



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Dillon Field Office
1005 Selway Drive
Dillon, Montana 59725-8449

In Reply Refer To:

www.blm.gov/mt

1792/3809 (MTB050)
MTM-104497

July 15, 2015

DECISION

Moen Builders, Inc. :
P.O. Box 33 : Surface Management
Virginia City, Montana 59755 :

AMENDED PLAN OF OPERATION APPROVED- CONDITIONS OF APPROVAL REQUIRED

DETERMINATION OF FINANCIAL GUARANTEE AMOUNT

The two amendments to the currently approved Plan of Operation for the Pony Mine Waste Dump removal project are hereby approved subject to the conditions of approval listed below. They are known as the Old Joe and the MN 55 sites. Moen Builders, Inc. must conduct operations as described in the amendments to the Plan of Operation to prevent unnecessary or undue degradation and in accordance with the following conditions of approval:

Conditions of Approval:

1. In order to mitigate the spread of Dalmatian toadflax, the operator will coordinate with the BLM to spray the weeds before operations begin.
2. Per agencies policy, weeds will be sprayed by the operator for a minimum of three years or until they are considered under control by the agencies.
3. In order to protect existing on-the-ground cultural resources the operator will avoid all historic features, including on-the-ground historic debris. If historic artifacts are inadvertently discovered during the course of the project the operator will stop work and contact the Dillon Field Office for further direction.
4. Trucks will drive at safe speeds.
5. Trucks will yield as much as possible to other traffic.
6. Truck drivers will be responsible for watching for traffic.
7. Signs warning of trucks hauling will be placed at critical junctions and at the crusher site.
8. Signs will be taken down or covered when there is no hauling for more than one day; such as on Friday evening before a weekend.
9. Truck drivers will be instructed on all safety measures before initially beginning work and during all safety meetings.
10. No hauling will occur when the roads are especially wet due to heavy rains and the road is slippery.
11. A warning sign such as "ROAD CLOSED" will be placed where the closed routes used for hauling leave the main routes.
12. Food storage stipulations will be implemented to avoid attracting bears (stipulations are attached).

13. Additional Best Management Practices (BMP) will be implemented as necessary and appropriate to ensure that water quality standards are met throughout the project area.
14. As a mitigating measure, if dust becomes excessive, the operator may be required to shut down until measures are taken to reduce dust. Select areas of the road may need magnesium chloride or water applied for dust abatement.
15. In order to insure reclamation, a reclamation bond has been calculated. Please see the section below "Financial Guarantee" for further information. The bond will be released upon reclamation approval by the BLM and Montana Department of Environmental Quality.
16. Mobile equipment will be inspected by a BLM representative for weed seeds before entering public land.

Financial Guarantee

The currently posted reclamation bond for the approved Plan of Operation has been posted in the amount of \$10,000. Since the original plan was approved, the MN 46 material has been removed and the earth work completed. In addition, the Mexi 1 is no longer being considered and the Pony Creek road has been transferred to Madison County. Only the crusher site has yet to be reclaimed and will be utilized for crushing the material from the two sites.

The BLM has determined that based on the facts stated above, there is sufficient bond money available to cover the reclamation cost associated with the two amendments.

Approval of a Plan of Operation by BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claim involved in the mining operation. You as operator are responsible for obtaining any use rights or local, state or federal permits, licenses or reviews that may be required for the operation.

Appeal of the Decision

If you do not agree and are adversely affected by this decision, you may request that the Montana BLM State Director review this decision. If you request a State Director Review, the request must be received in the Montana BLM State Office at P.O. Box 36800, Billings, Montana 59457, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a Stay is granted by the State Director. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Montana BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21day period in which to file your Notice of Appeal with this office at 1005 Selway Drive, Dillon, Montana 59725, which we will forward to IBLA. Enclosed please find Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 1005 Selway Drive, Dillon, Montana 59725, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your Notice of Appeal. Copies of the Notice of Appeal and petition for a stay must also be submitted to each party named in the decision and to the Office of the Solicitor at P.O. Box 31394, Billings, Montana 59107-1394, at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the standards listed below.

If you have any questions, please give me a call at 406/683-8000; or contact Robert Gunderson at 406/683-8000.

Sincerely,

//SIGNED//
Cornelia Hudson
Field Manager

Enclosures: Environmental Assessment
Finding of No Significant Impact
Response to Comments
Food Storage Stipulations
Form 1842-1

cc:

Robert Cronholm
Montana Department
of Environmental Quality
P. O. Box 200901
Helena, Montana 59620-0901

Pete Strazdas
Pete Strazdas LLC
608 Logan Street
Helena, Montana 59601

State Director
USDI Bureau of Land Management
Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669

American Barrick Resources, Golden Sunlight Mine
453 Montana Highway 2 East
Whitehall, Montana 59759