



**MINING AND MINERALS BRANCH**  
**Land Resources Division - WASO**  
**September and October Monthly Report - 1993**

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## **GENERAL**

**Branch Pursues Revisions to NPS Regulations Governing Non-Federal Oil and Gas Development in Parks** - The branch once again seeks to amend the Service's regulations at 36 CFR Part 9, Subpart B governing non-Federal oil and gas development in parks. Previous attempts to revamp the regulations over the last 8 years lacked Departmental support. The Service promulgated the existing regulations in 1978. Since that time, much has been learned on how to more effectively and efficiently control non-Federal oil and gas development in parks to further park protection and lessen operator frustration. Key among the changes sought is the elimination of language in the regulations that exempt over 80% of the 570 active non-Federal oil and gas operations in parks. Currently, 14 parks have active operations. The branch requested a final field review of the draft proposed regulations before it presents the package to the Director for approval. (Bates)

**Assistant Secretary Frampton Underscores the Import of 1872 Mining Law Reform to Park Protection** - On October 27, Assistant Secretary Frampton sent a memo to the Assistant Secretary for Land and Minerals Management (Bob Armstrong) highlighting key changes needed in the 1872 Mining Law to further park protection. The branch has actively participated in Departmental work groups to advance NPS sought after changes; such as, elimination of the ability to take mining claims to patent (once patented, the now fee lands can be put to land uses, in addition to mining, that are incompatible with park purposes), the adoption of a lands unsuitability review to eliminate resource conflicts in advance of claim location and/or permitting decisions, the establishment of an abandoned mine lands fund to address abandoned mines on Federal lands of which parks are encumbered with over 2000 sites alone, the adoption of rigorous performance and

reclamation standards on mining operations, and the regulation of mining on patented claims as Congress already requires for patented claims in parks under the Mining In The Parks Act (the Service is the only entity advocating such change; it is viewed to be too controversial and not present in any of the reform proposals). Reform of this archaic statute has been the subject of heated Congressional debate. An industry backed bill passed the Senate last spring. The House bill which will effect broader and much needed reform passed November 18th. The hard horse trading to craft a workable bill will occur during conference committee discussions to reconcile differences in the House and Senate bills. (McCoy)

**Fact-Finding Field Interviews Completed For NPS Administrative Use of Borrow Material** - Because of concerns raised from several quarters regarding the Service's use of in-park sources of sand and gravel for administrative purposes (e.g., roads, buildings, etc.), the branch is evaluating the nature and extent of the resource impacts associated with such a practice. In conducting the evaluation, the branch interviewed a total of 61 persons located in either specific parks or regions. Views were sought from staff from resources management and maintenance in ten parks located in five regions along with staff from three regional offices and the Denver Service Center (Eastern, Central, and Western Teams). The branch expects to complete its analysis by the end of 1993. (Olsen, Geniac, Smith, Steensen, Ziegenbein)

**Senate Energy Committee Amends California Desert Legislation** - On September 29, the Senate Energy and Natural Resources Committee amended S. 21, the "California Desert Protection Act of 1993." If enacted, this bill will expand Death Valley and Joshua Tree and create a new park unit out of the East Mojave Desert. A key amendment of concern to NPS pertained to the management of mining claims in

the new and expanded parks. Senator Craig, Republican from Idaho, amended the bill by striking language that would have required the NPS to conduct validity examinations of unpatented mining claims prior to approving plans of operations. Validity examinations consist of field evaluations of whether an individual has staked a claim to a **valuable** mineral deposit under the 1872 Mining Law. If an individual has not, the Federal Government can declare the claim void, which in the case of withdrawn lands like national parks permanently eliminates a conflicting land use from their boundaries. The examinations are an important means for protecting parks from illegitimate development proposals. While the Craig amendment eliminates language compelling the performance of a validity examination prior to the approval of a development proposal in a park, it does not eliminate the need for NPS to assure that mining operations in parks only occur on valid mining claims. The means for assuring that claims are valid in parks has been left up to the NPS. The bill must now go to the Senate Floor for consideration. Legislation on the California Desert also is moving separately in the House. Eventually, Congress will need to reconcile the two bills through a House/Senate conference committee. (Bates)

**Branch Attends California Desert Transition Team Briefing** - The joint NPS/BLM transition team briefed BLM management as to how the transfer of land management responsibilities from the BLM to the NPS will be handled with passage and enactment of the California Desert Protection legislation. The legislation will create a new national park (the East Mojave), expand the boundaries of Death Valley and Joshua Tree National Monuments, upgrade these units to national park status, and significantly expand the number of BLM wilderness areas. This legislation presents an unique opportunity for coordination and cooperation between the NPS and the BLM. Interestingly, two members of the transition team had served in both agencies which has been a real asset to the team's ability to understand each others mission and

management needs. The team's enthusiasm for the importance of their task was immediately apparent. With respect to minerals, we estimate that lands added to the System will be encumbered by approximately 5,000 mining claims located under the 1872 Mining Law (a significant drop from last summer, see next item) and at least 10 active mining operations, with permits for additional operations pending. The NPS regulates all such claims, patented and unpatented, under its 36 CFR Part 9A regulations promulgated under the Mining In The Parks Act of 1976. This aspect of the legislation alone will constitute a sizeable work load increase to the Service. (McCoy)

**Large Number of Mining Claims Dropped Due to New \$200 Filing Fee** - First reports from the Bureau of Land Management indicate that over 50 percent of the unpatented mining claims on record were dropped because of the new filing fee that took effect August 31. Exact tallies have not been made yet but should be available by the end of the year. The large drop in claims appears to indicate that many of the claimants on Federal lands believed that they lacked commercial deposits of minerals. Hopefully, a significant number of mining claims were dropped on NPS administered lands, especially those in Great Basin, Death Valley and park units in Alaska. Currently, 2000 mining claims exist in the National Park System, 73% of which are in Alaska. (Higgins, Covington)

**Storm Water Runoff from Abandoned Mineral Sites Continues to be a Major Topic Under Clean Water Act Reauthorization** - Staff from the Environmental Protection Agency (EPA), the Departments of Interior (DOI) and Agriculture (DOA) continue to meet to discuss options for addressing storm water runoff pollution from abandoned mineral land (AML) sites on Federal land. These discussions will be instrumental in formulating an amendment to the Clean Water Act this year. EPA hopes to craft a specific amendment on point, with the concurrence of DOI and DOA. In 1992, EPA



issued regulations requiring AML sites on Federal land to be permitted by EPA, otherwise known as storm water runoff permits. Through discussions with the Department, EPA has since realized that permitting hundreds of thousands of Federal AML sites is unworkable, especially when the location and impact of most sites is unknown. EPA, DOI and DOA staff are now considering an AML cleanup program that replicates the existing nonpoint source program of the Clean Water Act under which the states identify priority watersheds, and the Federal Government cost-shares the cleanup. (Bates)

**NPS's Regulatory Paperwork Budget Governing Minerals Remains Unchanged** - As part of a 3-year update, the branch reviewed the regulatory paperwork budget assigned by the Office of Management and Budget (OMB) to the Service's minerals management regulations (i.e., 36 CFR Part 9, Subparts A and B). In its previous submission, the NPS requested and received a separate budget for mineral operations in parks. Previously, the paperwork budget for mineral operations had been accounted for under "special use permits." The branch requested no change in the current allocation. However, if the Service is successful in revising its 9B regulations governing nonfederal oil and gas development to eliminate the current regulatory exemptions, a special request to OMB for an expanded paperwork budget will be needed. The requirement to obtain an approved paperwork budget stems from the Paperwork Reduction Act, which was enacted to track and minimize the paperwork burden placed on private entities by the Federal Government. (McCoy)

**SAFETY NOTE: Bad Air Exists In and Around Abandoned Mines** - The Colorado Division of Wildlife (CDOW) borrowed the branch's radiation monitoring equipment to test the air at several abandoned uranium mines in western Colorado where they were studying bats. Thinking they would be safe, they took a 2-minute air sample at a mine entrance without wearing their respirators. After several minutes,

the meter returned a reading of 40 working levels (WL) of alpha radiation. (To put this in perspective, operating mines require employees to wear respirators in concentrations above 1 WL, and breathe off of supplied oxygen in excess of 10 WL. EPA guidelines limit the general public yearly exposure to approximately 69 hours exposure at 1 WL, so at 40 WL, the recommended maximum annual exposure would be reached in 1 hour, 44 minutes.) The CDOW staff pulled back from the site, confirmed calibration of the instrument, then one person (with respirator) set the instrument at the same sample spot to take a second reading. The second reading confirmed the first. They abandoned their project at this location. In retrospect, the staff recalled that they could smell a pungent stale smell exuding from the mine. Apparently a low pressure weather system was moving into the area, causing the mine to "exhale." If CDOW had spent their average 3 or more hours at this site, they could have received two or more times the recommended annual limit.

The incident points out that, while problems of this magnitude will most likely not be encountered, there is always a chance of an anomalous condition with a significant hazard. **In conducting work around AML sites, it is essential that people are properly trained and equipped to detect hazards.** Always assume that a site is dangerous until proven otherwise. (Burghardt)

**DOT Seeks Environmental Protection Requirements on Pipelines** - The Department of Transportation (DOT) is drafting an action plan to reduce environmental impacts from interstate oil and gas pipelines. Branch staff responded to a request by the Department of Interior, Office of Environmental Affairs, to review and comment on the draft action plan. The action plan addresses various issues, including hydrostatic testing of pipelines, the pipeline planning and permitting process, internal inspection devices, leak detection systems, and a nationwide geographic information system

(GIS) pipeline mapping project. Branch comments supported the action plan and suggested that DOT discuss techniques to reduce adverse environmental impacts resulting from hydrostatic testing (e.g., source and quantity of water for testing, disposal of test fluids, contamination mitigation should a pressure test create a leak, etc.). The branch also stated that the DOT should provide for NPS participation in Area Contingency Planning Committees where such pipelines are located in or near park units. Approximately 56 pipelines exist in park units. Pipeline operations in parks should be made environmentally safer when the DOT implements its action plan. (Ziegenbein)

**Environmental Group Requests Director's Attention to Mining Operations near Saratoga National Historical Park** - "Save Easton Environment," a local environmental group in the Saratoga area, requested that the Director investigate the State of New York permitting process and adequacy of impact mitigation stipulations for a proposed rock quarry and gravel mining operation near Saratoga National Historical Park. The mining operation, proposed by the Peckham Materials Corporation, is located approximately three to six miles outside the park. Branch staff researched the submitted case file, and interviewed staff at the park, region and the New York State Department of Environmental Conservation to define the issues. In a draft response prepared for the Director, the branch concluded that the mining operation will adversely affect hillsides visible from the park, but the NPS has no authority to regulate the operation. Research showed exemplary and extensive park staff involvement and coordination with state permitting agencies in terms of getting visual impact mitigation stipulations into the mining permit. The permit conditions do not eliminate all visual impacts to the park, however, potential adverse affects are deemed minimal. The branch determined that the only remaining visual mitigation option available to the state is denial of the permit. The state maintains, and the branch concurs, that inadequate legal and

environmental rationale exists for a decision to deny the operation. The branch suggested that Save Easton Environment raise further issues with the state permitting agency and expressed hope that the group will work with the NPS in monitoring the visual impacts associated with the mining operation. (Ziegenbein)

**Einar Olsen Departs for NCR** - Einar Olsen, who was the branch's lead staff person on regulatory and policy issues related to non-Federal oil and gas development in parks and enforcement actions, accepted a new position with the National Capital Region beginning September 17. Einar's new title is Chief of the Division of Ranger Activities and Resources Management in the region. As chief ranger for the region, he oversees programs in the areas of natural resources management, law enforcement (other than Park Police), emergency services, recreational fees, health and fitness, uniforms, fire management, Youth Conservation Corps, special park uses and regulations, and communications. We wish him the best of luck. Policy and regulatory questions related to non-Federal oil and gas development in parks should now be directed to Brette Bates at 202-343-4964.

## **ALASKA REGION**

**State of Alaska O&G Sale a Bust, Staff at Gates of the Arctic National Park and Preserve Rests Easy for Now** - Alaska offered its first sale as part of an aggressive state land leasing program last week. Just over one million acres were offered for lease on state land adjacent to or surrounding Gates of the Arctic. This is an area that branch and ARO staff visited this past summer to examine possible resource impacts stemming from exploration activities. No one bid on any of the tracts. Neither the branch nor ARO knew the disposition of unleased tracts. Subsequent investigation revealed there is no "over the counter" leasing process in Alaska. Unleased tracts will not be offered again until the next sale in 1997. More significantly, the lack of industry interest in bidding in this area seems genuine and not an

effort to mislead competitors. Additional state lease sales are planned near Wrangell-Saint Elias, Katmai, and Yukon Charley. (Heise)

## **MID-ATLANTIC REGION**

**Acid Mine Drainage Continues to Plague Friendship Hill National Historic Site** - The branch, Bureau of Mines (BOM) and park staff discussed renewing a cooperative effort for further research and treatment of the acid mine drainage (AMD) problem at Ice Pond Run in the park. BOM previously engineered a bog system for treating the park's AMD problem, unfortunately the system has met with limited success. The branch sent a memorandum to the BOM suggesting several water treatment options that can be coupled with the existing bog system to hopefully make it more efficient. The branch stressed the importance of gearing any AMD treatment efforts more toward accepted practice rather than simply performing research on the site. The branch plans to meet with BOM staff in November 1993, on this issue. (Moss, Burghardt)

**Two Parks Request Natural Resource Protection Program (NRPP) Funds to Treat Acid Mine Drainage** - At the request of the Water Quality Division, branch staff evaluated two NRPP funding proposals to mitigate acid mine drainage at Friendship Hill National Historic Site and Big South Fork National River and Recreation Area. Branch comments supported the projects in terms of environmental impact justification and proposed mitigation actions. The branch suggested that the NPS, particularly at Big South Fork, design and test a pilot-scale project before implementing extensive acid mine drainage treatment systems to ensure applied methods effectively mitigate the problem. (Moss)

## **MIDWEST REGION**

**Chicken Little Worries Get Attention at Scotts Bluff and Agate Fossil Beds National Monuments** - The erosional features along trails

and at the fossil quarry sites at the respective parks present hazards to visitors and park employees. Of course the sky is not falling, but randomly falling rock needs more attention than the occasional cleanup to minimize the potential for injury and the loss of funds through litigation. Park management has taken a proactive stance by involving both the safety office and the branch in a preliminary investigation of the potential problems of instability and recommending effective mitigation alternatives. The site investigation was completed with the help of the park natural resource team and a technical report of the findings has been sent to the park, region, and WASO safety office for review and action. (Cloues)

**Branch Assists Negotiations between Hopewell Culture National Historical Park and Chillicothe Sand and Gravel Company** - Branch staff conducted negotiations among Hopewell Culture, the Ohio State Division of Reclamation, and the Chillicothe Sand and Gravel Company. Negotiators attempted to minimize impacts to the park from a sand and gravel extraction operation on private land in the park. The NPS presently has no specific regulations in place to regulate mining activities conducted on lands in park units not originally acquired through the patenting process established under the 1872 Mining Law. The park must rely on state regulations, NPS Special Use Permits, informal agreements or, if all else fails, must buy the private operation to prevent impacts to the park else live with the development. In this case, state regulations are not adequately protecting park resources. The park is in the process of a Declaration of Taking to acquire the undisturbed private land within the park. During the negotiation meetings the park initiated informal agreements to control mining methods in the currently operated pit. Informal agreements were reached to: maintain a 50-foot buffer between the operation and the Federal land boundary; allow cultural resource surveys on proposed mining areas; and the park and work together on reclamation prescriptions for

recontouring, revegetation and fencing. (Ziegenbein)

**Joint National Guard and NPS Abandoned Mine Reclamation Project Moves Forward at Sleeping Bear Dunes National Lakeshore** -

The park inherited nine sand and gravel pits when it was established in 1970. Park staff approaches the management of these pits proactively through a Gravel Pit Management Plan, which is the only such plan we are aware of in the NPS. The plan identifies restoring all of the sites to conditions that fit the surrounding land use as closely as possible. Even with limited funds, the park has successfully reclaimed one site and is actively working on two others. However, it will take the park several decades to complete reclamation at present levels of funding. Using a National Guard Engineering Unit to do the reclamation could shorten that interval to about 2 weeks. Branch staff met with park personnel and conducted site surveys to prepare reclamation treatment specifications. In anticipation of conducting a National Guard project, detailed plans will be prepared for the 1994 field season. (Steensen, Wood)

**Branch Reviews State of Minnesota Leasing Rules** -

Staff reviewed proposed amendments to state rules concerning the leasing of state-owned lands for the mining of metallic minerals in the State of Minnesota. In brief, the NPS requested a participatory role in screening and reviewing lease applications with the State of Minnesota Department of Natural Resources, Division of Minerals, in areas where leasing and exploration could impact park units. Voyageurs National Park in northern Minnesota is the park unit with the greatest potential of being adversely affected by state mineral leasing. (Covington)

**Progress Continues on Plugging of Abandoned Oil and Gas Wells at Cuyahoga Valley** -

In October, branch and park staff guided the final plugging of four abandoned wells. The wells ranged in depth from 802 feet to 1,100 feet. Some wells are still able to produce natural gas

and this makes them potentially hazardous. Without plugging, these wells would eventually have developed leaks and potentially contaminate soils and waters. The entire well bores were filled with Class A cement permanently sealing the well bore and eliminating the possibility of communication of fluids between zones. The funding for these wells was provided by the branch and park, with matching funds from the Ohio Department of Natural Resources under the state's "orphaned well" program. Three other wells are planned for plugging in the next few weeks. If regions and parks know of other states with similar funding programs, please let the branch know so that we can work together to try to get funding for deserving minerals-related projects in park units. (Boucher)

**Potential Lead Mine Threatens Ozark National Scenic Riverways** -

If the Doe Run Company's pending hardrock preference right lease applications (PRLAs) are approved in the Mark Twain National Forest, the resulting lead mining may adversely impact the park. At present, Doe Run is exploring under what we believe to be suspect authority to conduct drilling on that land. Because of the karst formation (i.e., a limestone formation characterized by sinks, ravines and underground streams) in the area, the Branch is concerned that the company's potential lead mining operation may adversely effect on the water quantity and quality in Ozark National Scenic Riverways. The Branch researched the BLM and FS's history with the Doe Run Co. and found, inter alia, serious deficiencies in BLM's PRLA review process. On October 14, 1993, Branch Chief Dave Shaver met with BLM Director Jim Baca, members of his staff, and Forest Service representatives in Washington, D.C. The only clear message from the meeting was that the Forest Service representatives do not share our concern with Doe Run's operations. We are preparing a follow up letter to Director Baca restating at length our findings and our position on this matter. (Kassman)



## **NORTH ATLANTIC REGION**

**External Quarry Sites Impair Viewsheds at Acadia National Park** - The branch recently prepared a report addressing concerns with ten quarry sites just outside the boundary of Acadia. These quarries significantly affect the viewshed of the park, and range in status from abandoned to fully active. The report documents the sites and proposes a cooperative effort between the park and the state regulatory agency (Maine Department of Environmental Protection) to bring these operations into compliance with new state operating and reclamation regulations. If successful, the cooperative effort should help restore the pristine vistas of Maine's coast from within the park. (Burghardt)

## **NATIONAL CAPITAL REGION**

**Branch Prepares C & O Canal Mine Inspection Report** - The branch completed the "Investigation and Remediation Report re: Abandoned Mineral Land Sites at Chesapeake and Ohio Canal National Historic Park" and transmitted the report to the park, region, and Washington, D.C. Safety Officer. The report evaluates safety and natural resource issues at the abandoned Round Top Limestone Mine located in and immediately adjacent to the park near Hancock, Maryland, just a 2 hours drive north of Washington, D.C. Suggested bat gate designs, specifications, and estimated costs have been offered for planning and budgeting purposes. Park staff provided invaluable help throughout the field visit and afterwards in contributing input to the report. The report will help in coordinating a joint remediation program with the state of Maryland to resolve safety and resource protection concerns. (Cloues)

## **PACIFIC NORTHWEST REGION**

**Policy Needed on Access Across NPS Wilderness to a Patented Mining Claim at North Cascades National Park** - The branch is researching the standard to apply to a patent mining claim owner's request for access across

NPS wilderness. The case involves a patented mining claim completely surrounded by NPS wilderness in North Cascades National Park. The only developed access route to the patented mining claim is via the Thunder Creek and Park Creek foot trails. Recently, in response to the claimant's request for access to his claim, the park requested he first submit a 9A plan of operations and all other necessary Federal, State, and local permits. If the claimant complies, we anticipate the case will ultimately turn on the access issue. Our initial findings are: (1) Because the claim is patented, the 1872 Mining Law no longer governs that claim. Since the 1872 Mining Law is inapplicable, the standard of reasonable access enjoyed by unpatented mining claim owners does not apply; (2) The standard of adequate access found under §1134(a) of the Wilderness Act applies only to State and private lands (patented mining claims) completely surrounded by national forest wilderness and not to NPS wilderness. Without the benefit of either reasonable or adequate access, a claimant whose property is completely surrounded by NPS wilderness may only be entitled to those access rights currently enjoyed by the public, i.e., via foot or pack animal. (Kassman)

## **ROCKY MOUNTAIN REGION**

**NPS Develops a Position on the Proposed New World Gold Mine Outside Yellowstone NP** - On September 8, 1993, Rocky Mountain Region, Yellowstone, and several WASO offices met to discuss how the NPS will handle the barrage of questions that will undoubtedly come our way from the press and public about the proposed New World gold mine located in Montana approximately 2 miles from the northeast entrance of the park. The NPS is a cooperating agency in the New World Environmental Impact Statement (EIS) process. As such, the NPS will support a full and equal analysis of all alternatives for mine construction, operation, tailings impoundment construction and location while being very mindful of NPS concerns regarding transboundary impacts. The



NPS working group committed to generating a list of technical alternatives for analysis in the upcoming EIS process. The WASO Mining and Minerals Branch, Air Quality Division, and Water Quality Division will review the existing mine plan and submit alternatives to Mary Hektner at Yellowstone. Mary is the lead NPS contact for the EIS Cooperating Agency Team. Ms. Hektner will forward NPS alternatives to the Lead EIS Agencies for their consideration. (Moss, Shaver, Woods)

**Briefing Held on the Tailings Impoundment Design For the New World Gold Mine** -

Branch staff attended an informational meeting at the Environmental Protection Agency Conference Center addressing the tailings impoundment design for the proposed New World Mine. The proposed New World gold mine is located 2 miles northeast of Yellowstone. The purpose of the meeting was for a contractor hired by Noranda Minerals (the Canadian company that is proposing the mine) to explain the proposed tailings impoundment design to interested lead and cooperating agency personnel. D.P. Engineering, Inc., designed the Fisher Creek impoundment in two stages. The first stage will contain 3.5 million cubic yards of tailings and the second stage, to be constructed if needed, will contain an additional 2 million cubic yards of tailings. Design specifications show the impoundment underlain by 12 inches of bentonite amended soil which is overlain with a 60-mil high density polyethylene liner. The impoundment will be capped with the same materials in the reverse order. Fisher Creek will be diverted around the impoundment by blasting a new channel in bedrock. Tailings will be fully submerged at all times in an effort to preclude acid generation. Alternative tailings impoundment sites were discussed as well as the possibility of Crown Butte Mining, Inc. (a second company), relocating the McLaren tailings to the new engineered impoundment. The branch will comment in writing to the lead agencies on its technical concerns about the impoundment design. (Moss)

**External Oil and Gas Planning Course Receives Enthusiastic Response** -

The branch sponsored External Oil and Gas Planning Workshop in Moab was a success. Speakers from the local and state Bureau of Land Management and Forest Service offices provided information on their agencies' leasing and permitting processes. They identified the most effective stages in the planning process for park units to make park concerns known. The parks will now be able to use this information in their own planning involvement. Evaluations were uniformly supportive of the effort and recommended the branch repeat it on an annual basis. Attendees represented the Rocky Mountain Region, Arches NP, Canyonlands, Hovenweep, Bryce Canyon, Zion, Dinosaur, Glen Canyon, Natural Bridges, Theodore Roosevelt, and Glacier. The workshop also served as a clearinghouse for transboundary oil and gas issues. As a result, branch staff have committed to assist the Southeast Utah Group (Grand Resource Area Oil and Gas Leasing EIS), Zion, Capitol Reef, and Bryce Canyon (Dixie Oil and Gas Leasing EIS), and Dinosaur (Diamond Mountain RMP and White River O&G leasing EIS). (Heise)

**Diamond Mountain RMP/EIS No Jewel from Park Perspective** -

The Bureau of Land Management Diamond Mountain Resource Area (DMRA) released the Final Resource Management Plan and Environmental Impact Statement (FRMP/EIS) for public comment. The branch commented extensively on the draft RMP/EIS, focusing on a lack of viewshed preservation on BLM lands adjacent to the north boundary of Dinosaur (DINO). We indicated that our preferred alternative would be to place No Surface Occupancy stipulations on oil and gas leases issued in this area. The FRMP/EIS preferred alternative assigned timing restrictions and controlled surface uses to leases in the area, but did not identify which stipulations were assigned to particular tracts. The lease tracts and assigned stipulations need to be identified. The DINO superintendent and the Vernal District Manager have scheduled a meeting to

discuss this and other non-mineral park concerns. The branch reviewed DINO's issue paper on external authorities and types of stipulations and agreed to review specific stipulations if the BLM provides them. (Heise)

**Nuclear Regulatory Commission Rescinds Atlas Moab Tailings Reclamation Environmental Assessment** - As reported in the August 1993 Monthly Report, staff assisted NPS Water Quality Division prepare "hard-hitting" comments on the Nuclear Regulatory Commission's (NRC) draft environmental assessment (EA) and finding of no significant impact (FONSI) for remediation of the Atlas Moab Tailing Impoundment located on the Colorado River near Moab, Utah. The NRC's proposed action is to leave the tailings impoundment in-place and cover the site with a clay cap to limit radon emissions. The radioactive tailings impoundment, if left in-place could erode during high flows and release radioactive material into the river. This could adversely impact water quality in Canyonlands, Glen Canyon, Grand Canyon and Lake Mead. Branch staff attended a briefing hosted by the NRC to discuss issues raised by the NPS. Staff provided input to the discussions, and suggested that the NRC revisit scientific data and environmental analysis of all alternative actions, including moving the tailings to a more secure upland site. Due to agency and public comments, the NRC rescinded the EA. They intend to release a new EA, or possibly an EIS, for agency and public comment in early 1994. In a related story, a former Atlas contractor involved in the cleanup of the millsite admitted to government officials and the news media that he participated in selling radioactive mill components to scrap metal recyclers rather than properly disposing of the materials. The news story did not mention if authorities will pursue legal action. (Moss)

**Branch Assists Rocky Mountain Region Parks on a Variety of Adjacent Oil and Gas Leasing and Development Issues** - Branch staff continued providing assistance to Theodore

Roosevelt, Dinosaur, Canyonlands, Arches, Fossil Butte, Zion, and Capitol Reef on Federal oil and gas planning, leasing and development issues on adjacent lands managed by the BLM or USFS. Theodore Roosevelt staff, with branch support, successfully arranged additional meetings with the USFS to discuss visual quality guidelines relating to hydrocarbon development near the park boundary. Branch staff assisted Dinosaur in evaluating the Final Oil and Gas Leasing EIS for the BLM Diamond Mountain Resource Area. The branch also provided Dinosaur with recommended Federal oil and gas leasing stipulations for submission to the BLM White River Resource Area which is currently scoping for preparation of a Resource Management Plan and EIS. The branch provided technical consultation to Arches and Canyonlands concerning cooperating agency involvement with the BLM in preparing a Federal oil and gas leasing EIS for the Grand Resource Area. The BLM is postponing preparation of the document due to waning industry interest in expensive horizontal drilling in the area. Branch staff assisted Fossil Butte in responding to a request by an attorney in Casper, Wyoming, seeking information on adjacent acreage available for Federal oil and gas leasing to prepare an industry trade group report. The branch assisted Zion by providing mineral-related resource protection issues for the USFS Dixie National Forest to address in preparing an Oil and Gas Leasing EIS. (Heise)

**New Utah Lands Act Holds Promise** - The Utah Schools and Lands Improvement Act of 1993, signed in October 1993, provides for exchange of Utah school lands for Bureau of Land Management administered lands of equal value. The state sought the exchange because the state lands are "land-locked" as in large blocks of withdrawn Federal lands, such as, National parks and cannot be utilized to maximize revenues. This Act provides NPS with an opportunity to obtain jurisdiction over 80,000 acres (12,000 acres of mineral rights only) of state-controlled lands in parks in Utah. In some instances, these lands contain mineral

rights, that if developed, would be inconsistent with park purposes.

### **SOUTHEAST REGION**

**Staff Field-Inspect Two AML Sites in Great Smoky Mountains National Park** - Branch staff traveled to Great Smoky Mountains to advise the park on reclaiming two abandoned copper mines. Water quality at both mine sites is degraded as a result of the past mining activity, with elevated levels of copper, lead, and zinc. In addition, the spoils piles at the Hazel Creek Mine are completely devoid of vegetation and are lying at the slope of repose. The mines serve as habitat for the largest known big-eared bat colony in the southeast as well as the endangered Indiana bat. Branch staff surveyed the underground workings and surface disturbances (spoils piles and an abandoned mine road), designed closures for 12 openings, and sampled the soil material on the spoils piles. From this information, branch staff will prepare a reclamation design for both mines that includes closure recommendations, water quality treatment options, revegetation prescriptions, and cost estimates. (Smith, Cloues, Wood)

**Plugging Away in Big Thicket National Preserve** - The branch assisted the region and park in the technical review of a proposed plan of operations for plugging an abandoned oil well located in the Lance Rosier Unit of the park. The Caskids Operating Company (Caskids), purchased the well several years ago and refused repeated NPS demands to either ratify the previously approved plan of operations for the well, or submit a new revised plan, and post a performance bond. The superintendent suspended the operation because the operator failed to comply with NPS regulations. Caskids has now submitted a proposed plan of operations to plug and abandon the well. The branch determined that the proposed plan is incomplete and recommended that the regional director not accept the plan because it fails to adequately address several important issues, namely plugging engineering, surface reclamation and

bonding. (Heise, Boucher)

### **SOUTHWEST REGION**

**Mineral Owner at Padre Island Alleges NPS Lacks Authority to Regulate Development** - At the request of the region, the branch provided comments on a response to a letter from an attorney representing the Dunn-McCampbell Royalty Interests, Inc. The attorney asserted that the NPS lacked the power to regulate mineral interests. Furthermore, he states, if the NPS did have the power, the Service's exercise of that power through its non-Federal oil and gas regulations at 36 CFR Part 9, Subpart B is a "taking" under the 5th Amendment to the U.S. Constitution. The region's response clearly identified the Service's statutory basis for regulating non-Federal oil and gas development in parks and the legality of the 9B regulations. Next month, the branch will participate in a meeting with the company's representatives to further understand the Service's regulations and procedures governing non-Federal oil and gas development at Padre Island. (McCoy, Woods)

**Cooperative Agreement Signed with Texas** - The Southwest Region and the Texas Railroad Commission (TRC) entered into a cooperative agreement to mitigate hazardous mine openings in national park units in Texas. The region has already drafted an environmental assessment for closures at the Mariscal Mine in Big Bend. The state is assessing this site, and will probably contract several shaft closures within the next year. The branch, the region, and TRC have also begun plans and an EA to install closures at the Texas-Calumet Mine in Guadalupe Mountains. (Burghardt)

**Company Plugs Leaking Oil and Gas Well at Padre Island National Seashore** - Branch staff assisted the park oversee the final plug and abandonment of the Dunn-McCampbell A-1 well. This well deteriorated over several years with exposure to the salt air environment, and was found leaking on August 31, 1993. The well's location is in a comparatively popular

spot at the seashore. The NPS required the owner of record, Oryx Energy Company, to set both a downhole cement plug of 500 feet and a surface plug of 100 feet. Natural resource damage to the site was prevented through the use of a board pad, plastic liners, and close supervision. At least two other wells, the Sun A 228-1 and the Pioneer 1, are in a similar condition. If these wells leak, they potentially would contaminate the Laguna Madre. The branch will continue to help the park in their efforts to plug these other wells. (Boucher)

**Branch Determines Applicability of Regulations to Abandoned Wells in Jean Lafitte National Historical Site** - Branch staff recently researched the applicability of the 36 CFR 9B regulations for ten abandoned wells in the Barataria Unit of the park. These wells pose a hazard to navigation and have the potential to contaminate waterways. Through efforts of the park, region, and branch staff, oil and gas companies have agreed to replug some of these wells. Our research shows that four of the ten wells fall under these regulations giving the region and park ample ability to manage the plugging procedure and mitigate any environmental damage that may occur from the operation. The branch will work with the park and Louisiana Department of Natural Resources to plug the remaining wells. (Boucher)

**Reclamation Plan Developed for Lands to be Acquired at Capulin Volcano National Monument** - A 5-acre cinder mine next to the boundary of Capulin Volcano is a significant visual intrusion from existing park trails. A boundary expansion study, now in progress, may ultimately identify the parcel that encompasses the cinder mine for acquisition. Branch staff conducted a site survey of the pit and developed three reclamation alternatives to address the visual impacts. The alternative range from minor to extensive recontouring of the site. The park and Southwest Region will choose the alternative that best meets their objectives. Then, work will continue with the New Mexico Abandoned Mine Land Bureau to

initiate a joint reclamation project. (Steensen)

**Abandoned Sandstone Quarry and Cinder Pit Reclamation Design Underway at El Malpais** -

Branch staff conducted site assessments and surveys at El Malpais, New Mexico, to develop reclamation plans for two abandoned mines, one a 5-acre sandstone quarry, the other a 5-acre cinder pit. Both are visual intrusions on either planned or existing visitor facilities. The reclamation plans and cost estimates will serve as the basis for proposals to the New Mexico Abandoned Mine Land Bureau or perhaps NRFP funding. The project may also be a good candidate for the National Guard Engineering Unit stationed in Albuquerque. (Steensen)

**Flagstone Quarries at Salinas Pueblo Missions Provide Excellent Candidates for Reclamation** -

Recently acquired land surrounding the Abo Ruins and the Mission San Gregorio de Abo contains nine small flagstone quarries. Planned interpretive trails around the ruins will pass through the mined area. An opportunity exists to restore the sites as little flagstone was extracted and all of the overburden and topsoils are onsite, and the mining is less than 3 years old; thus, erosion processes have not had time to alter the sites. Preparation of specifications is underway and will serve as the basis for seeking funds to augment existing park maintenance personnel and equipment capabilities to complete the work. (Steensen)

**Branch Provides Oversight of a New Well at Lake Meredith** -

Staff provided oversight for the drilling of the Anadarko CR 5-3 'B' well. The majority of the mineral rights under the park are privately owned and the NPS continues to see new oil and gas wells being drilled to develop the minerals. To protect the natural resources and mitigate problems associated with these activities, a plan of operations was provided and approved. The company directionally drilled the well from a surface location just inside the boundary of the park to a subsurface location beneath the lake. It employed advanced methods to protect the lake



and environment. While onsite, branch staff inspected the drill rig, the closed circulation system, and the concrete air return pit. (Boucher)

**Proposed Acquisition at Lake Meredith May Bring New "Strategic" Mineral Under NPS Jurisdiction** - Branch staff visited a proposed addition to the park which would bring several helium wells under NPS jurisdiction. Helium reservoirs that contain the lighter-than-air gas beneath the earth are extremely rare, and at one time, this site had considerable military value for use in lighter-than-air craft. Of particular interest, is the way in which the well heads and surface locations of these wells were disguised to blend in with the landscape because they were considered military targets. Perhaps some of these techniques can be employed with new wells to limit their visual intrusion. (Boucher)

**AML Funding Possibilities Explored at Buffalo National River** - The branch, regional, and park staff met with representatives from the Office of Surface Mining Reclamation and Enforcement (OSMRE) and several state AML program representatives at Buffalo River to observe newly installed bat gates at mines in the historic Rush Zinc Mining District. The focus of this discussion was possible funding for this project using monies from the Surface Mine Control and Reclamation Act (SMCRA) Program. These funds are generally designated only for coal mine reclamation, since they were generated from a reclamation fee taken from producing coal mines. There are exceptions to this rule, however, and the branch and the region are pursuing these possibilities with the Arkansas AML program and OSMRE directly. If this effort is successful in Arkansas, we hope to use the same approach for closing priority sites in other states. (Burghardt, Higgins)

## **WESTERN REGION**

**BLM's Preferred RMP Leaves the Door Open to Mineral Extraction Immediately Adjacent to Death Valley** - The branch evaluated the

draft Tonapah Resource Management Plan/Environmental Impact Statement (RMP/EIS) for mineral issues impacting Death Valley. Adverse impacts to Death Valley's groundwater and scenic resources may result from mineral development in the Tonapah Resource Area next to the Monument. We found that the BLM's preferred alternative would result in decreased protection of groundwater and scenic resources of Death Valley. By contrast, another alternative in the EIS would provide Death Valley and the proposed expansion area with equal or greater protection than the current management program. Ironically, BLM's preferred management alternative provided a general increase in protection to wildlife, vegetative, and riparian resources in the Tonapah Resource Area. (Ziegenbein, Covington)

**Administrative Hearing May Not Favor Yuma Mine Claimant Outside Saguaro** - Branch staff helped Solicitor Richard Greenfield and appeared as expert witness in an administrative hearing involving the Comet Nos. 2-5 and 8-11 lode mining claims adjacent to the Tucson Mountain Unit of Saguaro. In the 2-day hearing, the Federal Government presented its prima facie case that there has been no discovery of either gold or specimen quality wulfenite on any of these claims. The claimant, Richard Bideaux, representing himself (pro se) presented his case on the second day. Since Mr. Bideaux admitted that he had not paid the holding fee for Comet Nos. 2-5 and 9-11, the only claim at issue was the Comet No. 8, also known as the Copper Kettle prospect. A decision regarding Comet No. 8 will likely be handed down by District Chief Administrative Law Judge John R. Rampton by the end of the year, or later. The Comet No. 1 lode, the Old Yuma lode, and the west half of the Old Yuma Placer mining claims, are valid per the mineral report authored by the three mineral examiners, Burt Clay, Sidney Covington, and Larry Thrasher. (Covington)

**Branch Staff Review Mineral Appraisal of Parcel at Channel Islands** - At the request of



the Western Region Division of Land Resources, branch staff reviewed the technical adequacy of the mineral appraisal prepared by the Corps of Engineers on behalf of the NPS. The NPS requested the appraisal to determine the value of the remaining 1/4 interest in the mineral rights associated with a tract located at the east end of Santa Cruz Island. When the NPS obtains ownership of the tract, it will be able to cleanup an oil and gas drill site and open further trails to the public. The price paid for the tract should reflect the Federal Government's cleanup costs. Extensive comments concerning mineral conveyances, offshore versus onshore leases, and regulatory influence were provided to assist the Corps in arriving at a fair market value. (Boucher, Cloues)

**Death Valley Evaluates the Adequacy of the Billie and Boraxo Plans of Operation** - Branch staff sent several suggestions to Death Valley regarding needed revisions to the plans of operation for the Boraxo open pit mine and the Billie underground mine. We suggested revision of the Boraxo plan of operations due to the need for additional reclamation on the mine's waste dumps. Current reclamation practices are resulting in unnatural appearance and erosion. Factors triggering the need for revision of the Billie mine plan of operation include the large number of amendments that now exist in the plan, a recent mine shutdown, sale, and restart, and the need for an increased bond due to new backfilling requirements. The branch will assist Death Valley and the region on technical review of the revised plan of operations when submitted by the operator. (Moss, Covington)

## **PROFESSIONAL DEVELOPMENT**

**Branch Enhances Reclamation Design Capabilities** - Branch staff attended computer assisted design (CAD) training to update branch drafting and reclamation design capabilities. The branch recently acquired software that is becoming standard among agencies and consultants involved with reclamation. The ability to interface with other users expands our

proficiency to create or adapt existing maps and design drawings. Combined with state-of-the-art surveying equipment, we are approaching full capability regarding efficient assistance to parks and regions with AML reclamation needs. (Steensen, Kopilow)

**Branch Attends 15th Annual Abandoned Mine Land Conference** - Branch staff attended this year's AML conference the theme of which was "Where Have We Been - Where Are We Going? An Educational Process." The 4 day conference consisted of technical sessions, panel discussions, workshops and training sessions. There were two technical field trips: 1) an abandoned sand and gravel mine in Yellowstone; and 2) the Snake River Highway Pit in Grand Teton. The purpose for staff participation was to attend the technical and training sessions and participate in the workshops relevant to the National Park Service Abandoned Mineral Lands Program. Attending staff prepared a poster display on the NPS AML program to introduce the approximate 175 attendees to the NPS program. The conference benefitted the branch by promoting the NPS AML program, educating the attendees on new reclamation/mitigation techniques, and advancing communication between the Mining and Minerals Branch staff and AML professionals from the United States and Canada. (Higgins, Smith, Wood)

**New Era Dawns for the Western Public Lands** - Staff attended a conference sponsored by the Colorado University Law School's Natural Resources Law Center in Boulder, Colorado entitled, "A New Era For The Western Public Lands." A veritable who's who list of politicians, public lands scholars, Federal and state land management personnel, nonprofit representatives, and a few individuals from the ranching and mining community attended the conference. The conference's general theme was two-tiered: (1) the current system of public land management is broken and is in need of significant repair, and (2) any new land management system should be based on legislation that embraces the ecosystem concept.

Many of the key phrases at the conference were "ecosystem management," "interagency cooperation," "breaking down political boundaries," "local community involvement in the decision making process," and "decentralization of management power." Although the conference debate over a new system of public land management lacked real depth, it did raise the really tough questions that need to be answered before in crafting workable solutions to thorny public land management issues. (Kassman, Shaver)