the recreation area in accordance with
the mineral leasing laws.

(d) Land management. The Federal
Land Policy and Management Act of
1976 (43 U.S.C. 1701 et seq.) authorizes
the management and use of the public
lands.

(e) Fees. Section 304 of FLPMA (43
U.S.C. 1734) authorizes the Secretary to
establish reasonable filing and service
fees for applications and other docu-
ments relating to the public lands. The
Independent Offices Appropriation Act
(31 U.S.C. 9701) authorizes agencies to
charge fees to recover the costs of pro-
viding services or things of value.

[64 FR 53536, Oct. 1, 1999, as amended at 70 FR
58876, Oct. 7, 2005]

§ 3501.2 What is the scope of this part?

(a) This part applies to minerals
other than oil, gas, coal and oil shale,
leased under the mineral leasing acts,
and to hardrock minerals leasable
under Reorganization Plan No. 3 of
1946, on any unclaimed, undeveloped
area of available public domain or ac-
quired lands where leasing of these spe-
cific minerals is allowed by law. Spec-
ial areas identified in part 3580 of this
title and asphalt on certain lands in
Oklahoma also are leased under this
part. Check part 3580 to identify any
special provisions that apply to those
special areas.

(b) This part does not apply to Indian
lands or minerals except where ex-
pressly noted.

§ 3501.5 What terms do I need to know
to understand this part?

You need to know the following
terms, which are used frequently in
this part:

Acquired lands means lands or inter-
est in lands, including mineral es-
tates, which the United States ob-
tained through purchase, gift, or con-
donation. It includes all lands BLM
administers for hardrock mineral leas-
ing other than public domain lands.

Chiefly valuable, for the purposes of
this part, means the land is more valu-
able for the development of sodium,
sulphur or potassium than for any non-
mineral use of the land.

Hardrock minerals include base met-
als, precious metals, industrial min-
erals, and precious or semi-precious
gemstones. Hardrock minerals do not
include coal, oil shale, phosphate, so-
dium, potassium, or gilsonite deposits.
Also, hardrock minerals do not include
commodities the government sells such
as common varieties of sand, gravel,
stone, pumice or cinder. The term
hardrock minerals as used here in-
cludes mineral deposits that are found
in sedimentary and other rocks.

Leasable minerals, for purposes of this
part, means the chlorides, sulfates, car-
bonates, borates, silicates or nitrates
of potassium or sodium and related
products; sulphur on public lands in
the States of Louisiana and New Mex-
ico and on all acquired lands; phos-
phate, including associated and related
minerals; asphalt in certain lands in
Oklahoma; and gilsonite (including all
vein-type solid hydrocarbons).

MMS means the Minerals Manage-
ment Service.

Permit means prospecting permit, un-
less otherwise specified.

Valuable deposit, for the purposes of
this part, means an occurrence of min-
erals of such character that a person of
ordinary prudence would be justified in
the further expenditure of his or her
labor and means, with a reasonable
prospect of success in developing a
profitable mine.

§ 3501.10 What types of mineral use au-
thorizations can I get under these
rules?

BLM issues the mineral use au-
thorizations listed below to qualified indi-
viduals. Some authorizations are not
available for certain commodities. See
the subparts referenced in each sub-
section for more information.

(a) “Prospecting permits” let you ex-
plore for leasable mineral deposits on
lands where BLM has determined that
prospecting is needed to determine the
existence of a valuable deposit. See
subpart 3505 of this part.

(b) “Exploration licenses” let you ex-
plore in areas with known deposits of
leasable mineral to obtain data. With
an exploration license, you do not get
any preference or other right to a
lease. See subpart 3506 of this part.

(c) “Preference right leases” are
issued to holders of prospecting per-
mits who, during the term of the per-
mit, demonstrate the discovery of a
§ 3501.16 Does my permit or lease grant me an exclusive right to develop the lands covered by the permit or lease?

No. Your permit or lease gives you an exclusive right to the mineral, but not to the lands. BLM may allow other uses or disposal of the lands, including leasing of other minerals, if those uses or disposals will not unreasonably interfere with your operation. If BLM issues other permits or leases covering the lands contained within your permit or lease, they will contain suitable stipulations for simultaneous operation based on consideration of safety, environmental protection, conservation, ultimate recovery of the resource, and other factors. You must also make all reasonable efforts to avoid interference with other authorized uses. In cases where the date of the lease is used to determine priority for development and a lease is renewed, BLM will use the effective date of the original lease to determine priority for development.

§ 3501.17 Are there any general planning or environmental considerations that affect issuance of my permit or lease?

(a) BLM will not issue you a permit or lease unless it conforms with the decisions, terms and conditions of an applicable comprehensive land use plan.

(b) BLM or the surface management agency will comply with any applicable environmental requirements before issuing you a permit or lease. This may result in conditions on your permit or lease.

(c) BLM will issue permits and leases consistent with any unsuitability designation under part 1600 of this title.

§ 3501.20 If BLM approves my application for a use authorization under this part, when does it become effective?

Your lease, permit, or other use authorization is effective the first day of the month after BLM signs it, unless you request in writing and BLM agrees to make it effective the first day of the month in which it is approved. This applies to all leases, licenses, permits, transfers and assignments in this part, unless a specific regulation provides otherwise.

§ 3501.30 May I appeal BLM's decisions under this part?

Any party adversely affected by a BLM decision under this part may appeal the decision under parts 4 and 1840 of this title.