

**BUREAU OF LAND MANAGEMENT
BUFFALO FIELD OFFICE, WYOMING**

**SITE-SPECIFIC STIPULATIONS
FOR
MINERAL MATERIALS SALES CONTRACT
AUTHORIZED FOR
Alpha Coal West, Inc. (Alpha Coal)
Eagle Butte Clinker (“Scoria”) Mine, WYW-168488**

The following Special Stipulations will alleviate impacts to raptors:

1. No surface-disturbing activity or scoria crushing shall occur within 0.5 miles of all identified raptor nests from February 1 through July 31, annually, prior to a raptor nest occupancy survey for the current breeding season.
2. Surveys to document nest occupancy shall be conducted by a biologist following BLM protocol, between April 15 and June 30. All survey results shall be submitted in writing to a BLM-BFO Biologist and approved prior to surface-disturbing activities. Surveys outside this window may not depict nesting activity. If a survey identifies active raptor nests, a 0.5-mile timing buffer will be implemented. The timing buffer restricts surface-disturbing activities within 0.5 mile of occupied raptor nests from February 1 to July 31.

The following Special Stipulation will alleviate impacts to Greater Sage-Grouse:

1. No clinker crushing shall occur between March 1 and June 15, annually, for the life of the project due to the presence of occupied leks within 2 miles of the project area.

**STANDARD STIPULATIONS
FOR
MINERAL MATERIALS SALES CONTRACT
AUTHORIZED FOR
Alpha Coal West, Inc. (Alpha Coal)
Eagle Butte Clinker (“Scoria”) Mine, WYW-168488**

1. The Special/Standard Stipulations (Stips) listed herein are attached to this Bureau of Land Management (BLM) Buffalo Field Office (BFO) authorization of this project. These Stips are in addition to the Terms and Conditions (T&Cs) listed in the Sales Contract or Free Use Permit (FUP) being authorized for this project, as well as the Federal regulations regarding use of Mineral Materials (43 CFR 3600), and applicable BLM policies. **By signing the Sales Contract or FUP, the project Proponent (“Proponent”) is**

providing written agreement that they will abide by all Terms and Conditions, Stipulations, and laws, regulations, and policies applicable to this project.

2. The BLM BFO Authorized Officer, 1425 Fort Street, Buffalo, Wyoming, 82834, phone number 307-684-1100, must be supplied with the name of the person in charge of the project's operations along with his/her phone number, and email address and/or physical location at which they can be reached. Any changes in this information must be supplied to BLM BFO within 30 days.
3. Transfer or assignment of this authorization to an entity other than the Proponent is possible, but only upon written approval of the BLM (per 43 CFR 3602.24). This process includes the Assignee obtaining an appropriate financial guarantee. Approved Assignees are entitled to all the rights, and subject to all the obligations, under the authorization (per 43 CFR 3602.25 and .26).
4. The BLM BFO Authorized Officer will be notified by the Proponent within 10 days of:
 - a. Beginning any surface disturbance approved for this project; and
 - b. Completion of all activities associated with this project (except reclamation).
5. Notification will be given to the BLM BFO Authorized Officer within 60 days following reclamation of the project area.
6. **The Proponent will submit to BLM-BFO reports stating the amount they have produced from that location each and every year or month, as listed below** (per 43 CFR 3602.29, and the authorization's T&Cs). **Production Reports must be submitted for every reporting period (year or month), even if no production has occurred.** These reports are to be submitted by the 15th of the month following the reporting period.
 - a. **FUPs: Production is to be reported on an annual basis** (January 1 – December 31), for every year this FUP is authorized.
 - b. **Sales Contracts:**
 - i. **If the Total Purchase Price is paid in full up front, production is to be reported on an annual basis** (January 1 – December 31), for every year this Sales Contract is authorized.
 - ii. **If less than the full Total Purchase Price is paid up front, production is to be reported on a monthly basis** (for example – January 1-31), for every month this Sales Contract is authorized.
7. The BLM Authorized Officer, or his/her delegate, be allowed to examine at any time the Mineral Materials area so described, and the Proponents' records and books related to this project. This will be to determine the quantity of Mineral Materials removed, the location(s) from which they were removed, and to inspect the records and described area for compliance with the provisions of the all authorizations' T&Cs and Stips, as well as applicable laws, regulations, and policies (per 43 CFR 3602.28 and .29).

8. **Within 30 days of termination or expiration of the Sales Contract or FUP, the Proponent will submit to BLM BFO a final accounting of the total volume of Mineral Materials removed under the authorization.**
9. All Mineral Materials (including raw, processed, and reject materials, as well as excess produced materials) shall remain the property of the United States Government. No part of the materials so enumerated may be given away, exchanged, bartered, or used in payment for services used in obtaining, processing, or transporting it.
10. **After termination or expiration (or cancellation) of this authorization, any and all Mineral Materials remaining at the site shall remain the property of the United States Government.**
11. The Proponent shall immediately bring any paleontological resources or fossils discovered as a result of construction or operations under this authorization (including expansions) to the attention of the BLM Authorized Officer. The Proponent shall suspend all activities in the vicinity of such discoveries until notified to proceed by the BLM Authorized Officer. This officer will evaluate, or will have evaluated, such discoveries not later than 5 working days after being notified, and will determine what action shall be taken with respect to such discoveries. The decision as to the appropriate measures to mitigate adverse effects to significant paleontological resources will be made by the BLM Authorized Officer after consulting with the Proponent. The Proponent may be responsible for the cost of any investigations necessary for the evaluation, and any mitigative measures.
12. All requirements of the Wyoming Environmental Quality Act of 1973 must be complied with.
13. No holes, pits, equipment, or facilities be maintained on the ground during this authorizations' construction or operations which would endanger human life, livestock, or wildlife. Any such potential hazards will be properly fenced. If the potential hazard is extreme enough, signs may also need to be installed.
14. If, during the course of any ground disturbance related to this project, any bones, artifacts, foundations, or other indications of past human occupation of the area are uncovered, the ground disturbing activity will be stopped immediately, and a BLM Buffalo Field Office Archaeologist contacted.
15. All topsoil will be saved and re-spread on the site after mining is completed.
16. After completion of mining, the area will be contoured and sloped to blend in with the surrounding area within 12 months following removal of the authorized amount of Mineral Materials, or the authorizations' expiration or termination, whichever occurs first.

17. All plants listed on the State of Wyoming Noxious List (see below) and the appropriate County list(s) will be controlled annually until final reclamation has been completed. During times when the construction and/or operations activities of the authorized project are inactive, all listed weed species will be monitored and controlled. If project activities cease for an extended period, the listed species will be monitored and controlled for up to three years, possibly longer if needed. Thereafter, listed weed species will continue to be controlled as needed. Herbicides will be applied by a certified applicator, or under their direct supervision, and in strict accordance to label directions. All safety standards and precautions on the label will be strictly adhered to.

In addition to the state-designated list, Campbell, Johnson, and Sheridan Counties declared a number of “weeds of concern” and “Declared Pests” under the authority of the Wyoming Weed and Pest Council Act. Included for annual control are:

Campbell County

black henbane
buffalobur
common cocklebur
wild licorice

Johnson County

buffalobur
common cocklebur
common mullein
curly dock
puncturevine
tall mountain larkspur
wild licorice

Sheridan County

black henbane
buffalobur
common cocklebur
common mullein
curly dock
puncturevine
showy milkweed
wild licorice

**WYOMING WEED & PEST CONTROL ACT DESIGNATED LIST:
(Designated Noxious Weeds W.S. 11-5-102 (a)(xi), and
Prohibited Noxious Weeds W.S. 11-12-104)**

Canada thistle (<i>Cirsium arvense</i> L.)	Common burdock (<i>Arctium minus</i> (Hill) Bernh.)
Common St. Johnswort (<i>Hypericum perforatum</i>)	Common Tansy (<i>Tanacetum vulgare</i>)
Dalmatian toadflax (<i>Linaria dalmatica</i> (L.) Mill.)	Diffuse knapweed (<i>Centaurea diffusa</i> Lam.)
Dyers woad (<i>Isatis tinctoria</i> L.)	Field bindweed (<i>Convolvulus arvensis</i> L.)
Hoary cress (whitetop) (<i>Cardaria draba</i> and <i>Cardaria pubescens</i> (L.) Desv.)	Houndstongue (<i>Cynoglossum officinale</i> L.)
Leafy spurge (<i>Euphorbia esula</i> L.)	Musk thistle (<i>Carduus nutans</i> L.)
Ox-eye daisy (<i>Chrysanthemum leucanthemum</i> L.)	Perennial pepperweed (giant whitetop) (<i>Lepidium latifolium</i> L.)
Perennial sowthistle (<i>Sonchus arvensis</i> L.)	Plumeless thistle (<i>Carduus acanthoides</i> L.)
Purple loosestrife (<i>Lythrum salicaria</i> L.)	Quackgrass (<i>Agropyron repens</i> (L.) Beauv.)
Russian knapweed (<i>Centaurea repens</i> L.)	Russian olive (<i>Elaeagnus angustifolia</i> L.)
Saltcedar (<i>Tamarix</i> spp.)	Scotch thistle (<i>Onopordum acanthium</i> L.)
Skeletonleaf bursage (<i>Franseria discolor</i> Nutt.)	Spotted knapweed (<i>Centaurea maculosa</i> Lam.)
Yellow toadflax (<i>Linaria vulgaris</i> L.)	