

Bureau of Land Management, Interior

§ 3809.433

(b) Your reclamation and closure obligations continue until satisfied.

MODIFICATIONS OF PLANS OF OPERATIONS

§ 3809.430 May I modify my plan of operations?

Yes, you may request a modification of the plan at any time during operations under an approved plan of operations.

§ 3809.431 When must I modify my plan of operations?

You must modify your plan of operations when any of the following apply:

- (a) Before making any changes to the operations described in your approved plan of operations;
- (b) When BLM requires you to do so to prevent unnecessary or undue degradation; and
- (c) Before final closure, to address impacts from unanticipated events or conditions or newly discovered circumstances or information, including the following:

- (1) Development of acid or toxic drainage;
- (2) Loss of surface springs or water supplies;
- (3) The need for long-term water treatment and site maintenance;
- (4) Repair of reclamation failures;
- (5) Plans for assuring the adequacy of containment structures and the integrity of closed waste units;
- (6) Providing for post-closure management; and (7) Eliminating hazards to public safety.

§ 3809.432 What process will BLM follow in reviewing a modification of my plan of operations?

- (a) BLM will review and approve a modification of your plan of operations in the same manner as it reviewed and approved your initial plan under §§ 3809.401 through 3809.420; or
- (b) BLM will accept a minor modification without formal approval if it is consistent with the approved plan of operations and does not constitute a substantive change that requires additional analysis under the National Environmental Policy Act.

§ 3809.433 Does this subpart apply to a new modification of my plan of operations?

To see how this subpart applies to a modification of your plan of operations that you submit to BLM after January 20, 2001, refer to the following table.

If you have an approved plan of operations on January 20, 2001	Then—
(a) <i>New facility.</i> You subsequently propose to modify your plan of operations by constructing a new facility, such as waste rock repository, leach pad, impoundment, drill site, or road.	The plan contents requirements (§ 3809.401) and performance standards (§ 3809.420) of this subpart apply to the new facility. Those facilities and areas not included in the modification may continue to operate under the terms of your existing plan of operations.

If you have an approved plan of operations on January 20, 2001	Then—
<p>(b) <i>Existing facility.</i> You subsequently propose to modify your plan of operations by modifying an existing facility, such as expansion of a waste rock repository, leach pad, or impoundment; layback of a mine pit; or widening of a road.</p>	<p>The plan content requirements (§3809.401) and performance standards (§3809.420) of this subpart apply to the modified portion of the facility, unless you demonstrate to BLM's satisfaction it is not practical to apply them for economic environmental, safety, or technical reasons. If you make the demonstration, the plan content requirements (43 CFR 3809.1-5) and performance standards (43 CFR 3809.1-3(d) and 3809.2-2) that were in effect immediately before January 20, 2001 apply to your modified facility. (See 43 CFR parts 1000-end, revised as of Oct. 1, 2000.)</p>

§ 3809.434 How does this subpart apply to pending modifications for new or existing facilities?

(a) This subpart applies to modifications pending before BLM on January 20, 2001 to construct a new facility, such as a waste rock repository, leach pad, drill site, or access road; or to modify an existing mine facility such as expansion of a waste rock repository or leach pad.

(b) All provisions of this subpart, except plan content (§3809.401) and performance standards (§§3809.415 and 3809.420) apply to any modification of a plan of operations that was pending on January 20, 2001. See §3809.505 for appli-

cability of financial guarantee requirements.

(c) If your unapproved modification of a plan of operations is pending on January 20, 2001, then the plan content requirements (§3809.1-5) and the performance standards (§§3809.1-3(d) and 3809.2-2) that were in effect immediately before January 20, 2001 apply to your modification of a plan of operations. (See 43 CFR parts 1000-end, revised as of Oct. 1, 2000).

(d) If you want this subpart to apply to your pending modification of a plan of operations, where not otherwise required, you may choose to have this subpart apply.

FINANCIAL GUARANTEE REQUIREMENTS—GENERAL

§ 3809.500 In general, what are BLM's financial guarantee requirements?

To see generally what BLM's financial guarantee requirements are, follow this table:

If—	Then—
<p>(a) Your operations constitute casual use..</p>	<p>You do not have to provide any financial guarantee.</p>