

YELLOWSTONE GATEWAY MINERAL WITHDRAWAL FREQUENTLY ASKED QUESTIONS

Q: What is a “mineral withdrawal”?

A: A “withdrawal” is an action by the Secretary of the Interior that limits mining activity in a specific area of public lands in order to maintain other public values in the area, or for reserving the area for a particular public purpose or program. These values and purposes may include protecting the quality of scientific, scenic, historical, ecological, environmental, air, water, or archaeological resources, or for other special purposes.

In this case, the U.S. Forest Service and Bureau of Land Management (BLM) are proposing to withdraw an area of public lands in Emigrant Gulch and Crevice Mountain from mineral development, totaling some 31,000 acres. (Please consult the agencies for exact final acreage number.) If finalized by the Secretary of the Interior, the withdrawal will prevent new mining claims and activities such as exploration and mine development. 43 U.S.C. § 1702(j); 43 C.F.R. § 2300-0-5(h).

While withdrawals prohibit new mining claims, they are subject to valid existing rights, meaning that the rights of existing claim holders to mine valuable mineral deposits they have already discovered are not affected by the proposed withdrawal (see below).

Q: Why is a withdrawal necessary?

A: Mining on National Forest and BLM-managed lands throughout the West is primarily governed by the 1872 Mining Law. This outdated law allows people—including citizens and foreign-owned corporations—to mine federal public lands without paying rents or royalties, and to shut out the public from these lands. Through this law, private corporations profit by polluting and irreversibly scarring the landscape. You can read more about this law in [High Country News](#).

The only way to ensure that this does not happen to public lands in Emigrant Gulch and Crevice Mountain is to withdraw these public lands from operation of the 1872 Mining Law, and thereby prevent new mineral exploration and mine development.

Q: What effect does a withdrawal have on other uses like recreation?

A: A withdrawal removes a specific area of public lands from only one particular use—mining. The mineral withdrawal does not affect any other uses of the land. In

fact, closing an area to mining benefits all other users of public lands because mining cannot be the dominant use.

Q: What is the mineral withdrawal process?

A: The U.S. Forest Service and BLM have proposed a mineral withdrawal. This is not a final decision. The proposal initiates a two-year pause on new mining activities, called a “segregation period.” No new mining claims may be staked or mining activity approved within these areas while the segregation is in effect.

During the segregation period, the U.S. Forest Service and BLM will conduct studies to analyze the environmental effects of withdrawing the lands. The agencies will then publish a draft Environmental Impact Statement (EIS) or Environmental Assessment (EA) presenting this information and analysis for public review and comment. The agencies will then revise the EIS or EA in response to comments received from the public and from other agencies. Once this is completed, U.S. Forest Service and BLM issue a final EIS or EA. This document will provide the basis for the Secretary of the Interior’s final decision whether to withdraw the lands from mining.

If approved, the withdrawal would be in effect for a maximum of 20 years.

Q: What effect does the withdrawal proposal have on current mineral exploration proposals in Emigrant Gulch and Crevice Mountain?

A: The withdrawal proposal and final withdrawal halt new mine development on public lands managed by the Custer-Gallatin National Forest. However, they do not stop mineral exploration and development on private lands.

Here’s more information on the Emigrant Gulch and Crevice Mountain gold exploration proposals, and what’s on private lands versus what’s possible on public lands. 1) A proposal by Lucky Minerals currently before the Montana Department of Environmental Quality (MDEQ) seeks authorization to explore for gold on 4.8 acres of private land. This private-lands exploration is not affected by the proposed withdrawal. MDEQ is [accepting public comments](#) on that proposal through December 12. 2) There is also a proposal for mineral exploration on private lands on Crevice Mountain. That exploration would cause up to 21-acres of surface disturbance. On September 1, 2016, MDEQ [notified](#) the Crevice Mining Group of significant deficiencies in its mine exploration application that must be remedied before MDEQ will take any action to authorize the exploration.

In the case of both projects, exploration on private lands represents a small fraction of the total land area that the companies plan to mine. For example, Lucky Minerals has claimed that it has leases and option agreements on mining claims in Emigrant Gulch totaling 2,560 acres—much of which is public land. While the proposed mineral withdrawal does not reach private lands and the companies' current exploration proposals, withdrawing very significant public land area from future mining is essential to preventing the development of large-scale mines.

Q: Will there be an opportunity for members of the public to voice their opinion on the withdrawal?

A: Yes. The U.S. Forest Service and BLM will hold their first public meeting on the withdrawal proposal in **February 2016**.

Then, during the two-year pause (segregation period), the U.S. Forest Service and BLM will begin preparing the draft Environmental Impact Statement (EIS) or a draft Environmental Assessment (EA) to evaluate the environmental impact of the withdrawal. The public will be able to comment and provide information to the agencies that will inform the Secretary of the Interior's final decision.

Q: How does the withdrawal affect existing mining claims?

A: Mining claims that existed prior to the date of proposed withdrawal can be mined only if the claim holder can demonstrate that the claims were "valid" on the date of withdrawal and comply with the laws of the United States, including the 1872 Mining Law.

A "valid" mining claim is one that's been subject to a formal process to determine if there's been a "discovery of a valuable mineral deposit" and if the claim meets all other requirements of the law. For a more complete description of what constitutes a valid mining claim read [BLM's discussion](#) of "valid and existing rights determinations."

Q: When is a valid existing rights determination required in a withdrawn area?

A: Determining a mining claim's validity is a complicated process that can take years. However, a validity determination is only required when an individual or mining company with existing mining claims submits a plan of operations to conduct mining activities in a withdrawn area.