



STATE OF NEVADA ABANDONED MINE LANDS PROGRAM

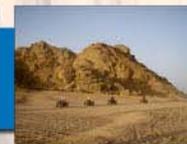
**FAST WORKSHOP
BARSTOW, CALIFORNIA**

November 6, 2008

Bill Durbin

Nevada Division of Minerals

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Origin of Nevada's AML Program

- AML program mandated by 1987 Nevada Legislature
- Response to AML-related injuries and fatalities
 - 41 documented incidents since 1971 of human and domestic animal injuries and deaths (15 people, 1 dog)
- Estimated 200,000-300,000 mining-related features State-wide
- 50,000 considered physical safety hazards (adits, shafts, pit high walls)

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KEY PROGRAM ELEMENTS

ON THE GROUND - IN THE FIELD

HAZARDS - Locate/visit/apply hazard rank/identify and notify responsible party/secure hazardous conditions on open public lands

NON-HAZARDS - Identify and GPS location (since 2004)

Over 17,000 have been identified

PUBLIC OUTREACH

“Stay Out and Stay Alive” public awareness campaign

(NEW) FAST! campaign – encourage assistance of OHV user groups in reporting mine hazards found while engaging in outdoor activities

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ES-1556
6-4-07
Logged
Looking N

06/04/2007

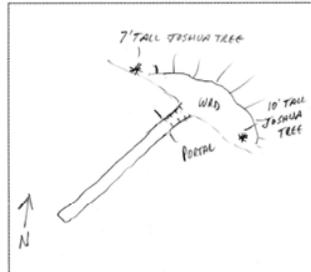
COMPLETED HAZARD INVENTORY SHEET (ORPHAN)



STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
ABANDONED MINE LANDS PROGRAM
Hazard Inventory Sheet

Hazard ID #: ES-1873 Degree of Hazard (per NAC 513) _____
 Date Investigated: 8-18-08 Location: 4
 Investigated By: WFD Degree: 1
 Ownership Research Date: 8-18-08 Total: 5 Hazard Rank: Low
 Research By: WFD Hazard Type: ADIF Signs of Visitation: Yes No _____
 County: ESMERALDA BLM: USFS: _____ NPS: _____ Private: _____ BIA: _____ Pat: _____
 Topographic Sheet: RALSTON BLM Field Office: BM
 Township: 4S Range: 42E Section: 36 Quarter/Quarter: NE SE
 UTM NAD27: 481455 E 4155361 N Accuracy 15 Elevation (ft): 5358
 Waste Rock? Yes No _____ Size Estimate (yd): 125 Is water present? Yes _____ No Apparent chemical toxicity? Yes _____ No
 Water and/or Chemical description, if any: _____
 Is all of mine visible? Yes _____ No Crevices? Yes No _____ Is there cribbing or timbers? Yes No _____ Is there detectable airflow? Yes _____ No
 Apparent Wildlife Use and Rating (Bats, Owls, Tortoise, e.g. bat(C), owl(A), tortoise(B), etc.): BATS (C)
Rating Criteria: A = present, B = possible habitat, contains nesting, feces, or other signs; C = habitat limited to unsurveyed crevices or debris; D = no wildlife habitat potential
 Apparent Cultural/Historical Resources: DOOR FRAME & WOODEN DOOR
 Mine/site Name: UNNAMED Claim Name: _____ Patented: MS#: _____ APN: _____
 Apparent Owner: ORPHAN NO ACTIVE CLAIMS PER COUNTY
 Address: AND LR 2000

Date owner notified: _____ Date county notified: _____
 If orphan hazard, date of approval to secure given by BLM or USFS: _____
 General Hazard Sketch (include North arrow and scale bar): _____ Written Hazard Description (include type, dimensions, relationship to nearby features or other hazards): _____



ADIF - BEARING S. 82°W -
 ARCHED - ACCESSED BY 5'Wx
 20' L. TRENCH - ADIF AVG. 4-5'W
 BY 5 1/2 - 6 1/2" H BY ~ 90' LONG.
 DOOR FRAME WITH WOODEN DOOR 5'
 INSIDE PORTAL - DOOR OPEN - STUCK
 IN SLOUGH MATERIAL & DRIED MUD

Secured: _____ By: _____ Method: _____ Date: _____ Documentation: _____
 Re-visit Date: _____ By: _____ Action Taken: _____ Documentation: _____
 Re-visit Date: _____ By: _____ Action Taken: _____ Documentation: _____

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COMPLETED HAZARD INVENTORY SHEET (UNPATENTED CLAIM OWNER)



STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS
ABANDONED MINE LANDS PROGRAM
Hazard Inventory Sheet

Hazard ID #: CL-1670 Degree of Hazard (per NAC 513) _____
 Date Investigated: 10/8/07 Location: 2
 Investigated By: GF ODON JR Degree: 1
 Ownership Research Date: 12-4-07 Total: 3 Hazard Rank: MINIMAL
 Research By: WFD Hazard Type: ADIT Signs of Visitation: Yes No
 County: CLARK BLM USFS: _____ NPS: _____ Private: _____ BIA: _____ Pat: _____
 Topographic Sheet: NELSON BLM Field Office: LAS VEGAS
 Township: 26S Range: 64E Section: 1 Quarter/Quarter: SE SW
 UTM NAD27: 700295 E 3953246 N Accuracy 2.3 Elevation (ft): 2244
 Waste Rock? Yes No Size Estimate (yd³): 50 Is water present? Yes No Apparent chemical toxicity? Yes No
 Water and/or Chemical description, if any: NONE
 Is all of mine visible? Yes No Crevices? Yes No Is there cribbing or timbers? Yes No Is there detectable airflow? Yes No
 Apparent Wildlife Use and Rating (Bats, Owls, Tortoise, e.g. bat(C), owl(A), tortoise(B), etc.): B LABEL
Rating Criteria: A = present; B = possible habitat, contains nesting, feces, or other signs; C = habitat limited to unsurveyed crevices or debris; D = no wildlife habitat potential
 Apparent Cultural/Historical Resources: NONE
 Mine/site Name: JUBILEE MINE Claim Name: BRADLEY #12 Patented: MS# _____ APN: _____
 Apparent Owner: NEVADA PACIFIC MINING COMPANY NMC 718552
 Address: 630 So. THIRD ST. NH: 2008
LAS VEGAS, NV. 89101
 Date owner notified: _____ Date county notified: _____
 If orphan hazard, date of approval to secure given by BLM or USFS: _____
 General Hazard Sketch (include North arrow and scale bar):  Written Hazard Description (include type, dimensions, relationship to nearby features or other hazards):
ADIT ON SOUTHERN SLOPE NEAR TOP
OF HILL ABOUT 1/2 MILE SOUTH OF (16S).
LOOSE ROCK ON CLIMBING + WALLS w/ OLD
TIMBERS
 Secured: _____ By: _____ Method: _____ Date: _____ Documentation: _____
 Re-visit Date: _____ By: _____ Action Taken: _____ Documentation: _____
 Re-visit Date: _____ By: _____ Action Taken: _____ Documentation: _____

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NEVADA ADMINISTRATIVE CODE FOR AML



DANGEROUS CONDITIONS CREATED BY ABANDONMENT OF MINES

- **NAC 513.200 Definitions.** ([NRS 513.094](#)) As used in [NAC 513.200](#) to [513.390](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 513.205](#) to [513.290](#), inclusive, have the meanings ascribed to them in those sections.
- **NAC 513.205 “Administrator” defined.** “Administrator” means the administrator of the division.
- **NAC 513.210 “Animal” defined.** “Animal” means any member of the bovine, equine, porcine or caprine species as well as dogs, cats or other animals under the restraint or control of a person.
- **NAC 513.220 “Commission” defined.** “Commission” means the commission on mineral resources.
- **NAC 513.230 “Dangerous condition” defined.** “Dangerous condition” means a condition resulting from mining practices which took place at a mine that is no longer operating or its associated works that could reasonably be expected to cause substantial physical harm to persons or animals.
- **NAC 513.240 “Division” defined.** “Division” means the division of minerals of the commission on mineral resources.
- **NAC 513.260 “Fence” defined.** “Fence” has the meaning ascribed to it in subsection 5 of [NRS 207.200](#).
- **NAC 513.270 “Owner” defined.** “Owner” means the owner of real property who is shown to be the owner on records located in the courthouse of the county in which the real property is located.
- **NAC 513.280 “Person” defined.** “Person” means a natural person.
- **NAC 513.290 “Responsible person” defined.** “Responsible person” means the owner of a patented claim or the claimant of an unpatented claim.
- **NAC 513.300 Scope.** The provisions of [NAC 513.200](#) to [513.390](#), inclusive, apply to all owners or other responsible persons for dangerous conditions on private or public land.

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NDOM HAZARD RANKING SYSTEM



- **NAC 513.320 Assignment of points to dangerous condition.** The administrator or his representative shall assign a dangerous condition one to five points for the location of the condition and an additional one to five points for the degree of danger associated with the condition. The condition must then be ranked according to the total number of points for location and degree of danger.
- **NAC 513.330 Rating of location.** The location of a dangerous condition must be rated in the following manner:
 - 1. One point must be assigned to a dangerous condition located at least 5 miles from an occupied structure or a public road maintained by some governmental entity.
 - 2. Two points must be assigned to a dangerous condition located between 1 and 5 miles from an occupied structure or a public road maintained by some governmental entity.
 - 3. Three points must be assigned to a dangerous condition located 1/2 to 1 mile, inclusive, from a town.
 - 4. Four points must be assigned to a dangerous condition located not more than 1/2 mile from a town or not more than 1 mile from an occupied structure or a public road maintained by some governmental entity.
 - 5. Five points must be assigned to a dangerous condition located within a town or within 100 feet of an occupied structure or a public road maintained by some governmental entity.

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NDOM HAZARD RANKING SYSTEM



- **NAC 513.340 Rating of degree of danger.** The degree of danger for a dangerous condition must be rated in the following manner:
 - 1. One point must be assigned to a dangerous condition consisting of:
 - (a) A vertical or near vertical hole 8 to 20 feet, inclusive, in depth and highly visible upon approach;
 - (b) An inclined hole less than 50 feet deep from which a person could climb out;
 - (c) A horizontal hole with no associated stopes, winzes or raises; or
 - (d) A high wall of an open pit.
 - 2. Two points must be assigned to a dangerous condition consisting of:
 - (a) A vertical or near vertical hole 8 to 20 feet, inclusive, in depth which is not visible upon approach;
 - (b) Any vertical or near vertical hole 20 to 50 feet, inclusive, in depth; or
 - (c) Any inclined hole greater than 50 feet deep from which a person could climb out with no associated stopes, winzes or raises.
 - 3. Three points must be assigned to a dangerous condition consisting of:
 - (a) Any vertical or near vertical hole 50 to 100 feet, inclusive, in depth; or
 - (b) Any horizontal or inclined hole with associated stopes, winzes or raises with less than a 20-foot vertical opening.
 - 4. Four points must be assigned to a dangerous condition consisting of:
 - (a) Any vertical or near vertical hole which is at least 100 feet deep and visible upon approach; or
 - (b) Any horizontal or inclined hole with associated stopes, winzes or raises with a vertical opening greater than 20 feet.
 - 5. Five points must be assigned to a dangerous condition consisting of any vertical or near vertical hole which is at least 100 feet deep and not visible upon approach.
- The administrator or his representative may assign a higher degree of danger to a dangerous condition if other factors such as loose ground or the presence of water increase the danger, but the degree of danger for a single dangerous condition may not be scored higher than five points.

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NDOM HAZARD RANKING SYSTEM



- **NAC 513.350 Dangerous condition causing fatality or injury.** Any dangerous condition that has been the cause of a documented fatality or injury must be ranked as a **high** hazard, regardless of its numerical score.

- **NAC 513.360 Rating of dangerous condition.** Dangerous conditions must be rated as follows:
 - 1. A dangerous condition with a total number of 2 or 3 points is a **minimal** hazard;
 - 2. A dangerous condition with a total number of 4 or 5 points is a **low** hazard;
 - 3. A dangerous condition with a total number of 6 or 7 points is a **moderate** hazard;
 - 4. A dangerous condition with a total number of at least 8 points is a **high** hazard. A total of 10 points is the maximum.

(Nevada Administrative Code)

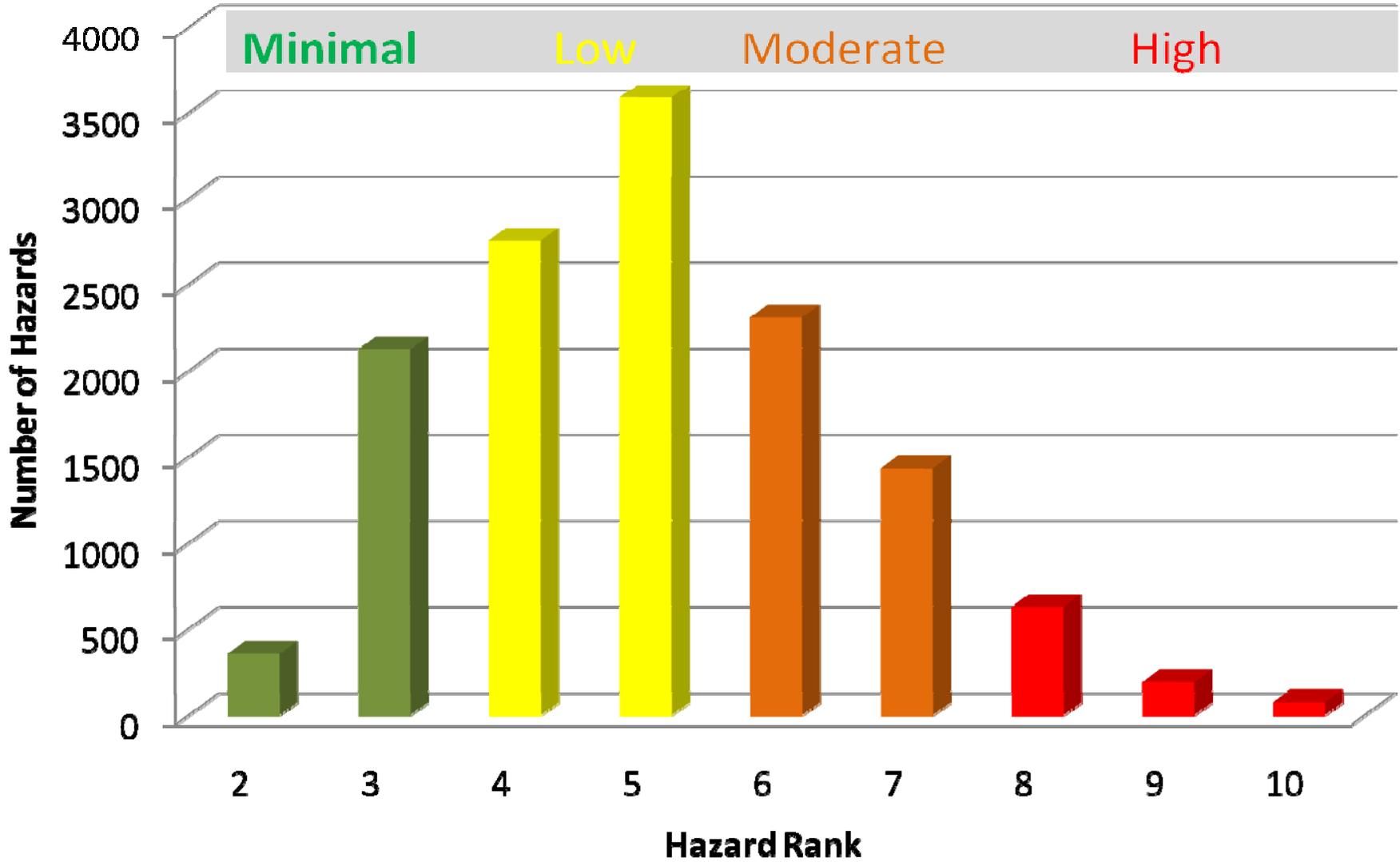
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NEVADA AML STATISTICS CURRENT TO SEPTEMBER 16, 2008

COUNTY	SITES DISCOVERED	SITES SECURED	PERCENT SECURED
CARSON	74	72	97.3%
CHURCHILL	466	378	81.1%
CLARK	2046	1372	67.1%
DOUGLAS	178	137	77.0%
ELKO	383	296	77.3%
ESMERALDA	1877	1302	69.4%
EUREKA	672	583	86.8%
HUMBOLDT	595	466	78.3%
LANDER	446	314	70.4%
LINCOLN	594	473	79.6%
LYON	862	664	77.0%
MINERAL	1165	1027	88.2%
NYE	1614	1076	66.7%
PERSHING	1044	704	67.4%
STOREY	171	143	83.6%
WASHOE	365	319	87.4%
WHITE PINE	898	390	43.4%
TOTAL (Since 1987)	13,450	9,716	72.2%

Hazards Rank Distribution (as of 9/16/2008)



LAND STATUS RESEARCH -1-



HAZARDS IDENTIFIED BY T-R-S-QQ

- **UNPATENTED MINING CLAIM RESEARCH:**

- **BLM LR 2000 MINING CLAIM INDEX** – Lists ACTIVE, VOID, PENDING and CLOSED unpatented claims in given T-R-S-QQ – good starting point – identifies BLM mining claim serial #s
- **BLM GEOCOMMUNICATOR** – Shows ACTIVE, VOID, PENDING or CLOSED CLAIMS in given T-R-S but not exact location
- **COUNTY MINING CLAIM MASTER TITLE PLATS (MTPs)** – County Recorder - @ 1:24,000 scale – unpatented claims drafted onto MTPs – overlay MTPs on NDOM 1:24,000 field maps to tie a hazardous condition to a particular claim (most County MTPs are on Mylar)

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LAND STATUS RESEARCH -2-



- **UNPATENTED MINING CLAIM RESEARCH (CONT'D.):**
 - **COUNTY RECORDER RECORDS** – Certificates of location, Notices of Intent to Hold and Proofs of Annual Assessment Work filed with County Recorder – Document active status of claim and provide owner information
 - **BLM LR2000 SERIAL NUMBER INDEX** – Verifies payment of annual maintenance fees and provides owner information
 - **PRIVATE SECTOR RESEARCH**
 - **COUNTY MINING CLAIM MTPs GENERALLY NOT AVAILABLE ON-LINE - COURTHOUSE VISITS NECESSARY**

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LAND STATUS RESEARCH -3-



- **PATENTED MINING CLAIM RESEARCH:**

- Hazards located by T-R-S-QQ
- BLM land research records available on-line:
www.nv.blm.gov/landrecords/index - BLM MTPs show patented claims in given T-R-S
- County Recorder Mining Claim MTPs typically have patented claims or patented claim blocks shaded or outlined
- County Assessor parcel maps show patented mining claim locations, claim name, Mineral Survey number and Assessor Parcel Number (APN)
- Owner info obtained from County Assessor property tax records using APN

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SO IS THAT SHAFT UNDER ACTIVE CLAIM OR NOT?

Field work:

Find the hazard, describe it, collect GPS

Plot it on a paper 7.5 minute topo map, in very fine print, with a fine line showing exact location and identification number

To the County Recorder or County Surveyor shop!

Overlay the appropriate Mylar Master Title Plats [MTP] on the map, one at a time, most recent first. [There may be quite a few]

If any claims appear to overlay the hazard, pull the appropriate mine and claim documentation (mining claim maps/certifications of location filed by the claimant) to verify the identity of the particular claim the hazard is located on.

But don't put too much faith in that! You still need to:

Access LR2000 to make sure it was filed with the BLM and the fees have been paid.

And go to the County Recorder (unpatented claims) or County Assessor (patented claims) records to make sure that ownership hasn't recently changed.

CAUTION!! THERE MAY BE:

- Conflicting overstaked claims (oldest wins)
- Overlays which don't match topo or are miss-plotted
- Master Title Plat noted "NP" – Not Plottable – for whatever reason.
- And of course, while you are doing all this, someone may be out on the desert staking a new claim on your presumed orphan site!

RESEARCH RECORDATION AND FOLLOW-UP



- Claim research recorded on NDOM hazard inventory sheets and in AML database
- Letter sent to responsible claimant/land owner requiring abatement of hazardous conditions/photo documentation
- Timeline for claimant/land owner response – 60 days from date of notification letter from NDOM – documentation of completed work or reasons for delayed action
- If on open BLM land, NDOM constructs BLM-approved fences and barricades or posts warning signs – provides BLM with documentation and Cultural Resource Avoidance Certification

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ENFORCEMENT “TEETH” -1-



EXCAVATIONS Control of Access

- **NRS 455.010 Erection of fence or other safeguard around excavation, hole or shaft required.** Any person or persons, company or corporation, who shall dig, sink or excavate, or cause the same to be done, or being the owner or owners, or in the possession under any lease or contract, of any shaft, excavation or hole, whether used for mining or otherwise, or whether dug, sunk or excavated for the purpose of mining, to obtain water, or for any other purpose, within this State, shall, during the time they may be employed in digging, sinking or excavating, or after they may have ceased work upon or abandoned the same, erect, or cause to be erected, good and substantial fences or other safeguards, and keep the same in good repair, around such works or shafts, sufficient to guard securely against danger to persons and animals from falling into such shafts or excavations.
- **NRS 455.020 Filing of notice of violation; contents of notice.** Any person who is a resident of the county and knows, or has reason to believe, that the provisions of [NRS 455.010](#) are being or have been violated within such county, may file with the sheriff or the constable of the township where the hole, excavation or shaft exists a notice which must be in writing and must state:
 - 1. The location, as near as may be, of the hole, excavation or shaft.
 - 2. That the hole, excavation or shaft is dangerous to persons or animals, and has been left, or is being worked, contrary to the provisions of [NRS 455.010](#) to [455.180](#), inclusive.
 - 3. The name of the owner or owners of the hole, excavation or shaft, if known, or, if the owner is unknown, any persons who were known to be employed therein.
 - 4. Whether the hole, excavation or shaft appears to be abandoned.

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ENFORCEMENT “TEETH” -2-



- **NRS 455.030 Board of county commissioners to transmit information concerning dangerous condition at mine no longer operating to sheriff or constable; service of notice upon owner or responsible person.**
 - 1. If a board of county commissioners receives information from the Division of Minerals of the Commission on Mineral Resources that there is in the county a dangerous condition that results from mining practices which took place at a mine that is no longer operating, if the information identifies a person responsible for the condition, the board shall transmit this information to the sheriff or the constable of the township where the condition exists.
 - 2. Upon receipt of information pursuant to subsection 1 or upon the filing of the notice, as provided for in [NRS 455.020](#), the sheriff or constable shall serve a notice, in the same manner and form as a summons, upon each person identified as owner or otherwise responsible.
- **NRS 455.040 Contents of notice; judgment; criminal penalty.**
 - 1. The notice served pursuant to subsection 2 of [NRS 455.030](#) must require the person or persons to appear before the justice of the peace of the township where the hole, excavation, shaft or other condition exists, or any municipal judge who may be acting in his place, at a time to be stated therein, not less than 3 days nor more than 10 days from the service of the notice, and show, to the satisfaction of the court, that the provisions of [NRS 455.010](#) to [455.180](#), inclusive, or the standards established by the Commission on Mineral Resources for the abatement of dangerous conditions have been complied with, or if he or they fail to appear, judgment will be entered against him or them for double the amount required to abate the condition.
 - 2. All proceedings had therein must be as prescribed by law in civil cases.
 - 3. Such persons, in addition to any judgment that may be rendered against them, are liable and subject to a fine not exceeding the sum of \$250 for each violation of the provisions of [NRS 455.010](#) to [455.180](#), inclusive, which judgments and fines must be adjudged and collected as provided for by law.

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PUBLIC OUTREACH



**ABANDONED MINES...
STAY OUT AND
STAY ALIVE!**



NEVADA COMMISSION ON MINERAL RESOURCES, DIVISION OF MINERALS
CARSON CITY 775-684-7040 OR LAS VEGAS 702-486-4343

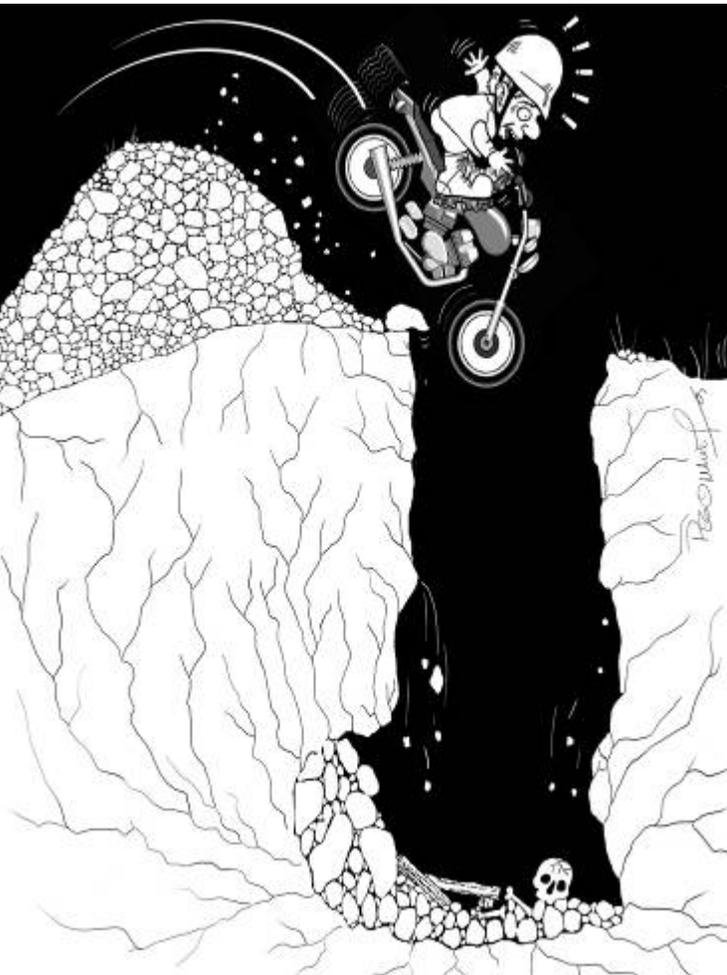
**Brochures, bumper stickers, magnets,
stickers, pencils, mugs, squeeze bats**

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2007 “STAY OUT, STAY ALIVE” CAMPAIGN



- 1,700 AML educational mini-units and 74,000 AML brochures sent to 4th and 8th grade classrooms statewide
- Each school library has the 11-minute NDOM AML video, with additional copies provided free upon request
- Over 100 AML classroom presentations made to more than 2,900 children
- Presented AML message at public events to over 6,000 children and adults
- Public Service Announcement (co-produced with BLM) addressing hazards of OHV use in regions containing abandoned mines

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TO SUM UP....



- **NDOM'S INVOLVEMENT IN *FAST!***
 - *Continue field investigations, ranking, land status research, claimant /landowner notification, record-keeping and data compilation*
 - *Engage the OHV community and other entities in awareness of AML hazards and reporting of sites encountered (**NDOM will introduce *FAST!* during a presentation to the Las Vegas Valley 4-Wheelers on November 19, 2008**)*
 - *NDOM will collect site information provided by the various user groups*
 - *Engage user groups to assist NDOM in AML fencing projects*
 - *Provide the information to BLM for incorporation into the National AML Database*

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GOOD SAMARITAN STATUTE



- **NRS 41.0331 Construction of fence or other safeguard around dangerous condition at abandoned mine.** A person, the State of Nevada, any political subdivision of the State, any agency of the State or any agency of its political subdivisions is immune from civil liability for damages sustained as a result of any act or omission by him or it in constructing, or causing to be constructed, pursuant to standards prescribed by the Commission on Mineral Resources, a fence or other safeguard around an excavation, shaft, hole or other dangerous condition at an abandoned mine for which the person, State, political subdivision or agency is not otherwise responsible.

(NEVADA REVISED STATUTE)

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QUESTIONS???



Visit NDOM's web site: minerals.state.nv.us


JIM GIBBON S
Governor

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COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS

**NEVADA ABANDONED
MINE LANDS REPORT
2007**

DANGER
UNSAFE MINE
**STAY OUT
STAY ALIVE**

by
Bill Durbin - Chief, Southern Nevada Operations
Mike Visser - Chief, Abandoned Mine Lands Program
Alan R. Coyner - Administrator

September 2008

Commission on Mineral Resources

Denise Ryan, Small-Scale Mining and Prospecting
Robert DeLong, Large-Scale Mining
Eugene Topolovsk, Oil and Gas

Fred D. Gibson, Jr., Chairman, General Public

Ron Parrell, V. Chief, Exploration and Development
John H. Snow, Geothermal Resources

John Mudge, Large-Scale Mining

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