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**PLAN OF OPERATIONS FOR MINING ACTIVITIES
ON NATIONAL FOREST SYSTEM LANDS**

GRAND JUNCTION FIELD OFFICE
DIVISION OF
RECLAMATION MINING & SAFETY

CHIP N DALE

July 15, 2015 – September 20, 2015

CMC #253144

M 2014-017

**J. Mark Krivanek, Owner/Operator
101 F Street, Salida CO 81201
719.530.1251**

**Purpose: Exploration – Lode
(Filming for Prospectors Show series
on the Weather Channel)**

PLAN OF OPERATIONS FOR MINING ACTIVITIES ON NATIONAL FOREST SYSTEM LANDS

USE OF THIS FORM IS OPTIONAL! 1st TIME USERS SHOULD DIRECT QUESTIONS REGARDING THIS FORM OR REGULATIONS (36 CFR 228A) TO THE FOREST SERVICE DISTRICT OFFICE NEAREST YOUR AREA OF INTEREST.

Submitted by:

[Signature]
Signature

owner/operator
Title

7/30/15
Date
(mm/dd/yy)
revised
Date
(mm/dd/yy)

Plan Received by:

[Signature]
Signature

Geologist
Title

8/6/15
Date
(mm/dd/yy)

I. GENERAL INFORMATION

- A. Name of Mine/Project: Chip n Dale CMC 253144 M-2014-017 CMC 286720 CMC 286560
- B. Type of Operation: Exploration
(lode, placer, mill, exploration, development, production, other)
- C. Is this a (☐new/☒continuing) operation? (check one).
If continuing a previous operation, this plan (☐replaces/☐modifies/☒supplements) a previous plan of operations. (check one)
- D. Proposed start-up date (mm/dd/yy) of operation: August 8 2015
- E. Expected total duration of this operation: 5 years
- F. If seasonal, expected date (mm/dd/yy) of annual reclamation/stabilization close out: September 20 2015
- G. Expected date (mm/dd/yy) for completion of all required reclamation: 09/30/2020

II. PRINCIPALS

- A. Name, address and phone number of operator:
Mark Krivanek, 101 F Street, Salida Colorado 81201, 719-530-1251
- B. Name, address, and phone number of authorized field representative (if other than the operator).
Attach authorization to act on behalf of operator.
- C. Name, address and phone number of owners of the claims (if different than the operator):

(If more space is needed to fill out a block of information, use additional sheets and attach form)

- D. Name, address and phone number of any other lessees, assigns, agents, etc., and briefly describe their involvement with the operation, if applicable:

III. PROPERTY OR AREA

(Name of claim, if applicable, and the legal land description where the operation will be located.)

MC#	Name	Section	Township	Range
253144	Chip n Dale	19	51	7

IV. DESCRIPTION OF THE OPERATION

- A. **Access.** Show on a map (USGS quadrangle map or a National Forest map, for example) the claim boundaries, if applicable, and all access needs such as roads and trails, on and off the claim. Specify which Forest Service roads will be used, where maintenance or reconstruction is proposed, and where new construction is necessary. For new construction, include construction specifications such as widths, grades, etc., location and size of culverts, describe maintenance plans, and the type and size of vehicles and equipment that will use the access routes.

Us forest Service road access 278 to 278 A to 278 B. to Mount White range. A single benched road 150 to 200' and 10' wide across slope and will move laterally uphill with reclamation downslope conforming to grade. Excavator is Hitachi ZX160 rental used for moving large rocks and stacking along roadside edge. Hand sorting of talus to find minerals using a three prong rack and shovels, screens are currently being explored but not in use. Stockpiles are confined to road edge, benching to stabilize erosion and or gravity effects. Crew will use personal licensed four wheel drive vehicles and OHV licensed atv.

- B. **Map, Sketch or Drawing.** Show location and layout of the area of operation. Identify any streams, creeks or springs if known. Show the size and kind of all surface disturbances such as trenches, pits, settling ponds, stream channels and run-off diversions, waste dumps, drill pads, timber disposal or clearance, etc. Include sizes, capacities, acreage, amounts, locations, materials involved, etc.

See Maps. All pits, if any, will back filled each year. No more than 1/2 acre exposed each year. Lower West side of claim.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

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- C. Project Description.** *Describe all aspects of the operation including mining, milling, and exploration methods, materials, equipment, workforce, construction and operation schedule, power requirements, how clearing will be accomplished, topsoil stockpile, waste rock placement, tailings disposal, proposed number of drillholes and depth, depth of proposed suction dredging, and how gravels will be replaced, etc. Calculate production rates of ore. Include justification and calculations for settling pond capacities, and the size of runoff diversion channels.*

We hope to operate site yearly from middle of July to middle of September depending on weather/ seasons ability for access. On the lower West side of claim a 200' road/benched 10' wide to be hand sorted, larger material ie. boulders to be placed by 160 excavator along road edge. Access by exsisting 278 B forest road. Hand sorting of talus to find gem materials using three prong racks and shovels. Stock piles are confined to roads edge, benching to stabilize erosion or gravity effects. Top soils to be preserved for future reclamation if and when discovered near location of discovery. No more than 1/2 acre exposed any one season. 2 man crew. Film crew Prospectors not included. a wattle is intended to prevent erosion of contained top soils when discovered. Top soils will be kept in proximity of discovery for reclamation. No camping at site by crew. Crew stays in Alpine, 222992 292D street. Environmental back pack toliet to be used during operation. Leaving no trace principles will be followed.

- D. Equipment and Vehicles.** *Describe that which is proposed for use in your operation (Examples: drill, dozer, wash plant, mill, etc.). Include: sizes, capacity, frequency of use, etc.*

ZX160 Hitatchi excavator rented. Used occasionally to clear large boulders from road bench. Also used for seasonal reclamation to maintain road base and downslope grade. aproximately 60 hours/year. Four wheel drive transportation to mine site. DOT certified fueling truck and HOVAC supplies on site. No storage of fuels on mine site.

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- E. Structures.** *Include information about fixed or portable structures or facilities planned for the operation. Show locations on the map. Include such things as living quarters, storage sheds, mill buildings, thickener tanks, fuel storage, powder magazines, pipelines, water diversions, trailers, sanitation facilities including sewage disposal, etc. Include engineering design and geotechnical information for project facilities, justification and calculations for sizing of tanks, pipelines and water diversions, etc.*

A back pack environmental toliet to be used on mine site. Storage box for tool storage, Havac kit, medical kit. Signage and unlocked gate to controll domestic traffic for saftey along road.

V. ENVIRONMENTAL PROTECTION MEASURES (SEE 36 CFR 228.8)

- A. Air Quality.** *Describe measures proposed to minimize impacts on air quality such as obtaining a burning permit for slash disposal or dust abatement on roads.*

No impact

B. Water Quality. *State how applicable state and federal water quality standards will be met. Describe measures or management practices to be used to minimize water quality impacts and meet applicable standards.*

1. *State whether water is to be used in the operation, and describe the quantity, source, methods and design of diversions, storage, use, disposal, and treatment facilities. Include assumptions for sizing water conveyance or storage facilities.*
2. *Describe methods to control erosion and surface water runoff from all disturbed areas, including waste and tailings dumps.*
3. *Describe proposed surface water and groundwater quality monitoring, if required, to demonstrate compliance with federal or state water quality standards.*
4. *Describe the measures to be used to minimize potential water quality impacts during seasonal closures, or for a temporary cessation of operations.*
5. *If land application is proposed for waste water disposal, the location and operation of the land application system must be described. Also describe how vegetation, soil, and surface and groundwater quality will be protected if land application is used.*

Closes water drainage is Little Browns Creek approximately 400' from claim site, anticipate no impact. Debris is bermed for reclamation along roadside.

C. Solid Wastes. *Describe the quantity and the physical and chemical characteristics of solid waste produced by the operation. Describe how the wastes will be disposed of including location and design of facilities, or treated so as to minimize adverse impacts.*

No waste or hazardous materials to be used. Leaving no trace principles will be followed.

D. Scenic Values. *Describe protection of scenic values such as screening, slash disposal, or timely reclamation.*

Top soils are minimal. Talus landscape and every effort will be used to preserve grade for reclamation. Only exploration area or 1/2 acre will be exposed at a time. Reclamation will be seasonally with grading benched road, and reclaiming disturbed ground.

(If more space is needed to fill out a block of information, use additional sheets and attach form)

- E. Fish and Wildlife.** *Describe measures to maintain and protect fisheries and wildlife, and their habitat (includes threatened, endangered, and sensitive species) affected by the operations.*

no impact

-
- F. Cultural Resources.** *Describe measures for protecting known historic and archeological values, or new sites in the project area.*

no impact

G. Hazardous Substances.

1. *Identify the type and volume of all hazardous materials and toxic substances which will be used or generated in the operations including cyanide, solvents, petroleum products, mill, process and laboratory reagents.*

No hazardous or toxic substances will be used. Exception of fueling excavator. On site HOVAC containment kit, and of site fuel storage. DOT approved fueling truck. Restricted fueling/service area in parking area.

-
2. *For each material or substance, describe the methods, volume, and frequency of transport (include type of containers and vehicles), procedures for use of materials or substances, methods, volume, and containers for disposal of materials and substances, security (fencing), identification (signing/labeling), or other special operations requirements necessary to conduct the proposed operations.*

Signage on West side of claim with a unlocked gate and newly posted claim markers. Signage states restricted access only. 5 days a week transportation of crew [2] Jeep CJ7, OHV Atv.

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3. *Describe the measures to be taken for release of a reportable quantity of a hazardous material or the release of a toxic substance. This includes plans for spill prevention, containment, notification, and cleanup.*

HOVAC kit for fuel spills on site, no storage of fuels. CDOT certified fueling truck with apropiate saftey shut offs. Fueling confined to one area on mine site [parking lot].

(If more space is needed to fill out a block of information, use additional sheets and attach form)

- H. **Reclamation.** Describe the annual and final reclamation standards based on the anticipated schedule for construction, operations, and project closure. Include such items as the removal of structures and facilities including bridges and culverts, a revegetation plan, permanent containment of mine tailings, waste, or sludges which pose a threat of a release into the environment, closing ponds and eliminating standing water, a final surface shaping plan, and post operations monitoring and maintenance plans.

Seasonal reclamation of areas deemed unworkable. Backfill to grade preserving topsoils if discovered. Bench cut to stay minimizing loose rock and erosion. Leaving no trace upon reclamation and during operation. We will have no processed or solid waste rock. Reseeding will be attempted over entire disturbance year 5, using suggested high mountain blend.

VI. FOREST SERVICE EVALUATION OF PLAN OF OPERATIONS

- A. **Required changes/modifications/special mitigation for plan of operations:**

Michael D. Williams
Lexon Ins Com

- B. **Bond.** Reclamation of all disturbances connected with this plan of operations is covered by Reclamation Performance Bond No. 110126 dated (mm/dd/yy) 7/24/14 signed by _____ (Principal) and _____ (Surety), for the penal sum of \$2402. This Reclamation Performance Bond is a guarantee of faithful performance with the terms and conditions listed below, and with the reclamation requirements agreed upon in the plan of operations. This Reclamation Performance Bond also extends to and includes any unauthorized activities conducted in connection with this operation.

The bond amount for this Reclamation Performance Bond was based on a bond calculation worksheet. The bond amount may be adjusted during the term of this proposed plan of operations in response to changes in the operations or to changes in the economy. Both the Reclamation Performance Bond and the bond calculation worksheet are attached to and made part of this plan of operations. Acceptable bond securities (subject to change) include:

1. Negotiable Treasury bills and notes which are unconditionally guaranteed as to both principle and interest in an amount equal at their par value to the penal sum of the bond; or
2. Certified or cashier's check, bank draft, Post Office money order, cash, assigned certificate of deposit, assigned savings account, blanket bond, or an irrevocable letter of credit equal to the penal sum of the bond.

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VII. TERMS AND CONDITIONS

- A. If a bond is required, it must be furnished before approval of the plan of operations.
- B. Information provided with this plan marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- C. Approval of this plan does not constitute certification of ownership to any person named herein and/or recognition of the validity of any mining claim named herein.
- D. Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- E. If previously undiscovered cultural resources (historic or prehistoric objects, artifacts, or sites) are exposed as a result of operations, those operations will not proceed until notification is received from the Authorized Officer that provisions for mitigating unforeseen impacts as required by 36 CFR 228.4(e) and 36 CFR 800 have been complied with.
- F. This plan of operations has been approved for a period of _____ or until (mm/dd/yy) _____. A new or revised plan must be submitted in accordance with 36 CFR part 228, subpart A, if operations are to be continued after that time period.

VIII. OPERATING PLAN ACCEPTANCE

☒ ☐ We have reviewed and agreed to comply with all conditions in this plan of operations including the required changes, modifications, special mitigation, and reclamation requirements.

☒ ☐ We understand that the bond will not be released until the Authorized Officer in charge gives written approval.

Signature of ☒ Operator (or ☐ Authorized Representative)

4/30/15
(Date)
(mm/dd/yy)

IX. OPERATING PLAN APPROVAL

James Pitts
(Name)

District Ranger
(Title)

Signature of (Authorized Officer)

8-18-2015
(Date)
(mm/dd/yy)

Burden and Non-Discrimination Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0022. The time required to complete this information collection is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**DECISION MEMO
CHIP N DALE MINING PROJECT
CHIP N DALE UNPATENTED MINING CLAIM
U.S. FOREST SERVICE
SAN ISABEL NATIONAL FOREST
SALIDA RANGER DISTRICT
CHAFFEE COUNTY, COLORADO
T51N, R7E, SECTION 19, 23RD PRINCIPLE MERIDIAN**

BACKGROUND

J. Mark Krivanek (Chip N Dale), owner and operator, submitted a POO on April 30, 2015 to conduct mining operations on Mt. White on the Chip N Dale unpatented mining claim, found in Section 19 in T51N, R7E, 23rd Principal Meridian, approximately 10 miles southwest of Nathrop, Colorado, Chaffee County. The mining operation may be accessed on existing and open routes via NFSR 278, 278A, 278B to a non-system access road, approximately 1400 feet long and 10 feet wide.

The project area is estimated at 1 acre, which includes the use of a non-system access road (1400 feet long and 10 feet wide) and the construction of one benched exploration area (200 feet by 10 feet). The entire mining operation is expected to last for five years, with operations most likely occurring July through September.

Chip N Dale's proposed activities fall under purview of the Mining Law of 1872, as amended. The Operator is entitled to conduct operations that are reasonably incidental to exploration of mineral deposits on their mining claim pursuant to applicable U.S. laws and regulations and is asserting their rights under the General Mining Law to explore for locatable minerals.

The Forest Service (FS) is required by regulation to respond to a POO to conduct operations pursuant to the Mining Law of 1872, as amended. Under 36 CFR 228.5, the FS must determine whether to approve the POO as proposed, or to require changes or additions deemed necessary to meet the requirements of the regulations for environmental protection set forth in 36 CFR 228.8. The FS conducts a thorough review of the environmental effects and determines if any changes or design criteria are needed to minimize resource impacts. Approval of a POO is not a discretionary action for the FS and the FS has authority over the surface resources only. Subsurface mineral resources are under the authority of the Bureau of Land Management (BLM).

DECISION

After a review of the project record, including comments received from the public, I have decided to authorize Chip N Dale (Owner/ Operator) a Plan of Operations to conduct mining operations for aquamarine, smoky quartz, and other pegmatite minerals on the Chip N Dale unpatented claim on Mt. White in Chaffee County, Colorado. It is my decision to approve the Chip N Dale POO for exploration and mining activities as described above pending (1) the Operator incorporates the design features into the final POO, and (2) the Operator posts an appropriate reclamation bond as approved by the FS. Operations approved by this decision will be in compliance with the rules and regulations for operations on NFS lands (36 CFR 228, Subpart A). All operations will be conducted in accordance with design features to minimize and/or eliminate environmental impacts on NFS surface resources (36 CFR 228.8). Approval of this POO is consistent with 36 CFR 228.5. Activities are authorized for up to five years from the date of signature on the POO.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(3): "Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land."

This category of action(s) is applicable because there are no cause-effect relationships between the proposed action and the potential effect on resource conditions that could lead to effects on any extraordinary circumstance that would warrant analysis beyond a categorical exclusion (36 CFR 220.6(b)) (FSH 1909.15, Sec. 31.2). I have considered the resource conditions listed in the Forest Service NEPA regulations at 36 CFR 220.6(b) as outlined below.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species** – Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species. There is one federally threatened species (Canada lynx) and 6 Forest Service Sensitive species (boreal toad, white-tailed ptarmigan, American marten, north American wolverine, pygmy shrew, and Rocky Mountain bighorn sheep) that have the potential to occur within the Analysis area which is defined as one mile from the footprint of the proposed action. No observations of any of these species have been recorded within one mile of the project area. There is no critical or proposed critical habitat for any species in the project area.

There is Canada lynx habitat within one mile of the proposed action though no habitat would be directly impacted. This species was analyzed because of the possible impact created by additional noise and human activity. The proposed project would not hinder lynx movement through the Cottonwood Pass LAU, alter any mapped lynx habitat or

create any new snow compaction. Again, the reason for analyzing Canada lynx is to address possible disturbances and displacement of lynx during the summer months due to additional noise produced from operations. It is unknown as to how far the noise will travel and how a lynx would respond. Lynx generally are somewhat tolerant of humans and would likely avoid this particular area anyhow because of the current level of activity occurring there. Lynx could disperse to adjacent secure habitat if they happen to be in the project area during implementation. These effects would be insignificant (immeasurable and would not reach the level of take) and/or discountable (extremely unlikely to occur). Because of the reasons stated above, the proposed project “may affect, but is not likely to adversely affect, Canada lynx”.

The Forest Service sensitive species bighorn sheep, boreal toad, pygmy shrew, white-tailed ptarmigan, and wolverine were analyzed because 1 acre of habitat would be directly impacted (upland habitat for boreal toad and pygmy shrew). This is a minute amount of habitat and it is unlikely these species utilize this particular piece of land during the summer because of the ongoing activities. There is suitable habitat for all of these species adjacent to the proposed action where they likely prefer to forage and rest. The remaining species (American marten) was analyzed for the potential impacts from additional noise and disturbance. No habitat would be directly impacted. There are already noise disturbances in the area due to other mining operations on Mt. White, Mt. Antero, and the hiking trail and without an acoustical study it is unknown as to how much disturbance the additional noise would cause. Once the project is completed, wildlife use of the area would likely return to pre-implementation levels. Because this proposed project is adjacent to a s hiking trail (already degraded habitat) and is temporary in nature (operating 3 months per year) taking place during the daylight hours of the summer months, it is determined that the project may adversely impact individuals, but will not likely result in a loss of viability in the planning area for all sensitive addressed in this analysis.

A separate Biological Assessment and Biological Evaluation were completed for botanical and wildlife species. They are included in the project record.

- b. Flood plains, wetlands, or municipal watersheds** – A hydrology report was completed in 2015 by the Forest Hydrologist. The report is included in the project record. The proposed mining activities will not take place in a wetland and no stream or floodplain modifications are required; therefore, there will be no adverse effects to stream, floodplain, or wetland resources. The ground disturbing activities associated with the project are located in the Little Brown’s Creek municipal supply watershed. Little Brown’s Creek is approximately 400 feet from the project. Due to the relatively limited duration and scale of the project, no adverse effect on water quality is expected. Implementation of the design features listed would minimize or eliminate any adverse effects. Additionally, no adverse effects are anticipated to the municipal supply watershed since no water would be withdrawn from nor introduced to this watershed.
- c. Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – The project will not occur within or affect any congressionally designated areas (Project file record: Location of Chip N Dale Project Map, 2015).

- d. **Inventoried roadless areas or potential wilderness areas** – The project will not occur within or affect inventoried roadless areas (Project file record: Location of Chip N Dale Project Map, 2015).
- e. **Research natural areas** – The project will not occur within or affect research natural areas (Project file record: Location of Chip N Dale Project Map, 2015).
- f. **American Indians and Alaska Native religious or cultural sites** – There are no known Native American or Alaska Native religious or cultural sites within the project area (Project file record: Cultural Resource Survey of 3.0 Acres on the San Isabel National Forest for the Chip N Dale Mining Project, Chaffee County, Colorado, 201).
- g. **Archaeological sites, or historic properties or areas** – The Forest has completed compliance with Section 106 of the National Historical Preservation Act of 1966, as amended. The Forest has determined that no historic properties would be affected by the Chip N Dale Mining Project (see also Cultural Resource Report, 2015).

Based upon these determinations, I conclude that the operations are limited in context and intensity (40 CFR 1508.27), and this action is expected to produce little or no individual or cumulative environmental effects to either biological or physical components of the human environment (see Table 1). My conclusion is based on a review of the record that shows a thorough analysis using the best available science. Therefore, the proposed action with the addition of design features identified above is consistent with the management direction, standards, and guidelines.

Table 1: Summary of Resource Conditions.

Extraordinary Circumstances	Present?	Effects to any Extraordinary Circumstance?
a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal Listing or proposed critical habitat, or Forest Service sensitive species	Yes (see BA & BE)	No
b. Flood plains, wetlands, or municipal watersheds	Yes (see Hydro Report)	No
c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas	No	No
d. Inventoried road less areas or potential wilderness areas	No	No
e. Research natural areas	No	No
f. American Indians and Alaska Native religious or cultural sites	No	No
g. Archaeological sites, or historic properties or areas	No	No

DESIGN CRITERIA

Forest Service wildlife biologist, botanist, hydrologist, archaeologist, recreation specialist, and minerals specialist have reviewed the proposed project. Measures necessary to protect threatened or endangered species, Region 2 sensitive species, their habitat, or potential habitat from the effects of the proposed management actions are addressed through the development of project design criteria. Design criteria are intended to minimize the project's effects to the environment. The FS has created the following design criteria that will be required of the Operator to be incorporated into the final POO prior to POO approval. Specific design criteria include:

ADMINISTRATIVE

- The operator will establish a reclamation bond or acceptable surety as a guarantee of faithful performance with the terms and conditions identified in the reclamation requirements (36 CFR 228.13). Bond calculations will be based on local and Davis-Bacon wage and equipment rates. Bonds will be updated as necessary throughout the life of the project to reflect the actual cost of reclamation.
- Upon completion of the project, a partial bond can be refunded withholding funds for re-vegetation, monitoring, and portions of indirect costs for a minimum of three

(3) years pending attainment of acceptable ground cover as determined by the Authorized Officer.

- If the design or location of this project changes in ways that differ from the approved POO, the project work will stop, and the PSICC Geologist will be notified immediately. The new information will be evaluated prior to the recommencement of work, which may require additional analyses under the National Environmental Policy Act (NEPA).
- The operator will contact the FS prior to the start of operations, during operations if operating conditions or requirements deviate from those analyzed, and once operations have been completed, to schedule a visit to the site as a final inspection of the operations.
- All project-related materials and trash, including flagging, fencing, stakes, sample bags, and other items, must be removed from the site after project completion.

FIRE PREVENTION

- All internal combustion engines including but not limited to generators, vehicles, mechanized mining equipment and power tools, must be fitted with an approved spark arresting device.

CAMPING

- Overnight stays and leaving vehicles on the Forest are limited to a maximum of 14 consecutive days and no more than 28 days in a 60 day continuous period.
- Forest Service Motor Vehicle Use Map (MVUM) related regulations require vehicles to park only in areas immediately adjacent to National Forest System roads.
- All foodstuffs will be properly contained and located to minimize conflicts with wildlife, especially bears. Food items should be stored in a bear proof container away from any tenting or camping sites.
- All trash and garbage will be removed from National Forest Lands.
- Human waste shall be removed from National Forest Lands.

OPERATIONS

- Equipment must be in good working order and not leak fluids onto ground.
- Inoperable or broken equipment must be immediately removed from Forest Service lands.
- Operator must have all applicable Federal, local, and State permits in place prior to operating.

ROADS

- Access is limited to the 1,400 foot long, 10 foot wide non-system road.
- Motorized off-road travel is prohibited with the exception of prospecting, mining and reclamation equipment.
- Operator is responsible for all maintenance and erosion control on the temporary road.
- Road will be gated, at all times, to prevent unauthorized access.

WEED PREVENTION

- Ensure all equipment moved onto National Forest System land is free of soil, seeds, vegetative matter, or other debris that could contain or hold noxious weed seed.
- Vehicles will have a thorough visual inspection of tires, tracks, and underbody to ensure the vehicle is completely cleaned of all residue and soil at the Salida Ranger District Office.
- Equipment will be cleaned when moving between weed-infested areas within the project site.
- The operator will coordinate with FS personnel to ensure that inspections are performed.
- New invasive non-native plant infestations at the access roads, where ground disturbance occurred during the project, will be eradicated by the Operator using a licensed, certified, and Forest-approved applicator using Forest-approved treatments. The Forest will make the final determination that new infestations have been eradicated. This final determination will be made no sooner than three (3) years following the completion of the project.

VEGETATION

- Minimal vegetation clearing will occur. When clearing vegetation, straight clearing limits are voided; a natural appearance is maintained. Natural features such as large boulders, rock outcrops will remain intact; significant vegetation will remain intact.
- Topsoil will be removed and stockpiled on site for use in reclamation.

HAZARDOUS MATERIALS

- The operator will ensure that all employees involved in the use, storage, transportation, and disposal of hazardous materials receive proper training to reduce the risk of an incident on NFS lands.
- The operator will manage the use, storage, discharge, or disposal of pollutants and hazardous or toxic substances generated in compliance with applicable regulations and requirements.
- The operator will remove any leaking equipment that contains oils or hazardous chemicals from NFS lands for repair or provide spill mitigation to prevent contamination of forest soils.
- Absorbent pads or other medium (e.g. Visqueen or similar) will be placed under all stationary or parked equipment not in active use that contain oils or hazardous chemicals to prevent any fluid leaks from infiltrating into the soil.
- The operator will plan and ensure that spilled hazardous substances are contained and do not reach groundwater or surface water. For example, any visible oil will be removed from the surface of the sump after cessation of drilling and completion of operations.
- The operator will ensure that cleanup of spills and leaking tanks is completed in compliance with Federal, State, and local regulations and requirements.
- Operator will abide by the State law requirement for reporting, including that each facility operator notify the Colorado Department of Water Resources (CDWR) Emergency Response Unit within 24 hours of any oil spill.

- The operator will ensure that hazardous spill kits are adequately stocked with necessary supplies and are maintained in accessible locations.

WATER QUALITY

- Avoid soil disturbing actions during periods of heavy rain or wet soils. Do not operate equipment when conditions will result in excessive rutting, soil puddling, or runoff creating excessive gulying of soils.
- If excessive gulying or rilling occurs downhill from excavation, erosion control measures such as straw wattles or contour berms may be necessary to protect water quality.
- Operator will comply with applicable Federal and State water quality standards, including regulations pursuant to the Federal Water Pollution Control Act, as amended (33 USC 1151 et seq.).
- Operator will comply with National Best Management Practices for Water Quality Management on National Forest System Lands. This includes providing silt fences, wattles, and straw bales as necessary.

http://www.fs.fed.us/biology/resources/pubs/watershed/FS_National_Core_BMPs_April2012.pdf

CULTURAL

- If a previously unknown archaeological site is discovered by either the operator or the Forest Service, mining operations will stop immediately until the site is evaluated by the Forest Service Archaeologist, and any needed mitigation measures are developed.

WILDLIFE

- If any new nesting/denning sites for threatened, endangered, or Forest Service sensitive species are observed during implementation, it will be reported immediately to the wildlife Biologist and appropriate protection measures will be implemented.
- Design criteria mentioned above for noise, weed prevention, vegetation and water quality all coincide with protection of wildlife habitat.

RECLAMATION

The operator'(s) agree to complete the following reclamation measures:

- Remove all imported fill materials and return the mining area to the original natural contours. This includes all dozer cuts.
- The access route will be decommissioned. The gate installed at the claim entrance will remain in place until adequate reclamation standards are achieved. Equipment used for re-contouring should be restricted to the existing roadway to prevent additional ground disturbance.
- All excavations will be backfilled and re-contoured to match the original natural contours.
- Silt fences or other erosion control will be utilized to prevent off-site sediment transport.
- Reclamation will be monitored by the operator, USFS personnel, and State of Colorado (DRMS) inspectors on an as needed basis.

- The road and site will be seeded with USFS-approved seed mixtures. Re-vegetation will not be complete until at least 70 percent plant re-growth has been established; when compared to adjacent undisturbed areas.
- Top soil must be saved and used to cover all disturbed areas.
- Return large rocks, boulders, and logs to their original position.
- The U.S. Forest Service may require additional reclamation measures if needed.
- Earth work- which includes: re-contouring and smoothing all disturbed areas. Earth work will not be considered complete if the surface is rough, no rough piles higher than 12 inches may be left.
- Remove all trash off of Forest Service Lands.
- Remove all structures (fences, signs) from Forest Service Lands with the exception of pre-existing structures.
- Complete all reclamation within one year of the end of the operating plan.
- Refund of any reclamation bond is contingent upon the success of reclamation.

MONITORING

- The Forest Service will monitor and assess the progress of reclamation activities, including re-vegetation and erosion control, for a minimum of three years. Dependent on the success of the second phase of reclamation, additional seeding, weed treatment, or installation of erosion control structures may occur

PUBLIC INVOLVEMENT

This action was listed as a proposal on the Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands Schedule of Proposed Actions (SOPA) in July 2015 and updated periodically during the analysis. A scoping letter describing the details of the proposed action was sent to the public on July 23, 2015 with a 15 day comment period. No responses were received. Internal scoping among FS resource specialists was initiated on July 20, 2015 and responses are documented in the project record.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Pike and San Isabel National Forests, Comanche and Cimarron National Grasslands Land and Resource Management Plan (the Forest Plan) as required by the National Forest Management Act. The actions in this project are in full compliance with the Forest Plan, Management Area Direction, including that contained under the various management prescriptions and the Forest-wide standards and guidelines (See Chapter II). Implementation of this decision will not violate any federal, state or local laws or requirements imposed for the protection of the environment, including: Clean Water Act, as amended; Clean Air Act, as amended; Endangered Species Act, as amended; American Antiquities Act; Historic Preservation Act; Executive Order 13186, Migratory Bird Treaty Act; Executive Order 12898, Environmental Justice..

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

On February 7, 2014, the President signed into law the Agricultural Act of 2014, Public Law Number 113-79 (i.e. Farm Bill). Section 8006(a) of the 2014 Farm Bill repealed the Appeals Reform Act, Public Law Number 102-381, 106 Stat. 1419 (1992). Section 8006(b) directs that the pre-decisional objection process established in Section 428 of division E of the Consolidated Appropriation Act of 2012, Public Law Number 112-74, shall not be applicable to categorically excluded projects or activities. Therefore, this decision is not appealable.

IMPLEMENTATION DATE

Implementation will commence once the Plan of Operations is authorized. The Plan of Operations will be authorized for a five (5) year period, which will end September 30, 2020. If Chip N Dale Mining proposes a modification to the POO, it is within the scope of the previously authorized POO and a sufficiency review of this analysis proves adequate, it may be authorized.

CONTACT

For additional information concerning this decision, contact: Amy Titterington, Geologist, Salida Ranger District, 5575 Cleora Road, Salida, CO 81201, Phone number 719 836-2031, or email amyjtitterington@fs.fed.us.



James Pitts

District Ranger

8-18-2015

Date

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