



File Code: 2810
Date: March 13, 2018

**CERTIFIED MAIL - RETURN
RECEIPT REQUESTED
NUMBER: 7016 0910 0002 0319 9028**

Mt. Elbert Mining Co.
Angela Bellantoni
Authorized Representative
1107 Main Street
Canon City, CO 81212

Dear Mrs. Bellantoni,

Enclosed are the final signed Decision Notice (DN) and Finding of No Significant Impact (FONSI) dated February 27, 2018 (attachment 1), and related documents (attachment 2) associated with the Willow Creek Mine Expansion Plan of Operations (MPO) (#**2810-021201-MP0-2016-001**). This MPO is for placer gold mining on the Leadville Ranger District of the San Isabel National Forest.

This decision is subject to appeal under 36 CFR 214.4(b)(2). If you wish to appeal this decision you must submit a written notice of appeal in accordance with the requirements listed at 36 CFR 214.8 (attachment 3). The notice of appeal, including the reasons for appeal, must be postmarked or received by the Appeal Deciding Officer (PSICC Forest Supervisor) within 45 days of the date of this letter.

Prior to final approval of your MPO, there are two additional steps that must be completed:

- (1) Accepting the changes and additions listed in the February 27, 2018 DN/ FONSI.

Prior to Forest Service (FS) approval of the final MPO, you will need to accept the changes and additions that were identified in the enclosed DN/ FONSI. These changes and additions are carried forward into Section VI-A of the final MPO (Required changes/modifications/special mitigation for plan of operations). By signing Section 8 (Operating Plan Acceptance) of the MPO (attachment 4) and page 4 of the Design Criteria (attachment 5), you (Mt. Elbert Mining) accept the changes and additions, and agree to incorporate them into the operations.

- (2) Posting a Reclamation Performance Bond.

The Reclamation Performance Bond is a guarantee of faithful performance with the terms and conditions listed in the MPO and DN/ FONSI. The Reclamation Performance Bond also extends to, and can include any unauthorized activities conducted in connection with this operation. The bond amount may also be adjusted during the term of the MPO in response to changes in the operations or to changes in the economy.

As per the Memorandum of Understanding (MOU) between the Forest Service and the State of



Colorado, Division of Reclamation, Mining, and Safety (DRMS), the DRMS is the lead bond authority and will be responsible for calculating your reclamation bond. This bond will need to be submitted to and approved by ORMS and the Forest Service in accordance with 36 CFR 228.13, prior to the authorization of your MPO.

If you have any questions and/or need clarification regarding the above information, please contact Geologist Amy Titterington at the South Park office, by phone at 719-836-2031, and/or by email at amyjtitterington@fs.fed.us.

Sincerely,

A handwritten signature in dark ink, appearing to read "James Pitts", written over a light blue horizontal line.

JAMES PITTS
District Ranger

Enclosures:

- 1 – Attachment 1 – Signed DN/ FONSI
- 2 – Attachment 2 – Signed Environmental Assessment (EA)
- 3 – Attachment 3 – Appeal Regulations (36 CFR 214)
- 4 – Attachment 4 – Plan of Operations submitted February 5, 2018
- 5 – Attachment 5 – Design Criteria for Willow Creek Mine Expansion

cc: dustin.czapla@state.co.us;



DECISION NOTICE

WILLOW CREEK MINE EXPANSION

U.S.D.A. FOREST SERVICE

LEADVILLE RANGER DISTRICT

PIKE AND SAN ISABEL NATIONAL FORESTS AND COMANCHE AND CIMARRON
NATIONAL GRASSLANDS

LAKE COUNTY, COLORADO

BACKGROUND

The Forest Service proposes to process and approve a mine Plan of Operations submitted by Environmental Alternatives (Agent) on behalf of Mount Elbert Mining Company, LLC., on April 16, 2017, to conduct mining, and reclamation activities in the Box Creek area on portions of the Jewel #1, Jewel #2, Zorro #1 and Zorro #2 unpatented mining claims, found in portions of Section 6, T11S, R80W, 6th Principal Meridian, approximately 12.0 miles southwest of Leadville, in Lake County, Colorado. The mining operations may be accessed from Lake County Road (CR) 10 to CR 24 to the private property gate. No new road construction is proposed.

This proposal entails the use of mechanized equipment to mine and reclaim approximately thirty (30.0) total acres of National Forest System lands over a period of 5 – 10 years. Mining activities will be compliant with all other local, State and Federal regulations. Mechanized operations will occur on an intermittent basis, for a maximum of 180 days per season. If the operator requires more working days, the Forest Service will be notified prior to the continuation of operations.

DECISION

Based upon my review of the Willow Creek Mine Plan of Operations(MPO) (project) Environmental Assessment (EA), comments received from the public and internal agency specialists, and the best available scientific information, I have decided to implement the Proposed Action Alternative, which would approve the Willow Creek MPO for mining and reclamation activities as described below pending (1) the operator incorporates the design features (criteria) into the final MPO, 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 the design features to minimize and/ or eliminate environmental impacts on NFS surface resources (36 CFR 228.8). Approval of this MPO is consistent with 35 CFR 228.5. Activities are authorized for up to five years from the date of signature on the MPO.

Mining on FS land:

Activities proposed are those associated with open pit placer gold mining. The first action would consist of hiring a contractor to remove timber from the proposed mining area. Timber would be sold or chipped below on private property to be used as mulch during reclamation. Topsoil would then be removed with a front end loader (5 to 8 yd. buckets) and added to an existing stockpile located on private property for use during reclamation. Next, a front end loader would be used to excavate the target reserve which would be transported via a 10 yd. dump truck or conveyor to a mined material stockpile near the trommel on private property. As mining progresses away from the processing area, a conveyor would be more efficient and less environmentally impacting for mined material transport. Dust abatement would be achieved using water spray application on active mine faces as needed and revegetation of stockpiles.

Reclamation on FS land:

Reclamation may require the use of a D-8 bulldozer to rebuild and compact slopes and pit floor. Mined walls will slope 1H:1V with 10 ft. benches every 15 ft. in depth. Anticipated depth of mine is 90 feet below ground surface (bgs). At the close of each mining season, before winter precipitation prevents site access, slopes and site disturbances would be compacted with a dozer. Straw wattles and or bales would be strategically placed to divert surface drainage to ponds during spring thaw. Pit edges would be contoured with a bulldozer to blend with surrounding topography. No less than six inches of topsoil would be placed on the slopes and pit floor and tracked to compact. In the fall, the prepared areas would be seeded, mulched, crimped and fertilized (if recommended by local soil conservation district). The site would be monitored annually for weed infestation with implementation of weed control as recommended by the PSICC Noxious Weed Specialist or the District Ranger.

Timing and duration:

The operator does not desire nor have the ability to operate during months of snow. This limits operation to approximately late April or early May through approximately October of any year. Variations would occur depending on snow loads and operating periods may be longer or shorter than described above but generally are confined to the spring, summer and fall seasons. Three to five miners would be operating during these months only during daylight hours. No nighttime operations have been requested. Proposed beginning date is May of 2018 with anticipation of operating 5-10 years, with reclamation completed by 2028.

DESIGN CRITERIA AND BEST MANAGEMENT PRACTICES

Design criteria and best management practices are identified and incorporated into the Proposed Action to ensure resource protection and to commit to following Forest guidance and travel management requirements. By incorporating project design criteria and best management practices into the Proposed Action, mitigation measures are not needed. The list of project design criteria, and best management practices are listed in detail in section 2.2.2.2 of the EA (pages 14-17).

DECISION RATIONALE

The decision to implement the Willow Creek Mine Plan of Operations is based on the proponent's legitimate request to explore for and mine minerals on National Forest System lands. The 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 MPO 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 MPO 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 MPO 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).

The Willow Creek Mine Expansion EA and FONSI document the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

People were invited to review and comment on the proposal through a legal notice published in the August 17, 2017 issue of the Leadville Herald Democrat. The EA lists agencies and people consulted on page 31.

Two comment letters were received during the public scoping period.

The issues discussed during public scoping and during IDT meetings were brought forward and considered in the design criteria of the Proposed Action. Comments and responses to the comments are available in the project administrative record and in Appendix E of the EA.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision to implement the Willow Creek Mine Plan of Operations is consistent with the PSICC LRMP. The project was designed in conformance with LRMP prescriptions for wildlife habitat needs and permits dispersed motorized and non-motorized recreation areas and sustained forage yield (Management Area 4B designation). The project also conforms to standards and guidelines in the LRMP for the conservation and protection of threatened and endangered species.

I have also reviewed the environmental consequences of the Final Environmental Impact Statement for the Forest Plan and conclude that the environmental effects associated with this project are consistent with those described in the FEIS.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

As the responsible official, I am accountable for evaluating the effects of the project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the Willow Creek Mine Plan of Operations will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized by sub-section of the CEQ definition of significance cited above.

CONTEXT

The Proposal is to mine placer gold on the Jewel #1, Jewel #2, Zorro #1, and Zorro #2 unpatented mining claims in the Box Creek area, located southwest of Leadville, Colorado. The project would occur on National Forest System lands managed by the Leadville Ranger District, San Isabel National Forest, on lands open to mineral entry under the 1872 Mining Law, as amended. The area proposed for exploration and mining is 30.0 acres in size and is located in portions of T.11S, R.80W, Section 6, 6th Principal Meridian; Lake County, Colorado.

Activities proposed are those associated with open pit placer gold mining. The first action would consist of hiring a contractor to remove timber from the proposed mining area. Timber would be sold or chipped below on private property to be used as mulch during reclamation. Topsoil would then be removed with a front end loader (5 to 8 yd. buckets) and added to an existing stockpile located on private property for use during reclamation. Next, a front end loader would be used to excavate the target reserve which would be transported via a 10 yd. dump truck or conveyor to a mined material stockpile near the trommel on private property. As mining progresses away from the processing area, a conveyor would be more efficient and less environmentally impacting for mined material transport. Dust abatement would be achieved using water spray application on active mine faces as needed and revegetation of stockpiles.

Reclamation may require the use of a D-8 bulldozer to rebuild and compact slopes and pit floor. Mined walls will slope 1H:1V with 10 ft. benches every 15 ft. in depth. Anticipated depth of mine is 90 feet below ground surface (bgs). At the close of each mining season, before winter precipitation prevents site access, slopes and site disturbances would be compacted with a dozer. Straw waddles and or bales would be strategically placed to divert surface drainage to ponds during spring thaw. Pit edges would be contoured with a bulldozer to blend with surrounding topography. No less than six inches of topsoil would be placed on the slopes and pit floor and tracked to compact. In the fall, the prepared areas would be seeded, mulched, crimped and fertilized (if recommended by local soil conservation district). The site would be monitored annually for weed infestation with

implementation of weed control as recommended by the PSICC Noxious Weed Specialist or the District Ranger.

All equipment for processing the gold (trommel, settling ponds, etc.) is located on Mt. Elbert Mining Co. private property, to the east of the Forest Service land. Site activities rely on two generators powered by diesel fuel engines that are located on the private ground. Water drainage evaluations and diversion structures have been constructed and would be updated as needed with project development. Two infiltration ponds and one sedimentation pond exist on the private property to which surface water is diverted. The ore would be milled at the existing mill located on private land with a maximum production of 200 tons/hour requiring 300 gallons of water per minute. Water is recirculated through the fresh water ponds located on private land. Waste rock and gravel/sand would be placed in temporary stockpiles for reuse in rebuilding the pit floor and rebuilding 1H:1V slopes during reclamation.

Water used in mining operations would not be discharged into a surface water stream, but would infiltrate the ground instead. All hazardous materials/petroleum products, solvents/oils, etc. will be stored in the maintenance building located on private ground. All tanks are appropriately located in secondary containment structures.

INTENSITY

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues raised by the public and resource specialists. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b), thus an environmental impact statement will not be prepared.

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**

None of the environmental consequences discussed in detail in the EA are considered significant, nor do the consequences exceed any known threshold of significance, either beneficial or adverse. The Proposal consists of mining placer gold using mechanized equipment. The Proposal may occur on up to 30.0 acres of public land over the next five to ten years. Mine pit disturbances will be reclaimed concurrent with mining, while reclamation of the processing areas will be completed at the termination of the annual mining season.

2. **The degree to which the proposed action affects public health or safety.**

The Proposal will not result in any impacts to public health or safety. Surface disturbing activities will be conducted in conformance with all Federal and State health and safety requirements to protect health and safety. Reclamation of mine pit will be completed

concurrent with mining, while remaining disturbances will be reclaimed as soon as practicable once mining operations are complete.

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

The project area is located on public lands administered by the Leadville Ranger District. There are no farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in the project area.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

The Proposal will not have highly controversial effects on the quality of the human or natural environment. The Proposal area is in a rural, non-residential area approximately 12 miles from Leadville, Colorado. Except for the existing placer mining operation, the immediate area is almost uninhabited.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

There are no highly uncertain or unique or unknown risks in implementation of the Proposed Action.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.**

The Proposal would not establish a precedent for future actions with significant effects or represent a decision about a future consideration. This EA does not establish a precedent for the other assessments or authorization of other mining projects. Any future projects within the Proposal area or surrounding areas will be analyzed on their merits and implemented, or not, independently of the acceptance of the subject EA.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.**

Past, present, and reasonably foreseeable future actions have been considered in the cumulative impacts analysis within Chapter 3 of the EA. The cumulative effects analysis examined all of the other appropriate actions and determined that the Proposal will not incrementally contribute to significant impacts on any resources that are present and may be affected by the Proposal.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The Heritage specialists, for the San National Forest, reached a finding that determined that the proposed work will not affect any site eligible for the National Register of Historic Places. The heritage specialists conducted a Class III intensive cultural resource survey on July 19,

2017 with negative findings. Thus, under a programmatic agreement with SHPO which streamlines consultation for projects with limited results will be submitted for information and filing, however no concurrence is required (Project Record, Cultural Clearance Letter). As a result of the findings from the cultural resource survey, the action will also not cause loss or destruction of significant scientific, cultural, or historical resources because they were not found to be present within the project area (See EA page 21).

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

No known federally listed species under the ESA, or critical habitat for such species, have been identified within the proposal area. Because disturbances associated with the Proposal will be of limited extent, reclaimed concurrently, and dispersed throughout the project boundary, it has been determined that the Proposal will not result in substantial net loss of potential habitat and will not contribute to a loss of viability for any one special status species.

10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.

The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (See EA page 10). The action is consistent with the PSICC Land and Resource Management Plan prescriptions for wildlife habitat needs and permits dispersed motorized and non-motorized recreation areas and sustained forage yield (Management Area 4B designation). An interdisciplinary team of resource specialists from the Leadville Ranger District was involved in the preparation of the EA. Consultation with local and State Agencies took place with no concerns or comments received on the Proposal. All Federal, State, and local laws will be followed under the Proposal.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

ADMINISTRATIVE REVIEW OPPORTUNITIES

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project specific written comments during scoping or the designated comment period on the Preliminary Environmental Assessment. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of legal notice in the Leadville Herald Democrat. The date of this legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be must be filed via mail, express delivery, or messenger to: Erin Connelly, Objection Reviewing Officer, USDA Forest Service, Pike and San Isabel National Forests and



Comanch National Grasslands, 2840 Kachina Drive, Pueblo, CO 81008. Objections may be submitted via FAX (719-553-1440), or delivered during business hours (M-F 8:00am to 4:00pm). Electronic objections with attachments, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: r02admin_review@fs.fed.us with Subject: Willow Creek Mine Expansion Project.

IMPLEMENTATION DATE

If no objection is filed on this project, a Decision Notice may be issued on, but not before the fifth business day following the close of the objection filing period (36 CFR 218.21). If an objection to this decision is filed in accordance with 36 CFR 218.26, then this Decision Notice may not be signed until all concerns and instructions from the reviewing official in the objection response have been addressed (36 CFR 218.12(b)).

After this Decision Notice is signed, implementation may begin immediately.

CONTACT

For additional information concerning this decision, contact: Amy Titterington, Geologist, Leadville Ranger District, 810 Front Street, Leadville, CO 80419, 719-836-3871.

Mary Moore
Leadville Ranger District, District Ranger

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Design Criteria for Mt. Elbert Mining – Willow Creek Mine Expansion
March 2018

DESIGN CRITERIA

Forest Service wildlife biologist, botanist, archaeologist, geologist, hydrologist, recreation, lands, timber, wilderness, fuels, and fire specialists 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 MPO prior to MPO approval. Specific design criteria include:

Administration and General Site Requirements

1. The bond for this operation must be posted prior to commencing any exploration activities. The amount of bond would be calculated to ensure full reclamation and revegetation of areas disturbed by the exploration activity.
2. The Operator shall arrange for the FS to inspect any mining-related equipment, prior to it entering NFS lands at the beginning of each operational period, in order to prevent the spread of noxious weeds and their seeds.
3. The Operator will dispose of camper holding tank contents (if applicable) at an offsite facility or provide a temporary self-contained portable toilet.
4. In the event previously unidentified cultural or paleontological materials are discovered during project implementation, all work will cease until a qualified archaeologist is contacted and the need for further investigation and consultation determined.
5. Operations may be suspended and/or changed if the FS administrator determines that they are not compliant with this decision, the approved Plan, applicable laws or regulations, or that resource conditions have changed. Operations may resume after compliance items have been resolved between the Forest Service, the Operator, and appropriate regulatory agencies.
6. In the event of non-performance, Mt. Elbert Mining will grant USFS personnel and subcontractors access to the subject property and stockpiled material across the ground owned by Mt. Elbert Mining, LLC.

Noxious Weeds

7. Apply Forest Service approved native seed mix, including native sage brush for reclamation practices.
8. Protocols for noxious weed management should include the monitoring and treatment of noxious weeds every year during the life of the mine. Treatment should occur along roads and access roads to reduce the threat of inadvertent distribution.
9. As a standard operating procedure, MEM should treat noxious weed occurrences as soon as they are identified, and cooperate with the Forest Service to inventory and monitor and

control noxious weeds/undesirable plants within areas of disturbance until release of all bond monies.

10. To further minimize the spread of noxious weeds and their seeds, equipment should be washed thoroughly, especially the undercarriage, to eliminate undesirable or noxious weed seed potentially carried from previous jobs. Washing should occur at the closest facility available prior to entry onto NFS lands.
11. At the end of the mine life during the mine reclamation period, revegetated areas should be monitored for the presence of plants on the Colorado State Noxious Weed list for a period of five years. A and B list species from the Colorado State Noxious Weed list (Appendix A) will be eradicated prior to bond release.

Timber

12. Prior to removing any timber, the trees will need to be measured and a permit/contract will need to be issued and the timber paid for by the mining company. Estimated work time would be one week for the timber crew of 5 and one week for a forester to complete the necessary field and contract preparation work. Several weeks of lead time will be required to review, award and bill for the timber removal contract at the Contracting Officer's Office in Delta.

Water Quality

13. Do not excavate material from, or store excavated material in, any stream, swale, lake, wetland, or WIZ.
14. Establish effective ground cover on disturbed sites to prevent accelerated on-site soil loss. Restore ground cover using certified native plants as practicable to meet revegetation requirements. Avoid persistent or invasive exotic plants.
15. Monitor restored ground to ensure no rills or gullies are forming and that no invasive plant species are present.
16. Install contour berms and trenches around vehicle service and refueling areas, chemical storage and use areas, and waste dumps to fully contain spills. Use liners as needed to prevent seepage to groundwater.
17. Reclaim each mining area when its use ends, using certified local native plants as possible; avoid persistent or invasive exotic species. Stabilize waste dumps and tailings in non-use periods to prevent wind and water erosion.
18. Report spills and take appropriate clean-up actions in accordance with applicable state and federal laws, rules and regulations. Contaminated soil and other material shall be removed from NFS lands and disposed of in a manner according to state and federal laws, rules, and regulations.
19. Limit the amount of exposed or disturbed soil at any one time to the minimum necessary for efficient operations during minerals production activities. Stabilize mined areas and surface disturbance activities as soon as practicable before moving and opening new areas.
20. Clearly delineate the geographic limits of the area to be cleared.
21. Conduct extraction activities in such a manner as to minimize the potential for slope failures, limit slope steepness and length, limit disturbed areas to those actively used for

extraction, retain existing vegetation as long as possible, and allow for progressive reclamation of the site where practicable.

Wildlife

22. Should an active TES den/nest be found in or near the project area, the USFWS would be notified and appropriate mitigation measures as determined by the USFS and the USFWS would be implemented to avoid disturbance to and/or abandonment of the den, if necessary. Should an active sensitive species den/nest be found in or near the project area, appropriate mitigation measures determined by the USFS would be implemented to avoid disturbance to and/or abandonments of the den.
23. Should an active TES or sensitive species raptor nest be found within 0.5 miles of the project site while project activities are on-going, the FS recommends a 0.5 mile radius “no activity” buffer would be implemented while unfledged young are present.

Reclamation

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

24. Within the one year expiration of this authorization, the operator will commence final reclamation.
25. Remove all materials and return the mining area to the original natural contours. This includes all excavation cuts.
26. Silt fences or other erosion control will be utilized to prevent off-site sediment transport.
27. Straw waddles must be weed-free (shredded aspen fill recommended).
28. Water bars may be required on slopes and access road to control erosion.
29. Slash should be scattered and/ or piled, or used in erosion control on slopes.
30. Any erosion control blankets must be 100% natural fiber (i.e. no monofilament) and weed-free.
31. Reclamation will be monitored by the operator, USFS personnel, and State of Colorado (DRMS) inspectors on an as needed basis.
32. The road and site will be seeded with USFS-approved seed mixtures, as needed.
33. Re-vegetation will not be complete until at least 50% plant re-growth has been established; when compared to adjacent undisturbed areas.
34. Top soil must be saved and used to cover all disturbed areas.
35. Return large rocks, boulders, and logs to their original position.
36. The U.S. Forest Service may require additional reclamation measures if needed.
37. Remove all trash off of Forest Service Lands.
38. Remove all structures (fences, signs) from Forest Service Lands with the exception of pre-existing structures.
39. Complete all reclamation within one year of the end of the operating plan.
40. 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.

THE FOLLOWING STANDARD TERMS AND CONDITIONS ARE TAKEN FROM FOREST SERVICE FORM FS -2800-5 AND ARE REQUIRED FOR THIS PLAN OF OPERATIONS:

- Information provided within this plan that is marked confidential will be treated in accordance with the agency's laws, rules, and regulations.
- Approval of this plan does not relieve me of my responsibility to comply with other applicable state or federal laws, rules, or regulations.
- Approval of this plan does not constitute recognition or certification of ownership to any person named as owner herein.
- Approval of this operating plan does not constitute, now or in the future, recognition or certification of the validity of any mining claim to which it may relate or to the mineral character of the land on which it lies.

I acknowledge and understand these modifications and mitigation measures. I agree to adopt them into my mining Plan of Operations and abide by them through the life of my mining operation.

Operator's Signature

Date

District Ranger

Date