical properties owned or controlled by the agencies.

A series of amendments to the NHPA in 1980 codify portions of Executive Order 11593 (Protection and Enhancement of the Cultural Environment--16 U.S.C. §470). These amendments require an inventory of federal resources and federal agency programs that protect historic resources, and

authorize federal agencies to charge federal permittees and licensees reasonable costs for protection activities.

Where mining activities involve a proposed federal action or federally assisted undertaking, or require a license from a Federal or independent agency, and such activities affect any district, site, building, structure, or object include in or eligible for inclusion in the National Register, the agency or licensee must offer the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. Such agencies or licensees are also obligated to consult with state and Native American Historic Preservation Officers responsible for implementing approved state programs.

A special concern in some cases is related to the fact that many proposed mining operations are located in areas where mining has occurred in the past. Particularly in the west and Alaska, states and localities are viewing the artifacts of past mining (e.g., headframes, mill buildings, or even waste rock piles) as valuable evidence of their heritage. Since modern mining operations can obliterate any remnants of historic operations, care must be taken to identify any valuable cultural resources and mitigate any unavoidable impacts. Innovative approaches are often called for and implemented. In Cripple Creek, Colorado, for example, a mining operation wished to recover gold from turn-of-the-century waste rock piles. As mitigation for removing this evidence of the area's past mining, the operator replaced the piles with waste rock from their modern pit. In addition, the company provided interpretive signs in the area for the public.

Coastal Zone Management Act. The Coastal Zone Management Act (CZMA) (16 U.S.C. §§1451–1464) seeks to preserve protect, develop, and where possible, restore or enhance the resources of the Nation's coastal zone for this and future generations. To achieve these goals, the Act provides for financial and technical assistance and federal guidance to states and territories for the conservation and management of coastal resources.

Under the CZMA, federal grants are used to encourage coastal states to develop a coastal zone management program (CMP). The CMPs specify permissible land and water uses and require participating states to specify how they will implement their management programs. In developing CMPs, states must consider such criteria as ecological, cultural, historic, and aesthetic values as well as economic development needs. Applicants for federal licenses or permits must submit consistency certifications indicating that their activities comply with CMP requirements. In addition, activities of federal agencies that directly affect the coastal zone must be consistent with approved state CMPs to the maximum extent practicable. The CZMA also establishes the National Estuarine Reserve System, which fosters the proper management and continued research of areas designated as national estuarine reserves.

To the extent that mining activities are federally licensed or permitted, applicants must certify that all activities are consistent with applicable CMPs.

Farmland Protection Policy Act. The Farmland Protection Policy Act (FPPA) (P.L. 97–98) seeks to minimize the conversion of farmland to non-agricultural uses. It requires that, to the extent practicable, federal programs be compatible with agricultural land uses. The Act requires that in conducting agency actions federal agencies follow established criteria for considering and taking into account any adverse effects such actions may have on farmland. Where adverse effects are anticipated, federal agencies must consider alternatives that will mitigate any harmful impacts. Under the Act, the U.S. Natural Resource Conservation Service (NCRS) is required to be contacted and asked to identify whether a proposed facility will affect any lands classified as prime or unique farmlands. However, beyond considering potential adverse effects and alternatives to agency action, the Act does not provide the basis for actions challenging federal programs affecting farmlands.

Rivers and Harbors Act of 1899. The Rivers and Harbors Act (RHA) (33 U.S.C. §§401–413) was originally enacted to regulate obstructions to navigation and to prohibit the unpermitted dumping or discharging of any refuse into a navigable water of the United States. The Act also provides authority to regulate the disposal of dredged material in navigable waters. The provisions of section 407 forbid any discharge of refuse matter other than that flowing from streets and sewers in a liquid state. Under section 403, a permit is required from the U.S. Army Corps of Engineers for the construction of any structure in or over navigable waters of the United States.

Surface Mining Control and Reclamation Act (SMCRA). The Surface Mining Control and Reclamation Act (SMCRA) Title IV primarily addresses the Abandoned Mined Lands (AML) Program, under which coal mine sites abandoned before 1977 are reclaimed and, under certain circumstances, abandoned noncoal mines may be reclaimed. SMCRA provides for delegation of program implementation authority to states, with state programs overseen by the Office of Surface Mining Reclamation and Enforcement (OSM) and direct OSM implementation in nondelegated states. To date, OSM has delegated primacy to 23 states. In addition, three Native American tribes administer their own AML program. OSM administers SMCRA requirements in 13 states (most of which have no current coal production) and on all other Native American lands.

Under SMCRA, OSM has established criteria for setting priorities to reclaim AMLs, and these criteria rank danger and human health issues higher than environmental problems. Wyoming, the Navajo Tribe, and Montana are among those states that have successfully applied AML funds to noncoal sites after reclaiming all priority coal sites [30 U.S.C. 1239].

Wild and Scenic Rivers Act. The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1273 et. seq.) provides that certain selected rivers ...shall be preserved in a free flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. Section 7 of the Act prohibits the issuance of a license for construction of any water resources project that would have a direct effect on rivers (or reaches of rivers) selected because of their remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values for the National Wild and Scenic Rivers System.

The system includes rivers and streams placed in the System by acts of Congress and rivers that have been studies and deemed suitable for inclusion. Any potential impacts on rivers and streams in the System must be considered and direct adverse effects on the values for which the river was selected for the System must be prevented.

States also have their own systems for protecting rivers and streams or portions thereof. While agencies may have no legal requirement to consider state-protected wild and scenic rivers and streams, any potential impacts to such streams should nevertheless be considered and addressed.

Fish and Wildlife Coordination Act. The Fish and Wildlife Coordination Act of 1934 (16 U.S.C. 661 et. seq., P.L. 85–624) authorizes the Secretary of the Interior to provide assistance to, and cooperate with, federal, state, and public or private agencies or organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat. Most of the Act is associated with the coordination of wildlife conservation and other features of water-resource development programs.

Fish and Wildlife Conservation Act. The Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et. seq.) encourages federal agencies to conserve and promote conservation of nongame fish and wildlife and their habitats to the maximum extent possible within each Agency's statutory responsibilities. The Act places no affirmative requirements on federal agencies.

Migratory Bird Protection Treaty Act. The Migratory Bird Protection Treaty Act (16 U.S.C. 703–711) prohibits the killing, capturing, or transporting of protected migratory birds, their nests, and eggs. Consultations with the F&WS are encouraged if project activities could directly or indirectly harm migratory birds.

Table 1. Other Federal Statutes Generally Applicable to Mining Operations

Statute/Section	Implementing/Responsible Agency	Procedural	Overview
Endangered Species Act (16 U.S.C. §§1531–1544)		**Procedural**	Requires federal agencies to ensure that all federally associated activities within the U.S. do not jeopardize the continued existence of threatened or endangered species r of critical habitat. Agencies undertaking a federal action must consult with the U.S. fish and Wildlife Service FWS) or the National Marine Fisheries Service (NMFS) to determine the potential impacts a project may have on protected species.
National Historic Preservation Act (16 U.S.C. §§470 et seq.)	Advisory Council on Historic Preservation		Federally licensed mining activities that affect any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register, must afford the Advisory Council on Historic Preservation a reasonable opportunity to comment.
Coastal Zone Management Act (16 U.S.C. §§1451–1464)			Applicants for federal licenses or permits must submit consistency certifications indicating that their activities comply with CMP requirements. In addition, activities of federal agencies that directly affect the coastal zone must be consistent with approved state CMPs to the maximum extent practicable.
Farmland Protection Policy Act (FPPA) P.L. 97–98)			U.S. Natural Resource Conservation Service (NRCs) must be asked to identify whether a proposed facility will affect any lands classified as prime and unique farmlands.
Rivers and Harbors Act (33 U.S.C. §§401–413)			The RHA regulates obstructions to navigation and prohibits the unpermitted dumping or discharging of refuse into a navigable water of the U.S. The Act also provides authority to regulate the disposal of dredged materials in navigable waters. Also see §402 and §404 of the CWA.
Surface Mining Control and Reclamation Act (30 U.S.C. §§1201–1328)	Office of Surface Mining, Authorized States	Permits; Standards; Reporting; Royalties	Regulates surface effects of surface and underground coal mining that occurred afer 1977. Under certain circumstances, provides funding for reclamation of abandoned hardrock mines.
Mining Law of 1972 (30 U.S.C. §§22–54)	Bureau of Land Management, Federal land managers		Provides rights of free access to unrestricted public lands for purposes of claiming and recovering most metallic minerals Provides mechanism for claimants to obtain full title to claimed public lands.
Federal Land Policy Management Act (43 U.S.C. §§1701–1782)		Notification; Studies; Approvals	Requires BLM to prevent unnecessary and undue degradation of public lands. Implementing regulations specify noncompliance with Clean Water Act and other statutes as “unnecessary and undue” degradation. Establishes land planning process, including compliance with NEPA. Regulations impose procedural requirements on mining operations on BLM lands (e.g., approval of plans of operations), with most technical requirements determined by managers of BLM units or BLM State offices.

Table 1. Other Federal Statutes Generally Applicable to Mining Operations (Continued)

Statute/Section	Implementing/Responsible Agency	Procedural Standards; Notification; Approvals	Overview
National Park System Mining Regulation Act (Mining in the Parks Act, or MPA) (16 U.S.C. §§1901–1912)			Regulated mining activities within the National Park System. All mining claims in NPS system made prior to September 1977 had to be recorded by that time. No claims allowed after that time. Protects natural or historic landmarks within the park system by requiring that person conducting mining operations that threaten such landmarks notify NPS and the Council on Historic Preservation.
Multiple Use and Sustained Yield Act (16 U.S.C. §§528–531), National Forest Management Act		Notification; Studies; Approvals	Establishes that the National Forest System is to be managed for outdoor recreation, range, timber, watershed, and fish and wildlife purposes. **Overview** Provides that the renewable surface resources of the national forest are to b administered for multiple use and sustained yield of products and services. Establishes land planning process, including compliance with NEPA. Regulations impose procedural requirements on mining operations on FS lands (e.g., approval of plans of operations), with most technical requirements determined by managers of FS units or FS state offices.
Mineral Leasing Act (30 U.S.C. §§181–287)		Lease (permit); Reporting; Studies	Requires leases and royalty payments for mining fuel minerals (including coal and uranium) on federal lands, and for mining hardrock minerals on acquired lands.

**NOTE:*