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Comments:

We are pleased to comment on the advance notice of proposed rulemaking, 36 CFR 228

North Star Minerals, Inc. is a family-owned mining company with a mining operation on the Angeles National Forest. We produce a unique high-quality mineral material used in alumina cement manufacture. Our product is in high demand because it meets the setting time and strength demands for specialty cement. In addition, our product reduces CO2 emissions from roasting in the kiln, reduces roasting energy requirements, and reduces sulfur emissions.

We applaud the Forest Service for the attempt to ease the burden on small mining companies.

Plan of Operation Modification: Your statement that the current regulation does not explicitly recognize that an operator may submit a modification to an existing approved plan of operation is correct but, although not explicitly stated, we believe that the current regulation does not preclude that action of the part of an operator. During the course of mining, conditions previously not anticipated can change and those changed conditions should be capable of being addressed in a modification submitted by the operator. In many cases those modifications to a plan are not significant and do not result in a change in the type and level of environmental impacts addressed in the original plan submission and environmental analysis. Explicitly stating in a revision of the regulation that an operator may submit a modification makes good sense.

Mineral Materials: We recognize that common varieties of mineral materials are disposed of by sale and uncommon varieties are located pursuant to the 1872 Mining Law. As is stated, the Forest Service is contemplating amending the regulation to increase consistency with the BLM regulations. We believe that the overall methodology of the current regulation is sound. The use of a mineral is a key factor in the determination of common/uncommon variety. We suggest that a revision to the current FS regulation could meet the goal of better consistency between Forest Service and BLM regulations at 43 CFR 3711.

Building upon the existing regulation, we recommend that a class of uncommon varieties of mineral materials include those with special properties used in industrial, chemical, or manufacturing processes. New technology has expanded the class of mineral materials used in the production of cement. The controlling regulation addressing minerals that do not come within the scope of mineral materials should be modified to recognize not only limestone used for cement, but high alumina mineral material used in the manufacture of cement. A revised definition should eliminate in many cases the time-consuming and costly formal mineral examination process. Specifically, we recommend that 36 CFR 228.41(d)(2) be revised to read, Mining minerals suitable and used, without substantial admixtures, for cement manufacture, metallurgy.

Withdrawn Lands: The notice states that the Forest Service is contemplating a regulation consistent with the BLM regulation concerning lands withdrawn from operation of the mining laws. The notice seems to assume that notices of intent and plans of operation are only ever submitted on lands after those same lands have been withdrawn, but that is not necessarily the case.

In our case, North Star and our predecessor-in-interest have been mining with approved plans of operation for decades. The lands were only recently withdrawn, with the 2014 designation of the San Gabriel Mountains National Monument. The Forest Service has consistently approved our mining activity undertaken pursuant to the Mining Law. A revised regulation should recognize a presumption that operations such as ours with approved plans of operation and supported by decades of economic recovery have valid existing rights that renders the need for a formal mineral examination unnecessary absent compelling evidence to the contrary.