

## Attachment 2 - Further Clarification and Examples

The following examples are very specific and are not all-inclusive. If one of them is similar to your situation then it would apply. For example, in Example 1, “biologist” could be substituted for “archaeologist” and “biological” could be substituted for “cultural.”

**Example 1:** An archaeologist who conducts a cultural survey of a site where a gravel pit has been proposed should charge his time and operational expenses to program element EP, subactivity 1330.

**Example 2:** Another archaeologist is conducting an area wide cultural survey. During that survey, she spends three hours on a site covered by a 3809 Notice. There is no 3809 action pending that would require a cultural survey, so she charges all of her time and related operational expenses to the appropriate cultural resources program element, subactivity 1050.

**Example 3:** Yet another archaeologist is conducting an area wide cultural survey. During that survey, he spends one-half day on a site covered by a 3809 Plan of Operations. The operator has filed an amendment to the Plan of Operations, which will require a reinventory of the site. He may charge one-half of his time and one-half of his operational expenses for the day to program element EX, subactivity 1990 (with the remainder being charged to the appropriate cultural resources program element, subactivity 1050).

**Example 4:** And yet another archaeologist is conducting a cultural survey of a site under a 3809 Plan of Operations submittal. During the course of conducting the survey on the proposed mine site, she notices that an adjacent hillside (outside of the area of the Plan of Operations) may have an occurrence of cultural significance. She spends the afternoon (one-half of the work day) on the adjacent hillside looking at the area she observed in the morning. She may charge one-half of her time and one-half of her operational expenses for the day to program element EX, subactivity 1990 (with the remainder being charged to the appropriate cultural resources program element, subactivity 1050). The expenses for cataloging and archiving any items collected on the adjacent hillside should be charged to cultural resources.

**Example 5:** A biologist is conducting a wildlife inventory on a proposed gilsonite mine site. The general area is known to contain some bald eagle nests. There is a buffer zone of one-half mile around bald eagle nests in which no activity is allowed. To determine if the mine site intrudes into the buffer zone of an eagle’s nest, the entire area within one-half mile of the mine site would need to be surveyed. Accordingly, survey of the area for one-half mile outside of the proposed mine area is appropriately charged to program element EO, subactivity 1330. (Note, the one-half mile buffer is used for illustrative purposes only and may not be accurate.)

**Example 6:** A botanist is conducting a plant survey at a proposed major gravel mine. The gravel mine is located in a part of the county where some habitat favorable for a T&E plant species is known to exist. It takes the botanist a full day to cover the mine site, and no favorable habitat is observed. The botanist decides to come back the next day and inventory the reverse slope of the adjacent hill (outside the mine area). The botanist may appropriately charge all time and

expenses for the first day to subactivity EP, subactivity 1330. The second day would have to be charged to the appropriate threatened & endangered species program element, subactivity 1150.

**Example 7:** A geologist is preparing a mineral potential report for the area of a proposed land exchange. The purpose of the exchange is to allow BLM and a local landowner to consolidate their holdings and to provide for easier management by both parties. Lands and realty is the benefiting subactivity, accordingly, all time and operational costs associated with the preparation of the mineral report should be charged to the lands and realty management, program element FM, subactivity 1430.

A solid minerals subactivity would be the benefiting subactivity only if the purpose of the exchange was directly beneficial to that subactivity. An exchange to give access to a claimant or lessee would not directly benefit the subactivity and thus the subactivity would not be the benefiting subactivity.

[This example is one where it is essential to charge correctly. Many lands actions are cost reimbursable, and if this is charged to a solid minerals subactivity, the proponent may not be required to reimburse the costs of the report. If this happens, not only does the incorrect subactivity pay for the report, but also the taxpayer pays for a report that should be charged to the proponent of the land exchange.]

**Example 8:** A geologist is stationed in a field office with only a small minerals program that does not require a full time person on staff. The lands and realty program is rather large so he spends the remainder of his time working on the lands and realty caseload, predominately inspections. One day he conducts an inspection on a seven-mile long water pipeline right-of-way leading from a well to a mine site. When he arrives at the mine site, he decides to conduct a 3809 surface management inspection of the mine. It takes about 1.5 hours to inspect the mine site. It takes about 3 hours to inspect the right-of-way. The remainder of the 8-hour workday was spent in travel from and to the office. The geologist may appropriately charge one-third of the day's time and operational expenses to program element NI, subactivity 1990, while the remainder should be charged to the lands and realty management, program element NH, subactivity 1430.

**Example 9:** A mining engineer in a state office usually spends her time working on policy, guidance, and budget matters for all of the solid minerals programs except Alaska Minerals. Accordingly, she normally uses program elements PO (non-energy, subactivities 1330 & 1990) and PP (energy, subactivity 1320) as none of her normal workload fits within the other core program elements. One Monday she receives a phone call from one of the field offices with a question on a particularly difficult 3809-compliance problem. She spends the next 1.5 days looking over a copy of case file that was sent to her by overnight mail, formulating a response, and obtaining management approval of her response. She should charge her time and operating expenditures for those 1.5 days to program element NI, subactivity 1990.

**Example 10:** A geologist has been assigned to the team assigned the task of writing a new RMP and the associated EIS. The only solid minerals program in the office is Other Mineral Resources (salable minerals – sand and gravel). While working on the salable minerals portion in addition

to the general portions of the RMP and EIS, the geologist should charge his time and operational expenses to Resource Management Planning, subactivity 1610, with the program elements DS or DT as appropriate.

**Example 11:** An administrative assistant in a field office writes the over-the-counter permits for small sand and gravel sales. The total work involved with each permit takes about ten minutes, and she averages writing two permits each day. The administrative assistant has two choices, the second of which provides a more accurate accounting of her time. She could charge small increments of time each day to program element EP, subactivity 1330, or she could keep a record of her total time spent on permits each pay period and make one entry for that pay period, for the total time (to the closest 1/4 hour).

**Example 12:** A BLM ranger is conducting a routine 3809 surface management inspection of a mining operation. During the course of the inspection the ranger notices a significant violation of the regulations and makes the appropriate inspection report. As a result of the inspection, a noncompliance order is issued and is hand delivered to the operator by the ranger. While delivering the noncompliance order the ranger explains the regulations to the operator, outlines what is needed to correct the situation, and informs the operator that if he fails to correct the situation a suspension order will be issued. A subsequent inspection by the ranger indicates that the operator has failed to correct the violation within the specified timeframe. A suspension order is issued for the operation and the ranger hand delivers the order. A follow up inspection a week after the suspension order was delivered shows that both the operation and the violation are continuing. The Field Manager, after consultation with the State Office and the Solicitor's Office, decides that the BLM should seek criminal penalties in this case. The ranger then proceeds with a criminal investigation of the operator. The ranger may appropriately charge to subactivity 1990, program element NI all work related to this case.

**Example 13:** A ranger is conducting a routine patrol and discovers a marijuana field. Investigation shows that part of the field is on an unpatented mining claim. An individual, not the claimant, is subsequently apprehended and charged with growing the marijuana. All of the ranger's time should be charged to subactivity funding the drug enforcement, program element OA, project code DRUG. This is not a mining law issue and should not be charged to the 1990 subactivity.

**Example 14:** A ranger is conducting a routine patrol and discovers a marijuana field. Investigation shows that part of the field is on an unpatented mining claim. An individual, the claimant, is subsequently apprehended and charged with growing the marijuana. All of the ranger's time involved directly with the drug enforcement laws should be charged to subactivity 1990, program element OA, project code DRUG. Any time spent on the occupancy part of the case, exclusive of the marijuana cultivation should be charged to subactivity 1990, program element NJ. This situation is one of use and occupancy of a mining claim, not reasonably incident to mining or milling purposes, and the ranger's time may be appropriately charged to the 1990 subactivity.

**Example 15:** A geologist develops a mining and reclamation plan for a Free Use Permit to BLM to obtain mineral materials from a new pit for a BLM riparian and fisheries improvement project, an associated recreational campground area and the access road to the campground. BLM's contractor will serve as the BLM's agent for removal of the materials and reclamation of the pit. The geologist who develops the plan, the interdisciplinary team that conducts resource inventories and NEPA analysis, and the BLM contract inspector who monitors the mining and reclamation should charge their time and costs to the resource program that initiated the project (e.g., fisheries, riparian, recreation) using the applicable program element for the project (such as HB or JG, including a project code if available). Copies of the contract inspector's reports should be included in the mineral materials permit case file. Standard case information should be entered into LR2000 using appropriate action codes.

**Example 16:** An oil and gas company requests a mineral material sale from a community pit for construction of an access road to a well site. All costs for the sale are charged to subactivity 1330, program element EP.

Note: The end user of the mineral material is not the deciding factor in this case; any disposal to a non-BLM user is charged to 1330.

**Example 17:** BLM law enforcement personnel are providing security for a geologist during a mineral material I&E/PV inspection because of threats received by the field office related to the material site. The law enforcement personnel should charge their labor and operating expenses for the time they are providing security to subactivity 1330, program element NF, just as the geologist does while conducting the I&E/PV inspection.