

## Pre-Plan Submittal Coordination Process

### Introduction

The Bureau of Land Management (BLM), in its ongoing efforts to improve permitting efficiencies, encourages the implementation of a “Pre-Plan Submittal” phase as part of the plan of operations and plan modification review process. The following is an outline of the suggested sequence for the pre-plan submittal process. Implementing a federal/state agreement under 43 CFR 3809.200 or memorandum of understanding can aid in implementing the process outlined below.

### Suggested Steps:

**1. Operator contacts the BLM.** The operator makes initial contact with the Field Office to provide a summary of the proposed mining operation. This notification and pre-plan submittal meeting occurs before an actual submittal of a proposed plan of operations or plan modification (other than a minor modification) to the Field Office (FO). To achieve the best outcome of the pre-plan submittal meeting, the FO should encourage the operator to come to the meeting prepared to present the FO with maps of the project area at an appropriate scale showing the location of the proposed operations. This should include preliminary information regarding the location of proposed mining activities, mining claims, processing facilities, rock dumps and tailing disposal areas, support facilities, structures, buildings, water supply, power or utility services and access routes, exploratory drill sites, and information regarding the equipment, devices, or practices the operator proposes to use during its operations.

**2. Project Presentation.** The operator presents the proposed project to the FO. As appropriate, the Field Manager and interdisciplinary (ID) team members attend the presentation. In order to facilitate an effective coordinated response, the FO will seek the operator’s concurrence (refer to 43 CFR § 3809.111) to share operator-provided information, or a subset of operator-provided information if some of it is proprietary, with other relevant Federal, State, and Tribal agencies and invite those agencies to attend and participate at the presentation. The FO should encourage the operator to allow multi-agency coordination as it helps engage the relevant agencies early in the permitting process. If deemed necessary, the FO should facilitate a field visit with the operator and cooperating agencies.

**3. BLM Feedback.** Based on the project presentation, the FO should provide the operator with guidance on what content to include in the plan of operations or plan modification submission (43 CFR § 3809.401), what additional information may be needed to support the NEPA analysis (43 CFR § 3809.401(b)(c)), and how the review process will be conducted once the FO (43 CFR § 3809.411) receives the initial plan submittal. Feedback may be verbal if provided at the time of the presentation. If more time is needed, written feedback may be provided, but will not be in the form of a decision. The FO (using input from the FO’s ID Team) will communicate to the operator any potential baseline studies that may be required, including those that may require significant time to complete. These studies may differ across FOs and may include (but are not limited to): (1) rock characterization for acid rock drainage (ARD) analysis, (2) hydrologic baseline studies, (3) wildlife and plant inventories, and (4) cultural resources inventories. The Field Office should also provide the operator with information regarding: (1) land status and other potential conflicts and constraints (e.g., cultural, wildlife, other existing permits, split estate, etc.), (2) the FO’s expected processing time of a proposed plan of operations, and (3)

financial obligations, such as the appropriate types of financial guarantees and, if applicable, processing fees.

**4. Ongoing Coordination.** After the initial meeting, the FO may continue to meet with the operator as often as requested by the operator to provide additional information and coordination. The FO, at the operator's request, may informally review a pre-plan, conceptual plan, or study plan prior to the operator's formal filing of the proposed plan of operations or plan modification. With the operator's concurrence, the FO will continue to facilitate a coordinated response with other relevant local, state, federal, and Tribal agencies by encouraging those agencies to complete timely work and provide available and relevant reports, data, and other reasonable resources.

**5. Pre-Plan of Operations Submittal Project Schedule.** In order to properly track overall timeframes and performance, it is helpful for the operator, BLM, and cooperating agencies to develop a project schedule, including dates for the operator to submit—and BLM or other agencies to review—the baseline reports, for the operator to submit applications for permits to state and local agencies, and for the operator to submit the proposed plan of operations or plan modification to the FO. The FO will provide feedback when requested. The FO should work within the project schedule, including coordinating with other relevant local, state, federal, and Tribal agencies as needed, and encourage them to meet the timeframes. If the BLM is unable to meet an established timeframe task or milestone, the BLM will contact the cooperating agencies and operator regarding the delay and provide a proposed resolution. As the process is proactive, the FO should reach out to the cooperating agencies and operator before the deadline for the task or milestone has passed. The FO should put any correspondence regarding any delays in the case/project file, and track delays that are due to the operator compared to delays due to the BLM or cooperating agencies.

**6. Submittal of the Plan of Operations or Plan Modification.** The operator submits the proposed plan of operations or plan modification to the FO. The BLM's regulations, policy, and NEPA guidance will govern the remainder of the review and approval process. The FO will facilitate the NEPA process with other relevant local, state, federal, and Tribal agencies as directed in the laws and regulations.