

Stipulations For FF091025 and FF092588

Bill Bayless

Franklin Creek

**Administrative Stipulations**

1. The operator 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.
2. All operations shall be conducted in such manner as to not cause damage or disturbance to any cultural areas or subsistence uses not specifically owned by the applicant. The Archaeological Resources Protection Act prohibits the appropriation, excavation, injury, or destruction of any such historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States. Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Should any such site be discovered during the course of field operations, the operators shall immediately bring to the attention of the authorized officer (AO) any cultural and/or paleontological resources that might be altered or destroyed on federal lands by his/her operations, and shall leave such discovery intact until told to proceed by the AO. permittee should avoid impacting such materials, and will immediately notify the BLM. The AO shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed within 10 working days (43 CFR 3809.2-2(e)).
3. Claimants will be required to have claim corners monumented and marked in accordance with state law. State mining law requires that all claim corners be marked with a post or pile of stones not less than three feet in height nor less than three inches in diameter. Each corner monument must be marked with the name of the location, numbered, and a location certificate posted on the NE corner. In addition, boundary lines must be brushed, blazed or marked (flagged) so they can be readily traced.
4. Hazardous materials/toxic substances, as defined by EPA (i.e. used oils/petroleum products), will be handled and disposed of in accordance with EPA and ADEC guidelines.

5. Settling/recycle ponds will be maintained to meet the required effluent limitations set by EPA/ADEC permits.
6. The operator will notify the authorized officer when reclamation is complete so that a final compliance inspection can be made. The authorized officer or his representative will complete the required site inspection within ten working days of notification.
7. Any deviation from the approved Plan of Operations, including but not limited to, site access (only the access routes currently approved by the Plan of Operation can be used for access to the mining claims), reclamation, and channel modification will require a BLM approved Plan of Operations Amendment prior to conducting any surface disturbing activities.

#### **Performance Standard Stipulations**

1. Where available and practical, topsoil and overburden will be separated during operations and stabilized to reduce erosion.
2. The mine site will be reshaped to blend with the surrounding physiography using mine tailings and overburden. Stockpiled topsoil will be spread over the reshaped mine site. If available quantities of topsoil are insufficient to promote adequate revegetation of the site, settleable solids captured in the settling ponds will be used for reclamation unless the AO determines in writing that it is not appropriate to do so.
3. Fine sediment captured in the settling ponds shall be protected from washout and left in stable condition at the end of each mining season to prevent unnecessary or undue degradation to the environment during periods of non-operation.
4. Disturbed stream areas will be restored to a stable condition in order to provide for recovery of fish and wildlife habitat and reduction of non-point source erosion. The appropriate State of Alaska agency will be consulted for its recommendations and concurrence.
5. Based on site compliance examinations or operator generated plan amendments, additional reclamation measures may be required as determined by the Authorized Officer.
6. All heavy equipment, vehicles exceeding 1500 pounds and the cabin construction materials shall be brought to the mining claims over winter ice or by boat in the summer. **No vehicles exceeding 1500 pounds shall be used on the overland trails** to access your mining claims. This includes, and is not limited too: Heavy equipment, pickup trucks, Jeeps and other off-road vehicles exceeding the above mentioned weight limit. Trees and brush will be cut while the ground is frozen and snow covered.

7. BLM will be notified prior to commencing operations.
8. Historic structures at the mouth of Franklin Creek (Alaska Heritage Resources Survey site # EAG-003 and EAG-054) must be avoided.
9. Historic structures located 1.25 miles upstream from the mouth of Franklin Creek may be disturbed only to the extent necessary to accommodate the trail width.
10. The operator will construct a gate near the mouth of Franklin Creek to exclude non-mine related vehicles and provide BLM with a key. BLM and the operator will select the gate location. BLM will post a sign on the gate notifying the public that vehicle use of the trail is exclusively for the mine.
11. If damage occurs to the trail from any causes, BLM must be notified immediately.
12. Upon final abandonment or extended periods of non-use, BLM will require a reclamation plan.

### **Mitigation Stipulations**

#### **1. Fuel and Hazardous Materials Storage and Handling**

- a. Fuel and hazardous material storage containers must be identified with the owner's name, the contents and date purchased (Bayless, Diesel, 2000). Fuel and hazardous materials will only be stored in containers designed to hold that product.
- b. 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.
- c. Appropriate spill response equipment and supplies must be at hand. 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.
- d. Petroleum or hazardous material spills shall be cleaned up immediately using absorbent pads or other Alaska Department of Environmental Conservation (DEC) approved methods; and, reported within 24 hours to the DEC at (907) 478-9300 and reported in writing to the BLM authorized at 1150 University Avenue, Fairbanks, Alaska 99709.

#### **2. Solid Waste**

- a. Camps and the surrounding area must be kept clean and litter free. All solid waste

will be disposed of in a manner that ensures it will not attract wildlife or pose a public health hazard. Combustible waste may be burned or incinerated on-site as permitted by State law. At least once a year, noncombustible waste (e.g. empty fuel drums, used batteries, used oil, scrap metal) will be removed to a recycle

center or waste disposal site approved by DEC for that purpose, unless otherwise approved by completed.

- b. Out houses will be located a minimum of 100 feet from the high-water mark of streams, rivers, or lakes. Pits will be backfilled with a minimum of two-feet of over-material when the pit has reached capacity or when mining is completed. All outhouses must comply with DEC standards.

If excessive groundwater is encountered, a bedrock drain should be constructed upstream from the cut to intercept and divert the flow to the creek.