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Subject:

BLM MS-3720 – Abandoned Mine Land Program Policy MANUAL

1. Explanation of Material Transmitted: This transmittal releases the revised manual section for Bureau of Land Management’s Abandoned Mine Lands (AML) Program. The revised AML manual section contains updates to the AML program objectives, parameters, priorities, and organizational roles and responsibilities.
2. Reports Required: None.
3. Material Superseded: Manual pages superseded by this release are listed under “REMOVE” below.
4. Filing Instructions: File as directed below.

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All of 3720
(Rel. 3-329)

(Total: 24 sheets)

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Chapter 1. Overview

1.1 Purpose

The purpose of this Manual Section is to provide policy and program direction to manage the Department of the Interior (Department) Bureau of Land Management (BLM) Abandoned Mine Lands (AML) program. This Manual Section provides the framework for the BLM to manage the reclamation of hardrock AMLs.

1.2 Objectives

The AML program supports the BLM mission of public land conservation through communication, consultation, and cooperation with Federal, State, and local partners in abandoned mine land reclamation. Through its authority as a response agency under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as a natural resource trustee regarding resources and services within its jurisdiction, and as a resource manager under the Federal Lands Policy and Management Act (FLPMA), the BLM is responsible for addressing AML issues. The AML program's primary objective is to eliminate or minimize the environmental impacts and physical safety hazards associated with historic hardrock mining activity within the National System of Public Lands (NSPL).

The AML program objectives include:

- A. Restoring the Nation's watersheds impacted by abandoned mines.
- B. Protecting public safety and reducing liabilities by eliminating or minimizing the environmental impacts and/or physical safety hazards posed by abandoned mines on the NSPL.
- C. Using a risk-based, watershed approach that uses partnerships to effectively leverage funding and facilitate AML projects through a prioritized risk-based approach.
- D. Mitigating environmental degradation caused by abandoned mines by complying with all applicable soil, water, and air quality standards, and all applicable Federal, State, Tribal, and local laws in the management of AMLs affecting the NSPL.
- E. Asserting the BLM's lead role in the evaluation and remediation of AML sites located on or affecting the NSPL.
- F. Implementing cost avoidance/cost recovery strategies pursuant to the CERCLA.
- G. Reclaiming AMLs to productive uses including, but not limited to; recreation, fish and wildlife habitat, renewable energy, and the preservation of historical/cultural resources.

- H. Integrating AML support into land-use planning efforts and other BLM functions and programs.
- I. Striving to reduce the number of high-risk abandoned mine sites and/or features, to the extent possible, on the NSPL.
- J. Conducting effective removal and/or remedial actions and performing post-completion project monitoring.
- K. Educating employees and the public about the potential dangers posed by abandoned mines and about the actions the BLM takes to address those dangers.
- L. Developing partnerships, where possible, with other Federal agencies, States, local governments, Tribes, and voluntary environmental and citizen groups to leverage resources and expertise to cleanup AMLs.

1.3 Authority

The following primary laws authorize the BLM to reclaim AMLs and to address associated environmental impacts and physical safety hazards.

1. Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 *et seq.*)
2. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) (42 U.S.C. 9601 *et seq.*)
3. National Contingency Plan (NCP) (40 CFR Part 300)
4. Wyden Amendment (16 U.S.C. 1011)
5. Executive Order (E.O.) 12580 amended by, E.O. 13016
6. Secretarial Order 3201

The BLM may also be subject to, based on the specific circumstances present at a site, the following authorities when conducting AML cleanup. These authorities present procedural and substantive standards and requirements which must be observed in the course of AML reclamation.

1. National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*)
2. Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. 6962 *et seq.*)
3. Clean Water Act of 1972 (CWA) (33 U.S.C. 1251 *et seq.*)

4. Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531)
5. National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 470)
6. Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201 *et seq.*)
7. Occupational Safety and Health Act of 1970, as amended (OSHA) (29 U.S.C. 651 *et seq.*)

The following authorities are relevant to the existence of abandoned mines on the NSPL:

1. The General Mining Law of 1872, as amended (30 U.S.C. 22. *et seq.*) (May hereafter be referred to as the “1872 Mining Law” or the “Mining Law”).
2. Surface Resource Act of 1955 (30 U.S.C. 611 *et seq.*)

1.4 Responsibility

Subject to the other programs, policies, and priorities of the BLM and the availability of appropriated funds, the BLM allocates AML responsibilities as follows:

A. The Director is responsible for:

1. Formulating BLM policy and directing all BLM activities as delegated by the Secretary of the Interior.
2. Advising and assisting the Assistant Secretary for Land and Minerals Management in overseeing national public land and resources management issues and all programs within the purview of BLM.
3. Advising and assisting the Assistant Secretary for Policy, Management and Budget to reduce contingent Environmental and Disposal Liabilities (EDL) posed by unaddressed AMLs.
4. Maintaining relationships with other Federal agencies, the Congress, Native American Tribes, State and local agencies, and private stakeholder organizations.

B. The Assistant Director, Renewable Resources and Planning, is responsible for:

1. Supporting the Director by providing leadership in management, program direction, and analysis for the programmatic, functional, and support components of the BLM.
2. Approving and coordinating policy and guidance for the AML program.
3. Providing national leadership and developing national partnerships with organizations interested in AML reclamation.
4. Coordinating AML program implementation with other BLM programs such as hazard management and resource restoration, land use planning, water quality, fisheries and wildlife, recreation, cultural resources, and planning.
5. Supporting the AML program by facilitating coordination with the Minerals and Realty Management Directorate.

C. The Assistant Director, Human Capital Management, through the Director of the National Training Center (NTC), in conjunction with the Chief, Division of Environmental Quality and Protection, assesses training needs, develops an AML training curriculum, conducts training courses and integrates AML issues into hazardous materials and related courses.

D. The Director of the National Operations Center is responsible for:

1. Providing technical expertise and support, national environmental service contractors, and assistance with searches for potentially responsible parties (PRP) under CERCLA.
2. Supporting Information Technology applications for the AML program, including hosting the AML inventory database – Abandoned Mine and Site Cleanup Module (AMSCM).
3. Maintaining the DOI EDL list, including qualifying AML sites.

E. Chief, Division of Environmental Quality and Protection (WO-280) is responsible for:

1. Working with State Directors or their designee, to ensure that AML program objectives support Department and the BLM's mission and goals.
2. Developing strategic plans to identify AML program priorities and planning processes.

3. Participating in a project peer review process with state directors to set funding priorities for AML projects.
4. Requesting budget funding for AML projects and approving project funding once priorities are determined within the scope of the AML program.
5. Reviewing AML project work at a national level to ensure work being conducted is in compliance with Department, BLM, and AML program goals and objectives.
6. Reviewing and verifying AML site inventory in AMSCM and reported performance to ensure information is current and accurate.
7. Reporting performance measures to Congress as required by the Government Performance and Results Act (GPRA) (P.L. 103-62, 1993).
8. Initiating and supporting intra- and inter-agency coordination to create cooperative and collaborative partnerships to attain common conservation goals.
9. Facilitating outreach to BLM employees and the public about the potential dangers abandoned mines pose and the steps the BLM takes to address them.
10. Coordinating funding requests for eligible AML projects with the Department's Central Hazardous Materials Fund.
11. Coordinating AML program implementation with other related BLM programs.
12. Identifying training curriculum requirements for AML program employees and coordinating training development with the NTC.
13. Reporting identified potential environmental liabilities in accordance with the Departmental guidance for inclusion in the list of the EDLs of the Department and the BLM, and reducing the potential liability of the government by taking appropriate actions to address the environmental hazard components of AMLs.

F. State directors are responsible for:

1. Prioritizing identified risks and hazards associated with AMLs on the NSPL, within their jurisdiction.
2. Providing guidance and direction to field offices to assist the implementation of national policy related to the goals and strategic objectives of the AML program.
3. Ensuring AML coordinators are adequately trained.

4. Fostering a work environment that requires employees to identify AML sites and features that pose an imminent and substantial risk of physical harm to the public and to report such risks to their supervisor(s), and to their AML or hazardous materials management program lead in the State Office. Entering such information about the site into AMSCM.
5. Enforcing the BLM safety policy on entering abandoned mines.
6. Developing and coordinating partnerships with State and Federal agencies to efficiently address the impacts of abandoned mines.
7. Developing statewide AML program work plans that contribute to national programmatic AML program objectives by identifying priorities for abandoned mines and watershed cleanups within the context of budgetary resources and other office responsibilities and priorities.
8. Tracking projects and documenting accomplishments that Field Offices submit.
9. Assisting in the prioritization of AML projects within the jurisdiction of their respective state office including, but not limited to, participation in a prioritization peer review process with the Washington Office.
10. Directing and supporting Field Offices to ensure that work conducted is consistent with national AML policy and is in compliance with all applicable Federal, State, and local laws.
11. Providing oversight of project work managed by field offices including budgets, review and approval of action memorandums and other major CERCLA actions, and utilizing NOC technical assistance as needed.
12. Facilitating public outreach about potential dangers of abandoned mines.
13. Delegating authority and responsibilities to the district or field office managers, wherever appropriate.
14. Preparing, maintaining, and retaining all required case/site documentation, including all costs associated with the response actions taken at a site. Also, preparing, maintaining, and retaining the administrative record (AR).
15. Referring abandoned coal mine sites situated on the NSPL to State agencies with jurisdiction to address the reclamation at those sites.

G. District and field managers are responsible for:

1. Providing direct customer services and executing on-the-ground management of the public lands and resources within the BLM's jurisdiction, under the guidance of the BLM state office.
2. Performing responsibilities as they are delegated by their state director.
3. Fostering a work environment that requires employees to identify AML sites and features posing an imminent, substantial risk of physical harm to the public and to report them to their supervisor, their AML or hazardous materials management program lead in the state office, and to enter information about the site into AMSCM.
4. Developing and managing Planning Target Allocations and Annual Work Plans that outline specific planning targets and priorities in consultation with the state office.
5. Working with the state office to identify AML project priorities and funding needs. This includes contributing AML site and project priorities to the state AML program work plan within the context of budgetary resources and other office responsibilities and priorities.
6. Assuring that proposed and completed work is documented through appropriate reports and applicable BLM databases.
7. Proposing projects and funding levels, and managing AML project work including site characterization, construction, and monitoring.
8. Using CERCLA and/or a combination of NEPA processes, as appropriate.
9. Requesting advice and support from the Solicitor's Office in initiating, conducting, and reviewing the results of PRP searches and pursuing cost recovery efforts.
10. Seeking from the Solicitor's Office a legal determination as to whether or not there are viable PRPs associated with any AML site at which BLM intends to investigate or take other response action to address hazardous substances and pursuing cost recovery efforts.
11. Determining, based on advice from the Solicitor's Office, the appropriate legal basis, either CERCLA or a combination of NEPA and FLPMA, as appropriate, for environmental clean-up actions, and a combination of NEPA and FLPMA, as appropriate, for physical safety hazards.

12. Providing proper training and equipment for AML staff to safely conduct AML investigations and cleanups.
13. Maintaining and supporting qualified employees to implement the objectives of the AML program.
14. Conducting outreach and public education about AML projects and the potential dangers of abandoned mines.
15. Reporting performance accomplishments accurate and in a timely manner as directed in the Annual Work Plans.
16. When active mining claimants are present in the AML project area, the BLM will coordinate actions with the claimants to reduce environmental and safety liabilities in a manner consistent with the claimants' responsibilities and status under the Mining Law and applicable regulations including, but not limited to, 43 CFR Subparts 3809 and 3715.

1.5 References

The following is a list of references applicable to issues related to the AML program:

- A. Abandoned Mine Land Program Policy Manual (MS-3720)
- B. Abandoned Mine Land Program Policy Handbook (H-3720-1)
- C. Mining Claims under the General Mining Laws Manual (MS-3800)
- D. NEPA Manual (Departmental Manual 516 Chapters 1-7 & 11)
- E. National Environmental Policy Act Handbook (H-1790-1)
- F. Hazard Management and Resource Restoration Manual (MS-1703)
- G. BLM Response Actions Handbook (NCP/CERCLA) (H-1703-1)
- H. Natural Resources Damage Assessment and Restoration Handbook (H-1703-3)
- I. BLM Project Management Handbook (H-1703-4)
- J. Environmental and Disposal Liabilities Handbook (H-1703-5)
- K. Land Reclamation Manual (MS-3042)

- L. Land Health Manual (MS-4180) and Rangeland Health Standards Handbook (H-4180-1)
- M. Surface Management Manual (MS-3809)
- N. Other Applicable Manuals and Handbooks: Safety (H-1112-1 and H-1112-2), Wildlife (Manual Section 1745), Cultural Resources (MS 8100 – 8140), Water Quality (MS-7240), Land Use Planning and Land Exchange (H-1601-1 and 2200-1), and Land Reclamation (MS-3042), ; and
- O. Other regulations promulgated from major authorities listed in Chapter 1.3.

1.6 Policy

The BLM will implement the AML program in accordance with the policies outlined in the following subsections. The implementation of this AML program and decisions made under this Policy are undertaken within the context of other priorities, policies, and programs of the BLM and are subject to the availability of appropriated funds. An abandoned mine is defined in the glossary of this manual section.

A. Planning, Performance, and Accomplishments:

1. The AML program will be guided by the AML program's strategic plan in order to support the Department's strategic plan and the BLM's Annual Work Plans.
2. The AML program will coordinate with other relevant BLM programs, in particular: water quality; hazard management and resource restoration; safety, solid minerals; fisheries and wildlife; planning; recreation; and cultural resources.
3. The BLM will collaborate with Federal, State, partners, and the public, at a regional or local level, in developing AML strategic and operational plans for determining the priorities of AML projects proposed for funding, when appropriate.
4. The BLM will use a risk-based criterion to prioritize which projects will receive funding and utilize a watershed approach to reclaim sites.
5. Physical safety hazards will be temporarily or permanently mitigated in a manner appropriate with local conditions and in accordance with all applicable laws.
6. The BLM will monitor the performance and progress of all AML projects. Progress and accomplishments will be reported as required by GPRA.
7. When CERCLA is the authority utilized for an AML cleanup, NEPA and other procedural or permitting requirements generally will not be applicable to the cleanup. The Solicitor's Office should be consulted to address the interaction of the following authorities listed in section 1.3 above, within the context of the CERCLA process.
8. At sites at which BLM is undertaking response action to address hazardous substances, BLM should coordinate with the Solicitor's Office early in the site investigation to evaluate whether there may be PRPs, to conduct additional investigation or analysis, as necessary, to determine whether there are PRPs, and, where possible, to develop an enforcement case and pursue enforceable settlement agreements by which PRPs will perform or pay for the cleanup.
9. Project status information will be reported and maintained in AMSCM.

10. AML project remediation objectives should reduce long-term physical safety and environmental risks and associated liabilities when possible.
11. Create and maintain appropriate records for all AML program site or feature activities.

B. Budget

1. AML mitigation projects will be funded throughout the BLM, subject to appropriations and other BLM priorities.
2. To be eligible for project funding under the AML program, a project must be defined as an “Abandoned Mine” (defined in the Glossary of Terms section of this Manual Section).
3. AML projects and sites to be funded must be entered into AMSCM and the record must be updated as actions are completed at the site or when a project/site is completed.
4. Projects will be managed and tracked in a phased and cost-efficient manner.
5. The BLM will pursue leveraging of funds through collaborative partnerships with Federal, State, Tribal, and local partners.
6. The BLM, through the Solicitor’s Office, will seek cost avoidance and/or cost recovery by pursuing PRP’s for the performance of response action or recovery of response costs or damages for injuries to natural resources whenever possible, in accordance with CERCLA.

C. Inventory

1. The BLM will maintain a complete, accurate, and consistent comprehensive national AML inventory in the AMSCM database.
2. Sites and features entered into AMSCM will have enough information needed to locate, evaluate, monitor, and track abandoned mine hazards.
3. Local records of AML sites and features will be uploaded into AMSCM on a regular basis.
4. Each abandoned mine site entered into the inventory must have an accurate description of the features associated with the site and an initial field assessment of the expected reclamation or safety mitigation requirements associated with the site

or features.

5. Inventory work will focus on high priority areas as established by environmental and physical safety risks. High priority areas are those of high public use, public access, and proximity to population centers.
6. The BLM will validate existing inventories of AML sites and features.

D. Prioritization Strategy

1. The AML program implements a comprehensive approach based on partnerships and risks to determine priorities in which the highest risk sites are addressed first. High priority sites include—
 - a. Physical safety sites such as mine shafts and adits that are in close proximity to populated places such as residences, schools, and recreational areas or;
 - b. Sites that impact water quality because of mine wastes or tailings that threaten human health and the environment.

Priorities are established annually with program funding distributed to state offices on a competitive basis. The AML program priorities are documented in the AML program strategic plan that includes state office Annual Work Plans.

Typically, the AML program will complete ongoing work before undertaking new projects. Where appropriate, mitigation measures (e.g., institutional controls such as posting of signs and markers and use of fencing) may be taken in the interim until permanent or long-term remediation actions can be completed.

In some cases, significant circumstances indicating an imminent risk to public safety (e.g., a fatality) may necessitate urgent action to address conditions at a site not previously identified or prioritized to be a high risk site.

2. AML environmental projects will be prioritized for funding using a watershed approach (refer to the Glossary of Terms section of this Manual Section) where possible. The weighting of each criterion is described in greater detail in the AML Handbook; not all criteria are considered equal. Prioritization for funding will be based on the following criteria (refer to Appendix 1 for prioritization worksheet):

Part I – Human and Ecological Risk including, but not limited to, the following criteria:

- a. Human presence (location);
- b. Threat to the environment (ecological and human health);
- c. Relative toxicity of contaminants;
- d. Impacted media (soil, sediment, surface water, groundwater, air);
- e. Location of site relative to surface water or ground water;

- f. Aquifer characteristics;
- g. Soil/sediment characteristics;
- h. Current site risks.

Part II – Regulatory factors driving need for site funding, including, but not limited to, the following criteria:

- a. Site regulatory violations and whether there is a potential claimant subject to 43 CFR Subparts 3809 and 3715;
- b. BLM’s site CERCLA response role.

Part III – Level of PRP involvement including, but not limited to, the following criteria:

- a. If a PRP has been identified, has the BLM pursued enforcement against the PRPs pursuant to CERCLA?
- b. Have funds been recovered for past and/or future DOI/BLM response costs?

Part IV – Partnerships

- a. Watershed approach;
- b. Federal and State partners;
- c. Land status/ownership.

5. AML physical safety remediation projects are prioritized based, including, but not limited to, the following criteria (refer to Appendix 2 for prioritization worksheet):

- a. Land status/ownership;
- b. Visitation and accessibility;
- c. Risk;
- d. Partnerships.

E. Project Management

1. AML projects will be managed in accordance with the Project Management Handbook (H-1703-4).
2. Employees will follow the BLM’s site entry policy.
3. Low-cost, low-maintenance remediation measures, such as passive water treatment, will be implemented instead of active water treatment technologies when it is technically and economically feasible.
4. CERCLA actions will be taken in accordance with CERCLA, the NCP and BLM’s CERCLA Response Actions Handbook (H-1703-1).
5. The BLM will prioritize AML watershed restoration efforts wherever the BLM administered public lands are present, including those locations where surrounding

lands are owned by other government entities or private parties. The BLM's priority is to expend its appropriations on cleanup projects on the NSPL before funding projects involving nearby non-BLM managed lands under Wyden Amendment authorities (16 U.S.C. 1011).

6. AML project-level cleanup standards will comply with state standards applicable to the specific watershed jurisdiction, water body, or site. Applicable or relevant and appropriate requirements (ARARs) will be identified for all response actions where CERCLA authority is the basis for the response action. The same requirements will generally apply to cleanup projects that follow the FLPMA/NEPA process.
7. In addition to FLPMA, NEPA, and the Rangeland Health Standards, the BLM has a statutory mandate to ensure that reclamation and closure be completed in an environmentally sound manner. To accomplish this task, the AML program should tier into nationwide standards already established to be used for development of site-specific reclamation requirements. Standards used for AML reclamation also need to conform to the BLM land use planning documents and BLM Range or Land Health Standards.
8. Monitoring and maintenance plans will be developed for projects dealing with environmental issues. These plans will be implemented to ensure that corrective actions meet project goals. Monitoring efforts will be coordinated and integrated with BLM resource and safety programs.
9. Monitoring of temporary and permanent physical safety feature closures (fencing, signage, bat gates and cupolas, hard closures, and others) will be completed on a frequency based on local conditions and to the extent that the BLM or the Department has issued a policy specifically addressing the feature of concern, complying with the frequency of monitoring contained in that policy.
10. All reclaimed AML environmental sites should be monitored as needed and reviewed no less than every five years to ensure that the remedy remains effective.

F. Education and Training

1. The BLM will support AML program staff training to promote employee health, safety, and environmental integrity.
2. The BLM will support public education and awareness programs to enhance public safety around abandoned mines (e.g., *Stay Out – Stay Alive*).

1.7 File and Records Maintenance

- A. The office responsible for managing a site must create and maintain case files for each AML site where Federal expenditures are made.
- B. All AML projects, sites, and features must be entered into AMSCM. Records must be updated on a regular basis, or when the BLM has completed activities at the site.
- C. Case files – Office policies may dictate that local case files are created for each site where the BLM has expended Federal monies to address AML issues.
- D. Administrative Records – Offices responsible for managing a site must create and maintain an administrative record that is sufficient to demonstrate that there is a rational basis for decisions made and compliance with the procedural and substantive requirements of the legal authorities that were applied to support the actions that taken to address the AML site.

1.8 Third Party Rights

No third party rights

This Policy is solely intended for the management of the BLM. This Policy is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or in equity or by any means by a party against the BLM, the Department of the Interior, the United States Government, or any Federal employee or other person. Additionally, by issuing this Policy, the BLM, the Department of the Interior and the United States Government do not waive any applicable privileges that they might hold.

Glossary of Terms

Following are definitions for the terms used in this Manual and descriptions for acronyms. Also refer to definitions for terms used in FLPMA and other applicable laws and regulations. This glossary supplements, but does not supersede, the definitions in these applicable laws or regulations.

-A-

Abandoned Mine:

An abandoned hard rock mine on, or affecting public lands administered by the BLM, at which exploration, development, mining, reclamation, maintenance, and inspection of facilities and equipment, and other operations ceased, and with no evidence demonstrating that the miner intends to resume mining as of January 1, 1981. The BLM's Surface Management regulations (43 CFR Subpart 3809), became effective on January 1, 1981. This includes, but is not limited to: acid and caustic rock drainages, waste rock, mill tailings and retort waste. Physical safety hazards may include steep slopes, adits, winzes, raises, buildings, high walls, settling ponds, other water retaining features, as well as other related dangerous structures. For many abandoned mines, no current claimant of record or viable potentially responsible party exists. Abandoned mines generally include a range of mining impacts, or features that may pose a threat to water quality, public safety, and/or the environment.

Abandoned Mine Lands (AML) Program:

The BLM program which focuses on reclaiming hard rock abandoned mine lands on or affecting public lands administered by the BLM. The primary goal of the program is to remediate and reduce actual or potential threats that pose physical safety hazards and environmental degradation. The BLM applies risk-based criteria and uses the watershed approach to establish project priorities. The AML program also works to return mine-impacted lands to productive use(s).

Applicable or Relevant and Appropriate Requirements (ARARs):

ARARs are substantive requirements or limitations promulgated under Federal or more stringent State law that specifically address (i.e. are legally applicable to), or are well suited to (i.e. are relevant and appropriate) a CERCLA site based on a hazardous substance present, a proposed action to be taken, or the location of the site. ARARs include cleanup standards, standards of control, and other environmental protection requirements, criteria, or limitations. These standards are critical in setting cleanup standards and must be attained by the final remedy selected for the site. The National Contingency Plan (NCP) contains the legal definitions of "[a]pplicable requirements" and "[r]elevant and appropriate requirements" at 40 C.F.R. 300.5. Additionally, the NCP establishes specific requirements and guidelines to be followed in the agency's identification of ARARs at 40 C.F.R. 300.400(g). These and related provisions of the NCP must be satisfied when the BLM is identifying ARARs for a site.

-E-

Environmental and Disposal Liabilities (EDL):

EDL are potential liabilities of the Federal Government resulting from past or current operations that pose the risk of a release of hazardous substances, pollutants, and contaminants on Department lands or facilities and that such risk may require the expenditure of Government funds to address. Treatment of these liabilities is based on criteria set forth by the Federal Accounting Standards Advisory Board in SFFAS No. 5 *Accounting for Liabilities of the Federal Government*, and SFFAS No. 6, *Accounting for Property, Plant and Equipment*. SFFAS No. 5 applies to all environmental and disposal liabilities not specifically covered by SFFAS No. 6, including cleanup resulting from accidents or where cleanup is an ongoing part of operations. SFFAS No.5 states, “Contingencies should be recognized as a liability when a past transaction or event has occurred, a future outflow or other sacrifice of resources is probable, and the related future outflow or sacrifice of resources is measurable.” The identification of such risks and the inclusion and reporting of such risks on a Departmental EDL list should not be deemed to be an admission of legal liability for such risks by the BLM or the Department.

-F-

Feature:

A feature is a single human-made object or disturbance associated with mining that represents a discrete hazard or issue, such as a shaft or adit (vertical or horizontal opening), tailings, machinery and facilities, etc. A mine can be comprised of one or more features.

-G-

Government Performance and Results Act (GPRA):

The GPRA (P.L. 103-62, 107 Stat 285, amended by P.L. 111-352, 124 Stat. 3866) holds Federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

-H-

Hardrock:

This term is used here strictly in the context of the AML program and has traditionally been used by the BLM and other agencies to apply to non-coal mining environments where environmental impacts such as acid-mine drainage, heavy metal contamination, and threats to water quality and the environment are of concern. Hard rock minerals in this context, generally includes, but are not limited to gold, silver, copper, lead, zinc, magnesium, nickel, molybdenum, tungsten, uranium, and selected other minerals. Most hard rock minerals are locatable minerals under the 1872 Mining Law.

-M-

Mine:

An underground opening or open pit used for the purpose of extracting minerals. Mines commonly include features such as shafts, adits, pits, trenches, tunnels, waste rock dumps, tailings, and structures including, but not limited to, mills, buildings, head frames, hoists, and loading chutes.

-N-

National System of Public Lands (NSPL):

A designation applied to BLM managed lands as the “National System of Public Lands”. The designation provides the public with a meaningful term that accurately characterizes the interconnectedness of the public lands and their multiple uses (Secretarial Order 3280).

-P-

Potentially Responsible Party (PRP):

Any individual or entity including current and past owners/ operators, arrangers/ generators and transporters who may be liable for cleanup costs for hazardous substances under CERCLA Section 107(a), 42 U.S.C. 9607(a), or for injuries to natural resources on public lands from hazardous substance releases under section 311(f) of the Clean Water Act, 33 U.S.C. 1321(f) and CERCLA section 107(f), 42U.S.C. 9607(f).

Project:

The investigation, abatement of safety hazards, stabilization, or reclamation of an abandoned mine land site or sites. A project may include one or more individual abandoned mine site(s) or feature(s). The project area may be based on geologic, geographic, hydrologic, watershed, ownership, or other legal boundaries, or based on practical or logistical convenience, and is often contiguous.

-R-

Reclamation:

Reclamation includes all actions, such as removals, remediation, reclamation, and other cleanup activities, required to control/reduce/convert the environmental and physical safety risks to the public posed by hazards at a site to a condition suitable for public use.

Response Action:

An action, as defined by the provisions of CERCLA at 42 U.S.C. §§ 9601(23); 9601(24) and 9601(25) taken pursuant to CERCLA, 42 U.S.C. § 9604, in accordance with the requirements of CERCLA and the NCP, to address hazardous substances at a site. This action may involve either a short-term removal action or a long-term remediation, consistent with permanence. This may include, but is not limited to, removing hazardous substances, containing or treating the waste on-site, and identifying and removing the sources of ground water contamination and halting further migration of contaminants.

Risk-based approach:

Those human health, safety, and environmental factors that the BLM considers when determining which AML sites should be addressed ahead of other AML sites. The AML sites that are considered to be higher risk are addressed ahead of sites considered to pose lower risks and these factors establish the criteria for ranking of sites for priority of BLM's reclamation efforts. These factors establish the criteria for the AML prioritization strategy, as described in Chapter 1.6.

-S-

Site:

A defined area that contains AML feature(s) that pose physical safety and/or environmental risks or impacts. This can include any area where hazardous substances have been released or come to be located. The size of a site is influenced by the extent of the investigation, migration, evaluation, and past, current, and future reclamation activities.

-W-

Watershed:

This term when used generically, is the land area that drains water to a particular stream, river, or lake. It is a land feature that can be identified by tracing a line along the highest elevations between two areas on a map, often a ridge.

Watershed Approach:

Refers to the methodology of working within the geographic boundaries of a watershed with partners (Federal, State, private, and Tribes) to jointly resolve problems that affect the physical, chemical, and biological quality of that watershed. A scientific approach is used to prioritize sites, develop cleanup action plans, and evaluate effectiveness of actions in the watershed. Partnering agencies and organizations share and exchange information, collaboration project management, and reduce costs through fund leveraging and avoiding duplication of efforts and conflicting actions.

Appendix 1 – Environmental Site Prioritization Worksheet

AML Environmental Scorecard	Points available	Points Awarded
Funding Request for FY:		
State Office:		
Site Name:		
Location:		
Evaluator's Name:		
SECTION I: HUMAN AND ECOLOGICAL RISK		
Human Presence:		
Remote Area, minimal potential for Human contact	1	
Intermittent human use	2	
Area with regular employee and visitor traffic	4	
High traffic area with employees and visitors	6	
Work area with potential daily exposure to employees and visitors	8	
Residential or school use	10	
Environment		
No likely adverse impact to flora, fauna or human health	1	
Uncertain impact to flora, fauna or human health	4	
Known adverse impact to flora, fauna or human health	6	
Possible adverse impact to threatened or endangered species of flora or fauna, and human health	8	
Known adverse impact to threatened or endangered species of flora or fauna, and human health	10	
Relative Toxicity of Contaminants		
Not likely to be toxic	0	
Unknown	2	
Systemic toxicant	4	
Confirmed animal carcinogen with unknown relevance to humans	6	
Suspected human carcinogen	8	
Confirmed human carcinogen	10	
Impacted Media (Soil, Sediment, Surface Water, Groundwater, Air)		
Unknown	0	
Soil only	1	
Soil and/or Sediments only	2	
Likely to impact 3 different media	3	
Likely to impact 4 different media	4	
Likely to impact all 5 media	5	
Location of Site Relative to Surface Water		
Not close and incomplete pathway	0	
Unknown	2	
Close, but incomplete pathway	4	
Close and possible complete pathway	6	
Adjacent to surface water body, possible complete pathway	8	
Complete pathway to surface water body	10	

Aquifer Characteristics		
Impacts to groundwater unlikely	0	
Unknown groundwater uses or impacts	2	
Drinking water source near site, but not within expected contaminant pathway	4	
Known groundwater use by ecological receptors or livestock	6	
Drinking water source known or likely to be within zone of influence of site contaminants	10	
Soils / Sediment Characteristics		
No potential for contaminated soil migration	0	
Unknown potential for contaminated soil migration	2	
Probably contaminated soil/tailings migration	4	
Contaminated soil/tailings exposed to wind/water erosion	6	
Contaminated soil/tailings exposed to wind/water erosion in high use/populated area	10	
Current Site Risks Are best Described As:		
Likely within a reasonable timeframe to improve without further action	0	
Relatively static	2	
Likely to worsen without further action	6	
Represent an ongoing or imminent threat to ecological receptors	8	
Represent an ongoing or imminent threat to human receptors	10	
SECTION II: REGULATORY FACTORS DRIVING NEED FOR SITE FUNDING		
Site Regulatory Violations are Best Described as:		
No violations have been cited	0	
Likely to be resolved without further action	1	
Fines or enforcement action likely without further action at the site	2	
An enforceable order is now, or will be, imposed.	3	
Site CERCLA Response Role		
No defined CERCLA response role	0	
BLM has a support agency role	1	
BLM is lead agency at the site	2	

SECTION III: LEVEL OF PRP INVOLVEMENT		
Is/has BLM actively pursuing enforcement against PRPs at the site pursuant to its delegated authority?		
No current BLM technical or enforcement action		0
BLM has completed a PRP search and concluded there are no viable PRPs.		1
BLM is currently negotiating, or has entered into a UAO, AOC, CD or other order/document		2
Have funds been recovered for past and/or future DOI response costs?		
No		0
Enforcement action underway		1
Past response costs only (full or partial)		2
Future dedicated response costs (with a remaining balance)		3
SECTION IV: PARTNERSHIPS		
Watershed Approach		
There is no organized watershed stakeholder's group		0
There is an unorganized watershed group making efforts to organized		2
There is an organized cohesive watershed stakeholders group making little progress		3
There is an organized watershed group making good progress		5
Federal and State Partners		
There are no partners		1
There are state government partners offering in-kind		2
There are state government partners offering funding		3
There are other federal agencies offering in-kind		4
There are other federal agencies offering funding		5
Land Status		
Project is all on non-BLM land and doesn't affect BLM land		0
Site is on private land directly affecting BLM land		1
Site is on both BLM and Private land affecting BLM land		2
Site is completely on BLM land and affects only BLM land		4
Site is completely on BLM land and affects BLM and private land		5
(total available points = 100)		

Appendix 2 – Physical Safety Closure Prioritization Worksheet

Physical Safety Closure Prioritization	Points	
LAND STATUS/OWNERSHIP		
All Private	0	
Split Estate	4	
Mixed Ownership	6	
BLM Only	8	
Special Status Lands	10	
VISITATION AND ACCESSABILITY		
Extremely Remote Area Arial access only	0	Visitation score (1 - 10) X Risk score (2 - 8) = VR score + cost share + Land status= total ranking
Remote / surrounded by Private property	1	Total point available = 100
Intermittent Human Use	3	
High worker visitor use	6	
Urban interface	10	
RISK		
No to very low risk	2	
Potential for injury	4	
Injury has occurred at the site or nearby	6	
Death has occurred at the site or nearby	8	
PARTNERSHIPS		
No partners	1	
< 50% cost share	5	
> 50% cost share	10	