

COMPARISON OF FEDERAL AND STATE SMALL EXPLORATION AND SMALL MINING PROJECT AUTHORITIES

Rich Perry, Administrator, NDOM

SMALL EXPLORATION PROJECTS

Administered by:	Description	Clarification(s)
<u>State</u> Administered by NDEP	NTE 5 acres in any calendar year (NRS 519A.110) on Federal or non-Federal lands, total disturbance within one-mile radius	No permits, notice or reclamation plan required from BMRR.
<u>Federal</u> Administered by BLM	NTE 5 acres of total disturbance per project on BLM-administered lands. No overlapping, adjacent or series of associated notices to avoid 5-acre limit. Generally, no involvement by State.	This is “notice-level” exploration, notice information required per CFR 3809.301. Reclamation bond required, held by BLM or NDOM. A one-time “bulk sample” of up to 1000 tons is allowed for testing (CFR 3809.11). 368 of these exploration projects on BLM lands active in 2019.
<u>Federal</u> Administered by USFS	No “notice-level” small exploration NTE 5 acres exemption on USFS lands. Locatable Minerals Regulations 36CFR228.4 describes minimal disturbance activities that may require an NOI or no NOI.	Almost all drilling exploration on USFS lands is plan-level and requires NEPA action (CE, EA or EIS).

SMALL MINING PROJECTS

<u>State</u> Administered by NDEP	NTE 5 acres in a calendar year (NRS 519A.120). A notification to NDEP is required but no reclamation plan or bond required. Water Pollution control permit from NDEP is required for mining operations. One mile radius for 5- acre disturbance calculation.	If project exceeds 5 acres of disturbance in calendar year, a full mining reclamation permit with reclamation plan is required. Other permits from NDEP may also be required (air quality, solid waste management, etc.)
<u>Federal</u> Administered by BLM or USFS	A small mine, where material is extracted for commercial use or sale, with less than 5-acres of disturbance has no exemption from permitting from BLM or USFS.	Permitted as a “Plan of Operation” under BLM 3809.401 with NEPA through an EA or EIS or USFS 36CFR228 subpart A with NEPA (CE, EA or EIS).