

Stipulation and Mitigation Measures for

FF 092963

Robert Lopetrone

Hutchinson Creek

Administrative Stipulations

1. It is the Permittee's responsibility to notify the Authorized Officer (AO) or agent of the BLM of any use of the trail by others with vehicles over 1,500 lb. Gross Vehicle Weight (GVW).
2. Trail use will not be expanded beyond the existing access trail. The trail will not be widened or otherwise upgraded except where repairs are necessary to make the existing trail passable.

Performance criteria:

- a. No widening of existing trail is allowed in areas where soil and vegetation are particularly sensitive to disturbance.
 - b. The Permittee could make repairs to the pot holes in the trail bed to the extent necessary to allow passage. This refers to any pot holes that need to be filled in. These pot holes will be filled with materials that are similar in nature to the existing environment. Materials can not be obtained in the Fortymile River Corridor; they must be obtained elsewhere and transported to the site. If the Permittee is having trouble obtaining material in that area, he will contact BLM and a solution will be worked out.
 - c. Limit expansion of wet sites by using corded wood crossings. Cordwood shall not be collected closer than 50 feet either side of the trail and should be discontinued if screening along the trail or river is being depleted. Only standing dead or down material less than 6 inches in diameter shall be used. If the Permittee is having trouble obtaining material in that area, he will contact BLM and a solution will be worked out.
3. No historic site, archaeological site, or camp, either active or abandoned, shall be disturbed in any manner, nor shall any item be removed therefrom. Should such sites be discovered during the course of field operations, the Authorized Officer will be promptly notified.
 4. A performance bond in the amount of (\$ 2,000) must be received before the first winter move is made. Existing regulations allow BLM to hold only the following types of instruments as bonds: cash or negotiable security bond.

If a performance bond is used, the insurance company must name BLM as the beneficiary. The Permittee must give BLM power of attorney over the bond. The insurance company cannot cancel the bond without notifying BLM. Should the bond delivered under this grant/permit become unsatisfactory to the AO, the holder shall, within 30 days of demand, furnish a new bond.

Action will be taken against the bond only if restoration is required. The refundable portion will be returned to the right-of-way holder upon proper abandonment of the site after a BLM site inspection is made. The entire amount would be released or refunded less any costs used to restore the site.

5. All overland moves with heavy equipment will be made during frozen conditions with a minimum of 12 inches of frost (adequate to support equipment without rutting).
6. All moves will be made on sections of the existing trail that are durable and creek gravel bars from Confederate Creek at the corridor boundary down Hutchinson Creek and up Montana

Creek. Authorized routes of travel will be identified during the first spring and first summer moves.

7. The Permittee will notify BLM at the Tok Field Station 5 business days (Monday thru Friday from the hours 8:00 am to 5:00 pm) prior to commencing all moves. The Permittee may submit a schedule well in advance of these moves.
8. A BLM employee shall accompany the applicant on the first spring and summer moves through the Fortymile River Corridor as stated in this permit.
9. The Authorized Officer will suspend the permit if monitoring shows that unnecessary or undue degradation of the Federal lands has occurred.
10. The Permittee or Permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily.
11. The Permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the Permittee assumes responsibility.
12. The BLM will not be held accountable or responsible for any damage or loss of personal property due to natural disaster including but not limited to floods, fires, and earthquakes. It is the Permittee's responsibility to contact or notify the appropriate authorities concerning any such events.
13. The Permittee can not drop the blade of the dozer which would cause a disturbance to the vegetative mat or soils. The dozer blade may be used to plow or remove snow and to construct snow ramps where needed. If the dozer blade is used and the vegetative mat or soils are disturbed, this permit will be suspended. The Permittee will be held liable for all costs associated with rehabilitation of the site.
14. This permit authorizes the non-exclusive use of BLM-managed land. The use of "No Trespassing", "Private", "Keep Out", and similar signs are only allowed on personal property.
15. Annual permit reinstatement is required and shall be initiated by requesting an extension in writing and submitting advance payment of rental, presently \$100 dollars. Annual reinstatement is subject to compliance of the stipulations set forth in this permit and the continuation of the mining operation as identified in this analysis.

Fuels & Hazardous Materials:

1. All fuel containers, including barrels and propane tanks, shall be marked with Permittee's name, product type, and year filled or purchased (e.g. Lopetron, Hydraulic Fluid, 2000).
2. All petroleum product or hazardous material spills must be cleaned up immediately taking precedence over all other matters except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other Alaska Department of Environmental Conservation (ADEC) approved methods. Spills must be reported within 24 hours to ADEC at (907)478-9300 and BLM at 1-800-437-7021.
3. It is recommended that secondary containment or drip pans be placed under all fuel container inlet and outlet points, hose connections and hose ends during fuel transfers. Fuel storage containers that are situated where a spill may reach a water body or water course require secondary containment. Secondary containment is defined as a diked, impermeable impoundment.

Solid Waste:

1. All solid wastes shall be removed from the public lands to ADEC-approved solid waste disposal facilities. Solid waste combustibles may be incinerated. All non-combustible solid waste including ash from incineration and fuel drums, shall be removed for approved disposal. There will be no burial of garbage.

2. The Permittee is required to obtain all applicable federal and state permits prior to commencement of operations and comply with all pertinent federal and state laws including but not limited to air and water quality standards and regulations issued pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act (43 U.S.C. 6901 *et. seq.*). All garbage, refuse, or waste shall be either removed from the affected lands, disposed of, or treated to minimize, so far as practicable, its impact on the lands.

Fisheries:

1. Summer travel is limited to not more than 8 round trips into the Permittee's mining site across federal land using a light ground pressure vehicle, i.e., a Hillbrand Cr-14. The moves will be done after June 15.
2. No blading of the creekbed is authorized under this permit.

10/6/00