



State of Utah
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF WATER RIGHTS

Michael O. Leavitt
 Governor
 Kathleen Clarke
 Executive Director
 Robert L. Morgan
 State Engineer

1594 West North Temple, Suite 220
 PO Box 146300
 Salt Lake City, Utah 84114-6300
 801-538-7240
 801-538-7467 (Fax)

September 25, 2000

Copy Mike
~~ACT/015/032~~
~~Internal~~
 FAX PFO

RE: Stream Channel Alteration No. 00-93-07SA
 Crandall Creek
 Manti-LaSal National Forest

Attached is a copy of an Application to Alter a Natural Stream No. 00-93-07SA. Your comments are requested so we can evaluate any impacts caused by the project.

We are requesting that all comments be returned to me at our office prior to **October 15, 2000**. If we do not receive comments by that date, we will assume you have no input on the proposal outlined in the application.

If you have any questions or comments, feel free to contact me at 801-538-7377.

Sincerely,

Judy Mattson

for Daren Rasmussen
 Stream Alteration Specialist

DR/jm

pc: Dave Ruitter - EPA
 Mike Schwinn - Corps of Engineers
 Supervisor - U. S. Fish & Wildlife
 Mark Page - Regional Engineer
 Derris Jones - Regional Wildlife Habitat Manager
 Bill Bradwisch - Aquatic Habitat Coordinator
 Mike Reichert - Department of Environmental Quality, Water Quality Div.
 Ed Storey - State Lands & Forestry
 Carolyn Wright - State Planning & Coordinator's Office
 Terry Green - State Parks & Recreation
 Jim Dykmann - State Office of Historic Preservation
 W. D. Robinson - Department of Agriculture, Env. Quality Section
 Nancy Barr - Comprehensive Emergency Management

JOINT PERMIT APPLICATION FORM

U. S. ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10
 UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

93 Area

RECEIVE

Application Number _____ / _____
 (Assigned by: _____ Corps _____ State Engineer _____ SEP - 1 2000

Applicant's Name (Last, First M.I.) Manti-La Sal National Forest	Authorized Agent Robert Davies	Telephone Number and Area Code (435) 636-7410
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Applicant's Address (Street, RFD, Box Number, City, State, Zip)
599 West Price River Dr Price, UT 84501

PROJECT LOCATION

Quarter Section(s) NE of the NE	Section 6	Township T16S	Range R7E	Base & Meridian Salt Lake
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County Emery	Watercourse to be altered Crandall Creek	Check one: <input type="checkbox"/> Within city limits <input checked="" type="checkbox"/> Outside city limits List town or nearest town: Huntington, UT
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Project location or address:
1/4 mile upstream of Crandall Canyon Mine facilities..... over a 1/2 mile segment.

Brief description of project:
 This project will involve placement of boulder drop structures and cover logs into a 1/2 mile segment of Crandall Creek, upstream of Crandall Canyon Mine and upstream of similar enhancement work completed in 1997. (Stream Alteration Permit # ???). Boulders will be keyed into banks and channel bottom to create scour pools just downstream of structures. Cover logs will be placed across banks and partially into pool areas, to create hiding cover for fish. Logs will not impair or change stream flow hydraulics.

Purpose (justification) of project:
 This project is being completed as part of a conservation action to preserve native Colorado River cutthroat trout, a State and Federal sensitive fish which is currently petitioned for Federal listing. This conservation action is coordinated through Utah's interagency cutthroat trout conservation team under interagency agreements: (1) Conservation Agreement and Strategy for Colorado River cutthroat trout in the State of Utah, and (2) Conservation agreement and strategy for Colorado River Cutthroat Trout in the states of Colorado, Utah, and Wyoming.

Is this a single and complete project or is it part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities.
 This project has no other connected actions other than the protection and expansion of this existing population of native Colorado River Cutthroat trout in Crandall Creek.

If project includes the discharge of dredged or fill material:
 Cubic yards of material: **N/A**
 Acreage or square footage of waters of the United States, including wetlands, affected by the project:
 Source and type of fill material:

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SEP 18 2000

WATER RIGHTS
SALT LAKE

Alternatives (other ways to accomplish the project purpose):

There is no other practical way to completely block upstream fish migrations. The planned barrier consists of a rock-drop structure creating a 5 to 6 ft vertical falls. This structure design has been successfully installed and tested in a few streams in Southeastern Utah (Dale Hepworth, UDWR in Cedar City, personal communication). The barrier is carefully located within the desired stream segment that offers the steepest gradient and most confined valley bottom found. The structure will be designed so that any failure will result in nothing more than the stream returning to its original channel. Ponding and sediment behind the structure will be minimal.

Names and addresses of adjacent property owners or other individuals who may be affected by this project:

Manti-La Sal National Forest
Ferron Ranger District
599 West Price River Drive, Price, UT 84501

The above has been included in analysis under National Environmental Protection Act which includes solicitation of public comments and utilizing an interdisciplinary team for planning and analysis.

List other authorizations required by Federal, state or local governments (i.e.; National Flood Insurance Program), and the status of those authorizations.

Other clearances through State, local, or Federal NEPA include:

1. San Pete County,
2. Emery County,
3. Multi-State – Range wide Approval for funding for conservation actions for Colorado River Cutthroat Trout, and
4. State Policy on transplants of live fish.

Estimated starting date of project

October 2, 2000

Estimated completion date

November 3, 2000

(If project has already been partially or totally completed, indicate date of work. Indicate existing work on drawings).

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in the application, and that to the best of my knowledge and belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or am acting as the duly authorized agent of the applicant.

Signature of applicant

Robert Davis

Date

8/31/2000

I hereby certify that _____ is acting as my agent for this project.

Agent's address and telephone number

INSTRUCTIONS

Applications which do not include the following will not be processed.

For a complete application, you **MUST** include the following on 8 1/2 by 11 paper (for large projects, multiple sheets with a key may be used). Clear, hand-drawn plans approximately to scale are acceptable.

1. An accurate location map (USGS quadrangle map preferred)
2. A plan view of the proposed activity (as seen from above) including dimensions of work.
3. A cross-section view of the proposed activity (may use typical cross-section for large projects) including dimensions.
4. For projects which include wetlands, an accurate wetland delineation must be prepared in accordance with the current methods required by the Corps.

**Crandall Creek Fish Habitat Enhancement
For Native Colorado River Cutthroat Trout
Manti-La Sal National Forest
Ferron-Price District**

Lake Canyon Creek
Fish Barrier Site

Scad Valley Creek
Fish Barrier Site

Nuck Woodward Canyon
Fish Barrier Site

Crandall Creek
Habitat Improvement Area

Tie Fork Canyon
Fish Barrier Site

T 14 S

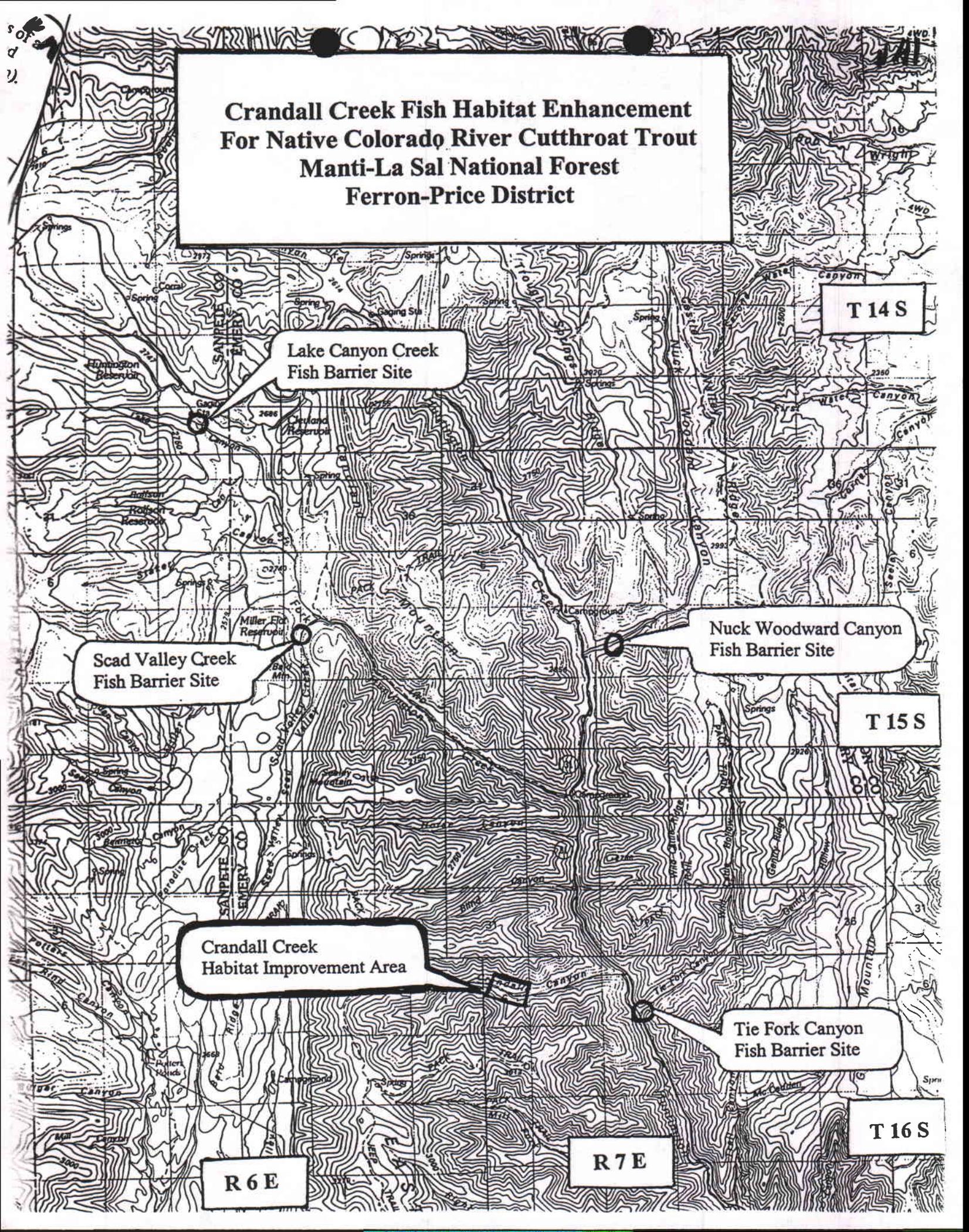
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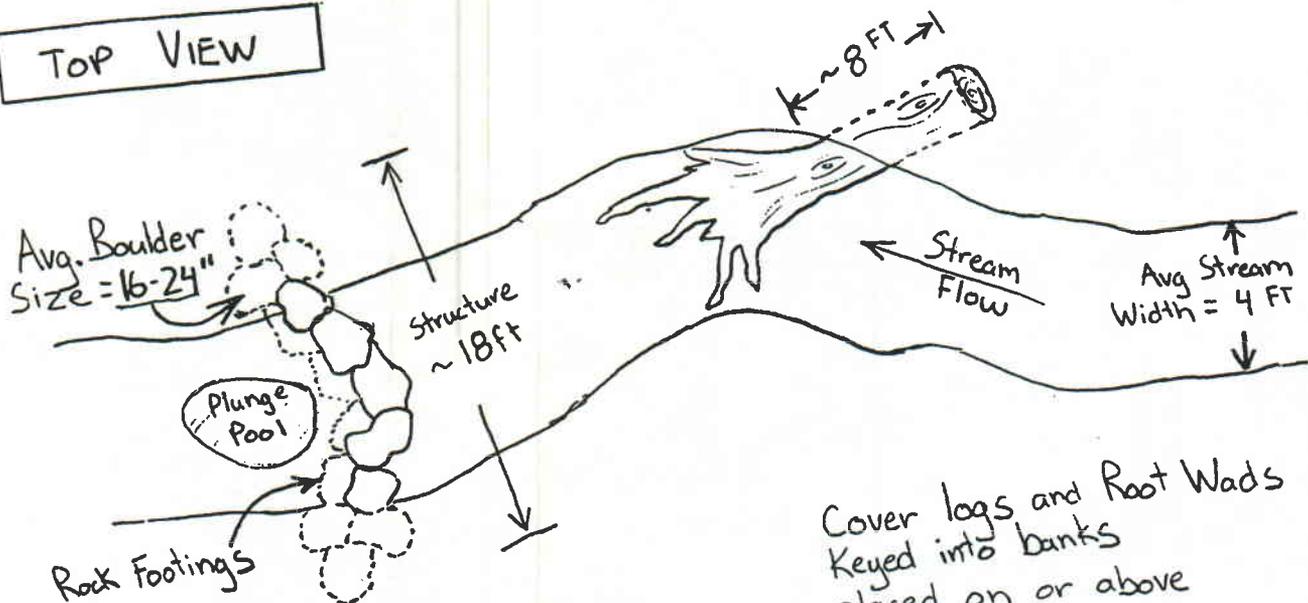
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Fish Habitat Enhancement - Typical Drawings Crandall Creek; Manti-La Sal National Forest

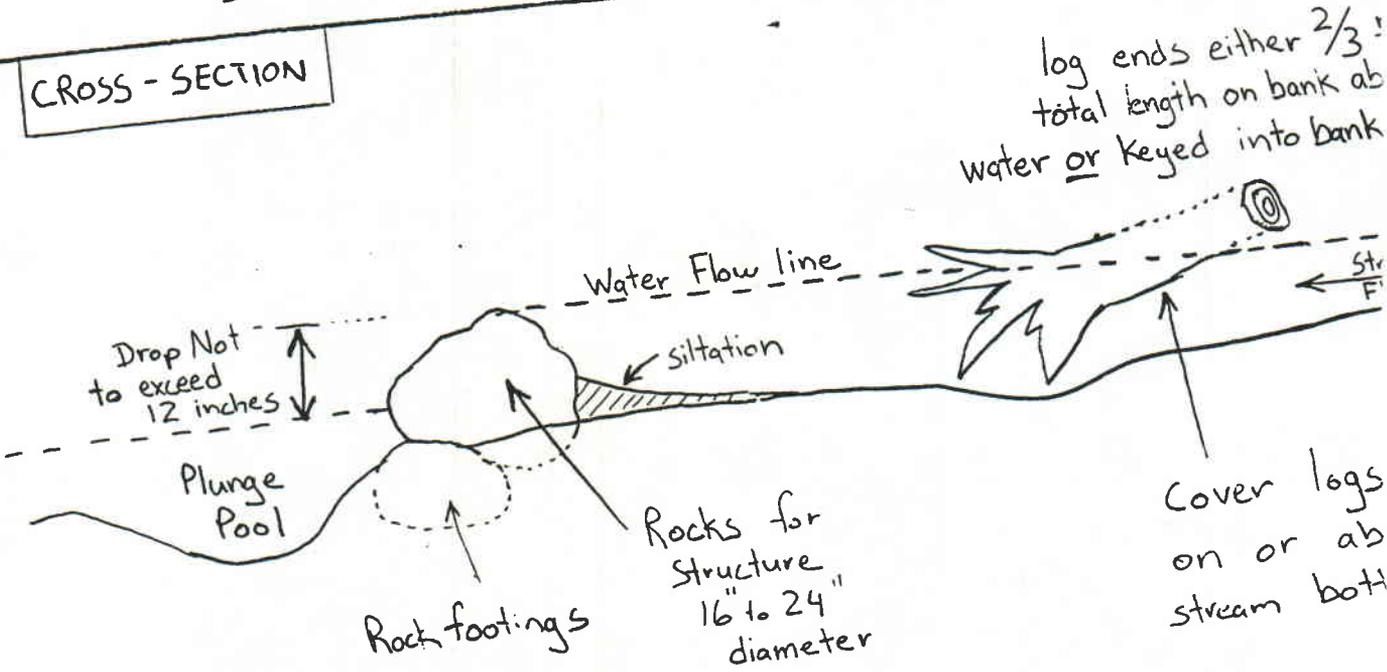
TOP VIEW



Avg. Boulder Size = 16-24"
 Rock Footings
 Structure ~ 18ft
 Plunge Pool
 Rock WIER Structure
 V shaped, with point facing up stream.
 Structure is lower in Center, higher on ends.

Cover logs and Root Wads Keyed into banks placed on or above stream bottom

CROSS-SECTION



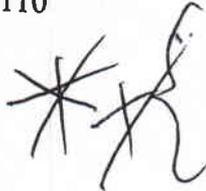
★ Estimated Number of Structures over 1/2 mile of Stream:
 • Rock Structures - 20
 - 30

41. UT000927-100



Division of Water Rights/Emery County:
Crandall Creek (No. 00-93-07SA) - rock-
drop structure to prevent upstream migration
of fish (Sec. 6, T16S, R7E). Comments due
10/15/00.

42. UT000927-110



Division of Water Rights/Emery County:
Tie Fork Canyon (No. 00-93-06SA) - rock-
drop structure to prevent upstream migration
of fish (Sec. 4, T16S, R7E). Comments due
10/15/00.

43. UT000929-010

Division of Water Rights/Washington
County: Ash Creek (00-81-14SA) - bridge
replacement. (Sec. 2, T41S, R13W).
Comments due 10/18/00.

44. UT000929-020

Division of Water Rights/Kane County:
Johnson Canyon Wash (00-85-02SA) -
install culinary waterline loop. (Sec. 24, 30,
T43S, R5W). Comments due 10/18/00.

45. UT000929-030

Division of Water Rights/Utah County:
Thistle & Soldier Creek (00-51-16SA) -
clean out existing debris basin. (Sec. 33,
T9S, R4E). Comments due 10/18/00.

VIII. Environmental Quality

**Please note! Due to the short turnaround
please comment directly to the Agency
with a copy to GOPB.**

46. UT000920-030

Department of Environmental Quality: (6)
one public notice (DAQE-598-00, DAQE-
594-00, DAQE-611-00, DAQE-613-00,
DAQE-609-00, DAQE-621-00) - air quality
permits. Please see attached for text.

IX. Information

47. NA

DOI/NPS: National Register for Historic
Places; Notification of Pending
Nominations. Federal Register notice
9/12/00, page 55041.

JOINT PERMIT APPLICATION FORM

U. S. ARMY CORPS OF ENGINEERS - FOR SECTIONS 404 AND 10
 UTAH STATE ENGINEER'S OFFICE - FOR NATURAL STREAM CHANNELS

Alter

93-Area
00-93-06

SEP - 1 2000

Application Number _____ / _____ State Engineer
 (Assigned by:) _____ Corps WATER RIGHTS

Applicant's Name (Last, First M.I.) Manti-La Sal National Forest	Authorized Agent Robert Davies	Telephone Number and Area Code (435) 636-3510
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 549 West Price River Dr. Price, UT 84501

PROJECT LOCATION				
Quarter Section(s) SW of the SE	Section 4	Township T16S	Range R7E	Base & Meridian Salt Lake
County Emery	Watercourse to be altered Tie Fork Canyon	Check one: <input type="checkbox"/> Within city limits <input checked="" type="checkbox"/> Outside city limits		
Project location or address: Tie Fork Canyon, just upstream from confluence with Huntington Canyon		List town or nearest town: Huntington, UT		

Brief description of project:
 Construct a permanent rock-drop structure to prevent upstream migration of fish. This fish barrier is for temporary security and long-term expansion of an already small and fragmented population of native Colorado River cutthroat trout.

Purpose (justification) of project:
 This project is being completed as part of a conservation action to preserve native Colorado River cutthroat trout, a State and Federal sensitive fish which is currently petitioned for Federal listing. This conservation action is coordinated through Utah's interagency cutthroat trout conservation team under interagency agreements: (1) Conservation Agreement and Strategy for Colorado River cutthroat trout in the State of Utah, and (2) Conservation agreement and strategy for Colorado River Cutthroat Trout in the states of Colorado, Utah, and Wyoming.

Is this a single and complete project or is it part of a larger project, continuing project, or other related activities? If so, please describe the larger project or other related activities.
 The project will include physical removal of non-native trout, (via electro-shocking), to preserve the genetic integrity of the native fish and reduce competition. The barrier will likely be temporary, (5 to 10 years), until downstream connecting waters can be treated to remove non-native trout or until the upstream population can be relocated to a larger stream system consisting of connected tributaries.

If project includes the discharge of dredged or fill material:
 Cubic yards of material: N/A

Acreage or square footage of waters of the United States, including wetlands, affected by the project:

Source and type of fill material:

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Alternatives (other ways to accomplish the project purpose):

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Signature of applicant

Robert Davis

Date

8/31/2000

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4. For projects which include wetlands, an accurate wetland delineation must be prepared in accordance with the current method required by the Corps.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3600, 3610, and 3620

[WO-620-1430-PB-24 1A]

RIN 1004-AD29

Mineral Materials Disposal; Sales; Free Use

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to amend its mineral materials regulations by adding or amending provisions on inspection of operations, production verification, contract renewal, procedures for cancellation, bonding, and appeals. The proposed rule also addresses the rights of purchasers and permittees versus subsequent users of the same land. BLM proposes to amend the regulations in part because notices of intended sale of mineral materials have inspired speculative entries conflicting with the proposed sale, and because BLM has encountered difficulties in verifying production. These amendments are necessary to prevent entries and uses begun after a planned sale has been announced from interfering with the sale. BLM also proposes to reorganize and simplify the regulations on mineral materials disposal.

DATES: You must submit your comments to BLM at the appropriate address below on or before November 13, 2000. BLM will not necessarily consider any comments received after the above date in making its decisions on the final rule.

ADDRESSES:

Mail: Director (630), Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, DC 20240.

Personal or messenger delivery: Room 401, 1620 L Street, NW, Washington, DC 20036.

Internet e-mail: WComment@blm.gov. (Include "Attn: AD29").

FOR FURTHER INFORMATION CONTACT: Dr. Durga N. Rimal, Solid Minerals Group, at (202) 452-0350. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION:

- I. Public Comment Procedures
- II. Background
- III. The Rule as Proposed

- IV. Section-by-Section Analysis
- V. Procedural Matters

I. Public Comment Procedures**A. How Do I Comment on the Proposed Rule?**

If you wish to comment, you may submit your comments by any one of several methods.

- You may mail comments to Director (630), Bureau of Land Management, Administrative Record, Room 401 LS, 1849 C Street, NW, Washington, DC 20240.

- You may deliver comments to Room 401, 1620 L Street, NW, Washington, DC 20036.

- You may also comment via the Internet to WComment@blm.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: AD29" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact us directly at (202) 452-5030.

Please make your written comments on the proposed rule as specific as possible, confine them to issues pertinent to the proposed rule, and explain the reason for any changes you recommend. Where possible, your comments should reference the specific section or paragraph of the proposal that you are addressing.

BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives after the close of the comment period (see DATES) or comments delivered to an address other than those listed above (see ADDRESSES).

B. May I Review Comments Submitted by Others?

Comments, including names and street addresses of respondents, will be available for public review at the address listed under ADDRESSES: Personal or messenger delivery" during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays.

Individual respondents may request confidentiality, which we will honor to the extent allowable by law. If you wish to withhold your name or address, except for the city or town, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

II. Background

Under the mineral materials program, BLM manages the exploration, development, and disposal of materials such as sand, stone, gravel, and other common rocks. Our primary goal is to make Federal mineral materials available by sale or free use permit when it will not be detrimental to the public interest. BLM is also responsible for the planning and inventory of mineral materials on the public lands, and prevention and abatement of their unauthorized use. BLM monitors sites, and inspects and verifies production to ensure compliance with the terms of the contract or permit. This proposal does not address vegetative materials, such as timber.

A. Authorities

The general authority for the Mineral Materials Program is the Act of July 31, 1947, as amended (30 U.S.C. 601 *et seq.*), commonly referred to as the Materials Act. This Act authorizes the Secretary of the Interior to dispose of mineral and vegetative materials from public lands.

B. How Does BLM Dispose of Mineral Materials?

BLM disposes of mineral materials from public lands by selling them and, under some circumstances, giving them away. We dispose of materials from exclusive sites used by one operator or nonexclusive sites (community pits or common use areas) used by more than one operator. Under current regulations in 43 CFR parts 3600, 3610, and 3620, and BLM policies, disposal methods are as follows:

1. Negotiated Sales

BLM will negotiate a sale contract for quantities of materials less than 100,000 cubic yards, with certain exceptions detailed in the regulations. The price will be fair market value of the minerals as BLM determines through an appraisal. Contracts have a maximum term of 5 years, with a possible one-time, one-year extension.

2. Competitive Sales

For quantities of materials greater than 100,000 cubic yards, or if BLM is aware that there is competitive interest in the materials site, we advertise the availability of the material at the particular site and sell it to the highest bidder. Contracts issued through this process have a term of no more than 10 years, but BLM may allow a one-time, one-year extension.

3. Free Use Permits

BLM issues free use permits for sand and gravel and other materials to government agencies and to non-profit organizations. A large part of mineral materials produced under the program is disposed of under free use permits to local, state, and other Federal Government agencies, including State and county highway departments, cities, and municipalities. As a government agency, you may obtain free use permits to extract specified quantities of material for public works projects. BLM may specify the amount you may extract under a government agency free use permit, and may allow your operation to continue for up to 10 years. You may not barter or sell the material.

BLM also issues free use permits to non-profit organizations for up to 5,000 cubic yards for any 12 consecutive months. These permits have a one-year term. If there is additional need, you must apply for a new permit. You also may not barter or sell this material.

C. Surface Management Operations

BLM is responsible for monitoring the sites, inspection, and production verification to ensure compliance with the terms of the contract or permit. BLM seeks (1) accurate accounting for materials you remove, (2) proper compensation to the Federal Government, and (3) protection of the environment, public health, and safety. We may use field inspections and site surveys, or high-tech methods, such as aerial surveys or computer modeling, that quantify the volume of material removed. We generally base the frequency of inspections and the choice of verification method on the size and type of disposal.

III. The Rule as Proposed

The proposed rule would substantially reorganize parts 3600, 3610, and 3620. We are reorganizing the regulations for two reasons: (1) To make them read more logically and clearly; and (2) to conform more closely to Office of the Federal Register numbering conventions. The following table shows how numbers would be changed from the existing regulations to the proposed rule.

SECTION CONVERSION TABLE

Old section	Proposed new section
Group 3600	None.
Group 3600 Note	§ 3601.9.
Part 3600	Part 3600.
Subpart 3600	Subpart 3601.
§ 3600.0-1	§ 3601.1.

SECTION CONVERSION TABLE—
Continued

Old section	Proposed new section
§ 3600.0-3	§ 3601.3.
§ 3600.0-3(a)(3)	§ 3601.12.
§ 3600.0-4	§ 3601.6.
§ 3600.0-5	§ 3601.5.
§ 3600.0-8	§ 3601.8.
Subpart 3601	None.
§ 3601.1	§ 3601.10.
§ 3601.1-1(a)(1)	§ 3601.14.
§ 3601.1-1(a)(2)	§ 3601.12.
§ 3601.1-2(a), (c)	§ 3601.21.
§ 3601.1-2(b)	§ 3601.22.
§ 3600.0-3(a)(2)	§ 3601.13.
§ 3601.1-3	§ 3601.11.
Subpart 3602	None.
§ 3602.1	§ 3601.40.
§ 3602.1-1	§ 3601.41.
§ 3602.1-2	§ 3601.42.
§ 3602.1-3(a), (b)	§ 3601.43.
§ 3602.1-3(c), (d)	§ 3601.44.
§ 3602.2	§ 3601.30.
§ 3602.3	§ 3601.52.
None	§ 3601.51.
None	§ 3601.60.
None	§ 3601.61.
None	§ 3601.62.
Subpart 3603	None.
§ 3603.1	§§ 3601.70 through 3601.72.
None	§ 3601.80.
Subpart 3604	Subpart 3603.
§ 3604.1(a)	§ 3603.10.
§ 3604.1(b)	§ 3603.11.
§ 3604.1(c)	§ 3603.12.
§ 3604.1(d) (first sentence)	§ 3603.13.
§ 3604.1(d) (second sentence)	§ 3603.14.
§ 3604.2	§ 3603.20.
§ 3604.2(a)	§§ 3603.21 and 3603.22(b).
§ 3604.2(b)	§ 3603.22(a).
Part 3610	None.
Subpart 3610	Subpart 3602.
§ 3610.1	§ 3602.10.
§ 3610.1-1	§ 3602.11.
None	§ 3602.12.
§ 3610.1-2	§ 3602.13.
§ 3610.1-3(a)(1)-(5)	§ 3602.21(a).
§ 3610.1-3(a)(6)	§§ 3602.21(b), 3602.22(a).
§ 3610.1-3(b)	§ 3602.22(b).
§ 3610.1-4	§ 3602.23.
§ 3610.1-5	§ 3602.14.
None	§ 3602.15.
§ 3610.1-6(a), (b)	§ 3602.24.
§ 3610.1-6(c)	§§ 3602.25, 3602.26.
§ 3610.1-7	§ 3602.27.
None	§ 3602.28.
§ 3610.1-3(a)(7)	§ 3602.29.
§ 3610.2	§ 3602.30.
§ 3610.2-1	§ 3602.31.
§ 3610.2-2	§ 3602.32.
§ 3610.2-3	§ 3602.33.
§ 3610.2-4	§ 3602.34.
§ 3610.3	§ 3602.40.
§ 3610.3-1(a)	§ 3602.41.
§ 3610.3-1(b)	§ 3602.42(c).
§ 3610.3-2	§ 3602.42(a), (b).
§ 3610.3-3	§ 3602.43.
§ 3610.3-4	§ 3602.44.

SECTION CONVERSION TABLE—
Continued

Old section	Proposed new section
§ 3610.3-5	§ 3602.45.
§ 3610.3-6	§ 3602.46.
None	§ 3602.47.
None	§ 3602.48.
None	§ 3602.49.
Part 3620	None.
Subpart 3621	Subpart 3604.
§ 3621.1	§ 3604.10.
§ 3621.1-1	§ 3604.11.
§ 3621.1-2	§ 3604.21.
§ 3621.1-3	§ 3604.23.
§ 3621.1-4(a), (c)-(d)	§ 3604.22.
§ 3621.1-4(b)	§ 3604.13.
§ 3621.1-5	§ 3604.24.
§ 3621.1-6	§ 3604.25.
§ 3621.1-7	§ 3604.26.
§ 3621.2(a)	§ 3604.12(a).
§ 3621.2(b)	§ 3604.12(b).
§ 3621.2(c)	§ 3604.27.
Subpart 3622	Subpart 3622.

This proposed rule also incorporates material from a proposed rule published August 2, 1996 (61 FR 40373). That rule proposed to amend the bonding requirements for mineral material sales by accepting qualified certificates of deposit as surety bonds, and by changing bonding requirements for sales of \$2,000 or more. As in the earlier proposed rule, bonds would be set at more realistic levels, and would ensure that amounts needed to cover the cost of reclamation will be available.

Other substantive changes in the proposed rule include the following:
(1) The rule would strengthen and clarify provisions allowing BLM to require purchasers of mineral materials to keep records to verify production and to make them available to BLM. BLM would use these records to ascertain whether purchasers have complied with regulations and contract terms. To allow BLM to verify production, the rule would require purchasers to submit production reports at least annually. It would allow BLM to require purchasers to conduct volumetric surveys of the operation site as well. See §§ 3602.28 and 3602.29.

(2) The rule would require permittees and purchasers to allow BLM to inspect their operations, conduct surveys, and estimate the volume and type of production. See § 3601.51.

(3) The rule would allow BLM to cancel permits or sales contracts for failure of the purchaser or permittee to comply with the law, regulations, or contract or permit terms. It would require BLM to provide written notice of our intent to cancel, allowing time to correct performance problems, to request an extension, or to show why