

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WYOMING STATE OFFICE
Environmental Assessment (EA)**

BLM OFFICE: Pinedale Field Office

EA Number: WY-100-EA10-528

Case Nos.: WYW-178646 – High Plains Ventures Test Holes
WYW-178622 – High Plains Ventures Sand and Gravel Pit

I. INTRODUCTION

A. Purpose and Need for Action: Archer Construction, Inc., (the Operator) submitted a complete Mining and Reclamation Plans to the Bureau of Land Management (BLM) Pinedale Field Office (PFO) to permit the existing ten acre Burleigh Binning Pit and expand the pit to 39.9 acres on August 23, 2010. The proposed site (Figure 1) of the sand and gravel sale is within the administrative boundary of the PFO. The purpose of and need for this proposed action is to provide sand and gravel to the community for road upgrades, local construction, the rebuilding of the infrastructure associated with the installation of new sewer and water lines for the Town of Pinedale, and any other needs within the community. The entire pit will now be referred to as the High Plains Ventures Pit 1 (the Pit). The Pit has approximately 887,325 cubic yards of extractable material (WYW-178646) remaining.

B. Location: The Pit is located in: 6th PM, Wyoming, Sublette County, T34N, R109W, Section 29 NWNWNE (see Figure 1). All of the minerals are reserved to the U.S. Government under the Stock Raising Homestead Act of 1916 (Patent number 110050), while the private surface is owned by Burleigh D. Binning, Jr., Trustee, Pinedale, Wyoming. Once a Small Mining Permit is obtained from Wyoming Department of Environmental Quality (DEQ) Land Quality Division (LQD) ownership of the property will transfer to Archer Construction, Inc.

C. Conformance with Applicable Land Use Plan: This proposed action is subject to the following land use plans:

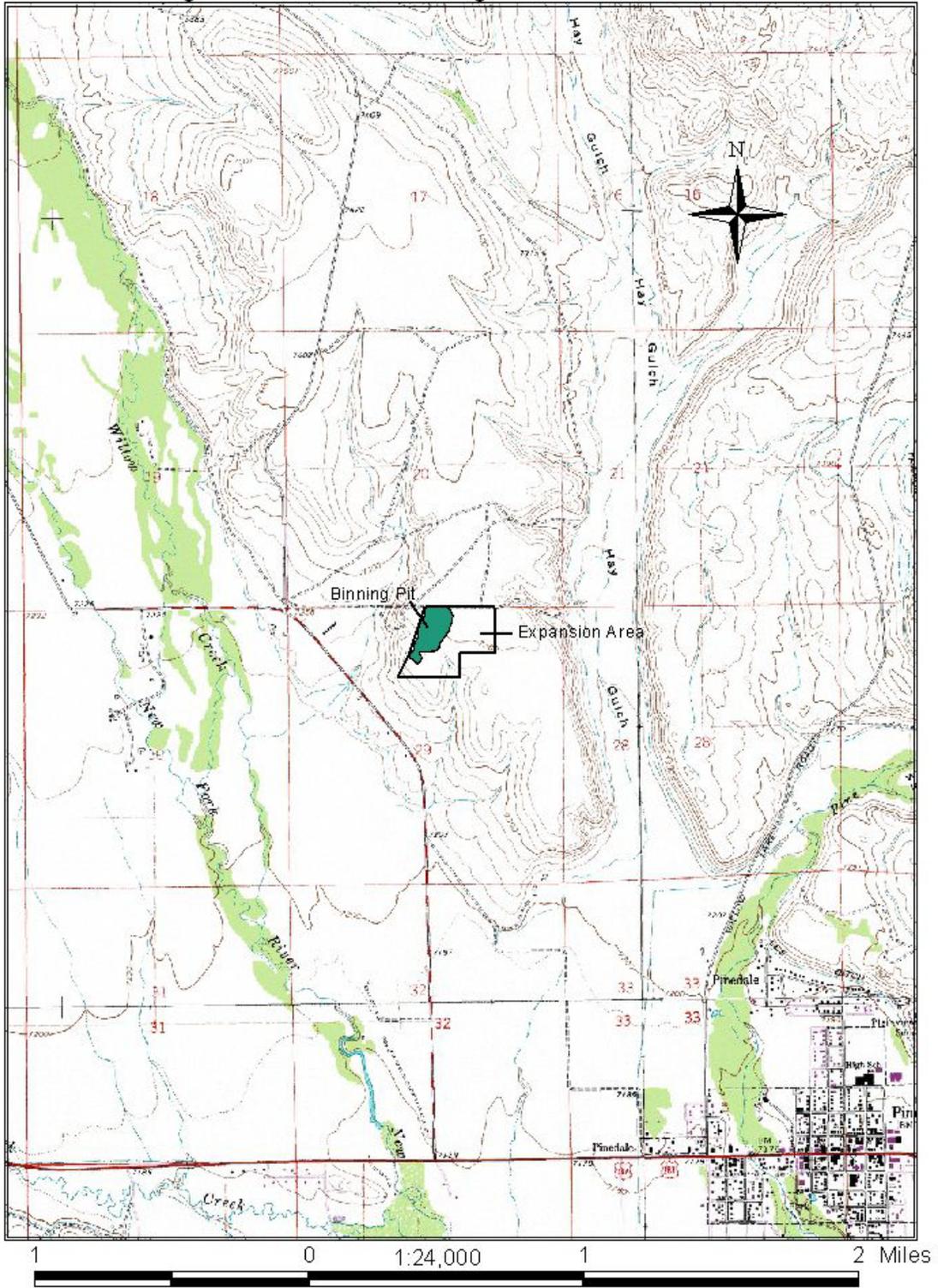
Name of Plans: Pinedale RMP/EIS/ROD

Date Approved: 11/26/2008

The proposed action conforms to the decisions made in the Resource Management Plan (RMP) The Resource Management Plan states on p. 2-24, “Salable mineral resources are available for development.”

D. National Environmental Policy Act: The BLM, as mandated by the Council for Environmental Quality (CEQ) and National Environmental Policy Act (NEPA), federal regulations (40 Code of Federal Regulations 1500-1508, 43 CFR 46), analyzes actions involving federal lands, as well as the mineral estate, to determine their impact on the human environment.

Figure 1. Location of the High Plains Venture Pit 1.



Prior to issuing a decision on this proposal or any proposal, the BLM must comply with the NEPA requirements. This process requires a systematic, interdisciplinary approach to ensure an integrated use of natural and social sciences in planning and decision making. NEPA directs that an environmental analysis of proposed actions must be completed to determine the probable effects of the proposed action on the environment.

This analysis is completed to determine whether approval of the proposed action has the potential to cause significant impacts to the environment. An interdisciplinary team conducted the evaluation of the proposed action and the alternatives (see List of Contributors page 15). The team also evaluated whether the proposal and alternatives are in conformance with BLM policies, regulations, and approved resource management plan direction.

An Environmental Assessment (EA) document is not a decisional document. An EA documents the process used to analyze the potential effects of the proposed action and all the alternatives. It also discloses the anticipated effects of the proposed action and alternatives of that action. A Decision Record (DR) is signed by the responsible official, which documents the final decision regarding the selected alternative. Based on the EA, the responsible official will make a statement finding that no significant impacts would occur should the proposed action or another action alternative be implemented. The Finding of No Significant Impacts (FONSI) would also conclude that an environmental impact statement (EIS) would not be prepared. The responsible official then documents their choice of an alternative and decision to implement it in the decision record (DR).

E. Relationship to Statutes

In addition to the NEPA as described previously, these statutes provide the authority for the BLM's consideration of applications submitted for removal of federal mineral materials from public lands.

Materials Act of 1947, as amended: Mineral materials include common varieties of sand, stone, gravel, pumice, pumicite, cinder, and clay. This Act allows for the disposal of such minerals if disposal would not be detrimental to the public interest. This law authorizes the BLM to sell mineral materials at fair market value.

Federal Land Policy and Management Act (FLPMA) of 1976, as amended: FLPMA provides an overall policy and management direction for public lands. It directs the BLM to manage public lands in a manner that recognizes the Nation's need for domestic resources of minerals, food, timber, and fiber while protecting the quality of important resource values (e.g., scientific, scenic, historical, archeological, etc.).

F. BLM Regulations: The Materials Act regulations establish procedures for the exploration, development, and disposal of mineral material resources on the public lands, and for the protection of the resources and the environment (43 CFR 3602 p. 731). These regulations apply to the sale of mineral materials.

G. Review of Permits, Approvals, and Authorizations

Wyoming Department of Environmental Quality/Land Quality Division:

The Wyoming Department of Environmental Quality (DEQ) Land Quality Division (LQD) issued a new Limited Mining Operation (10 acre ET) to High Plains Ventures (TFN 5 4/155 HPV-1; ET 1504) on September 25, 2010. This permit covers an adjacent ten acre parcel abutting the original ten acre, Binning Pit. A Small Mine Permit was applied for by Archer Construction on November 8, 2010 under TNF 5 6/170 for the entire 39.9 acres.

Wyoming Department of Environmental Quality/Air Quality Division

(AQD): An Air Quality Permit was applied for by Archer Construction on July 8, 2010, through the State of Wyoming Department of Environmental Quality, Air Quality Division. The permit was issued to Archer Construction on October 26, 2010 under the permit number CT-11038, and was received by the BLM on November 15, 2010.

Wyoming Department of Environmental Quality/Storm Water Discharge

Permit: A Storm Water Discharge permit was applied for by Archer Construction through a request to discharge authorization form for storm water from Mineral Mining or Industrial Activities on July 8, 2010. A permit was issued on October 12, 2010 by the Department of Environmental Quality, under permit number WYR320607, and was a copy received the BLM on November 15, 2010.

Sublette County Conditional Use Permit: Property Owners within 1,000 feet for of the Binning property received an August 26, 2010 notice from Sublette County Zoning and Planning concerning Archer Construction's application for a Conditional Use Permit. Two public hearings were scheduled: one before the Sublette County Planning Commission September 16, 2010 at 6:30 pm and another before Sublette County Board of County Commissioners on October 19, 2010. Another notice dated October 6, 2010 issued to local residents stated that "High Plains Ventures application has been withdrawn." "The applicant will be continuing operations under the existing Burleigh Binning Permits. Therefore there will be no further public hearings at the County level for this application." Sublette County issued a replacement Conditional Use Permit to Operate to Archer Construction, Inc. on September 30, 2010 (PIDN 34092910001100). This permit was created to replace Burleigh Binning's current sand and gravel pit permit (009-79), for the operation of a concrete batch plant (191-81), and for the installation and operation of a portable asphalt plant and related equipment (000105-83). The following conditions are stated on the permit: "With this permit the portable asphalt plant and concrete business are no longer a permitted use."

Archer Construction, Inc. Wyoming Business License: A copy of Certification of Good Standing (1992-000274247) can be found in the administrative record for Archer Construction, Inc. (WYW-178622) or can be found online at Wyoming Secretary of State Website, <https://wyobiz.wy.gov/>.

Contract for the Sale of Mineral Materials (Form 3600-09): Regulations pertaining to the sale of mineral materials are found in 43 CFR 3602. Prior to entering into a contract for the sale of mineral materials, the BLM must complete an environmental review in

accordance with NEPA, and complete consultation under the National Historic Preservation Act (NHPA), and Endangered Species Act (ESA), and perform a Native American consultation when necessary.

H. Historical and Future Use: Historically this area has been an area of major extraction for sand and gravel for Pinedale, Wyoming since the 1970's and continues today. One other pit is currently permitted in the area and another older much larger pit was permitted within a one mile radius of the High Plains Venture Pit 1.

Established in 1977, Hay Gulch Pit is an adjacent forty-acre pit that is permitted with the Pinedale BLM (WYW-089575 and WYW-172199). Wyoming Department of Transportation in 1991 obtained a Title 23 permit for the extraction of mineral materials (WYW-120155) excavating over 20 acres. The Binning Pit was established in 1979 with periodic extraction, processing, and hauling of sand and gravel over the past 27 years.

The density of the pits in the area indicates that this area has historically been used for the extraction of mineral materials for a considerable time. It is also an indication of the amount, size, quality, and quantity of mineral materials in the area surrounding the Pit. At the time of this analysis, there were no other formal proposals for the sale of mineral materials near the Pit and the location is ideal to supply material.

I. Scoping and Public Involvement: In accordance with NEPA and CEQ regulations 40 CFR 1501.7, an early and open process for determining the scope of the issues to be addressed is required for identifying the significant issues related to a proposal. In compliance with this procedural requirement, the BLM Pinedale Field Office issued a scoping notice in press releases and to local newspapers on August 27, 2010 and again on September 24, 2010. Internet posting was released on September 21, 2010. The web link to the internet posting of the proposed action is http://www.blm.gov/wy/st/en/info/news_room/2010/september/20pfo-sand.html. Public comments were accepted from August 27, 2010 until October 31, 2010.

Four comments were received by the PFO from home owners within the surrounding subdivisions these are found in the Appendix as well as BLMs response to these comments. The following issues, concerns, and suggested mitigation measures were identified:

- Restrict hours of operation.
- Potential impact of dust, air, and noise pollution from operations.
- Potential impact to the view.
- Potential impact from hazardous spills.
- Potential impact to the subdivision road.
- Potential for impact to view shed by the presence of excess house-hold debris and other construction materials being brought to the site and being stored or crushed.
- Increased truck traffic.

II. PROPOSED ACTION AND ALTERNATIVES

A. Background: The Pit is approximately 2.5 miles northwest of Pinedale, Wyoming, 1.5 miles north on County Road 23-144 (Ehman Lane) to BD Boulevard, and 0.5 miles northwest on BD Boulevard. To date approximately 370,231 cubic yards of material have been removed from the existing ten acre pit with sales contracts documented in case file numbers WYW-89574, 175503, 175529, 179342, and 179344. A private road belonging to the surrounding subdivision adjoins the private road that enters the Pit at 35 BD Boulevard. Archer Construction has been granted written permission by Burleigh Binning to occupy and operate the sand and gravel pit. This written agreement has been submitted to the BLM.

The surface was originally separated from the U.S. Government November 16, 1938 under the Stock Raising Homestead Act (39 Stat. 862) to Laurence G. McLoughlin. The patent number for this initial purchase is 110050, which encompassed 640 acres. At the time of the patent, the U.S. Government reserved all of the mineral rights, ditches and canals, and rights-of-ways. There are no active oil and gas leases on the parcel and no established mining claims.

The Burleigh Binning Pit has been in existence and operation since 1979 (Figure 1). Burleigh Binning of Binning Construction applied to Sublette County Planning and Zoning on February 8, 1979 for a Conditional Use Permit to construct a gravel pit and was issued a Conditional Use Permit on March 6, 1979. Subsequently the Pit was permitted by BLM on February 8, 1979 under EA number WY-041-EA9-63, followed by the issuance of a of an ten-acre ET permit by DEQ on February 16, 1997.

On July 21, 2009, Archer Construction submitted a written request to dig a series of test holes (WYW-178646) to determine the remaining material in the expansion area. On May 24, 2010 a single test hole was dug and it was determined the depth of the Pit would be reached at 22 feet and that 887,325 cubic yards of material would be available for extraction.

B. Proposed Action: On February 24, 2010 an initial Mining and Reclamation Plan was submitted to the PFO to expand the existing ten (10) acre sand and gravel pit for the complete removal of sand and gravel from the entire 39.9 acre tract of land, initially referred to as the Burleigh Binning Pit and now referred to as the High Plains Venture 1 Pit (the Pit). A final and complete Mining and Reclamation Plan was received by the PFO on August 23, 2010. This EA will address the existing Burleigh Binning Pit and the expansion of the Pit to the entire 39.9 acres. This includes twenty-nine acres of expansion and existing 10.9 acre existing pit. This will be an exclusive pit for access by Archer Construction and for any operators hired or contracted by AC. Access to and excavation of the sand and gravel resources will only be from the existing up-graded dirt road to the pit along BD Boulevard.

Extraction is expected to take place for the next five years, depending on demand for the sand and gravel. At any time during the life of the Pit a one-time, one-year extension is possible as provided on Form 3600-9, Contract for the Sale of Mineral Materials. For the purpose of this EA, reference to Archer Construction, Inc., as the Operator and project proponent, includes all contractors, or other parties that would be involved in the design, layout, and operation of the proposed sand and gravel sale.

Sand and gravel would be mined in a north to eastward progression. Mining would begin in the northeastern portion of the existing Pit and progress eastward. The expanded Pit boundaries would be limited to a 300 foot setback from adjoining properties as per DEQ's regulations. A 50-foot setback could be allowed with the adjacent landowners' permission.

Topsoil would be stripped to a depth of eight inches across the entire area to be mined and stockpiled in the high wall area. AC will start excavating on the northeast side of the pit and progress to the southeast in a clockwise fashion. Topsoil would be stockpiled on the eastern high wall area in an elongated fashion, seeded with winter wheat or rye in the in term, and surrounded at the base with certified weed-free straw. This configuration would reduce the noise impact to the neighbors and reduce the impact of the view by the surrounding neighbors. Topsoil would remain in the high wall area until reclamation takes place, at which time it would be placed back over the disturbed area and reseeded with BLM approved certified weed-free seed.

Extraction would take place by using a 980C Cat Loader, Komatsu 93U01588 loader, or a D-6 or D-8 Cat dozer, or Volvo excavator. The screening unit, a SES 5x12 screener, is used to screen and classify the material. Materials would be processed by crushing the larger gravel to the needed sizes using an El-Jay 1330 crusher. Conveyor belts would place the materials in various stacks according to their size. The crusher and screener will be brought into the Pit periodically on a temporary basis, when needed to produce material and will remain in the Pit until all of the needed material has been removed, processed, and stockpiled. A loader would be used to load either ten belly dump, side dump or end dump haul trucks per day.

Belly dumps, side dumps or end dump haul trucks would be used to haul the screened and crushed material to the needed site. Operator committed operating hours will be from 8 am to 5 pm, Monday through Friday for extracting, crushing and processing, while hauling will be from 8 am to 6 pm Monday through Friday, with an occasional weekend hauling of four to five truck loads.

Certified weed-free straw bales will remain in place along the downhill or north side of the permit boundary until final grading and contouring of the Pit is completed. This will be to protect the drainage from any silty run-off during the earthwork and processing of the material. Once the earthwork is completed, the straw would be used for mulch; thus reducing the likelihood of sediment leaving the site.

The depth of excavation of the sand and gravel would not exceed 22 feet. The maximum amount of removal would be 200,000 cubic yards of sand and gravel over the next year (43 CFR 3602.31 (a)), with approximately five acres of new surface disturbance. Reclamation would begin the Fall of 2011 in the southwest corner of the pit and continue as excavation and removal continues in a sequential fashion.

Operator committed measures by AC include: The maintaining of BD Boulevard, which would include grading, plowing, and mag-chloriding the road when necessary to maintain safe driving conditions for their operation and for the use by others. Speed limit signs of 20 mph would be posted at various points along BD Boulevard. Dust suppression would be applied on an hourly basis when crushing operations take place an on an as needed basis other times. Hazardous

chemicals would be stored on site in approved containers. Any waste material currently on site would be processed before any new material is brought on site. Necessary view shed protection by screening with the topsoil piles would reduce any impacts to neighbors.

C. Alternatives:

1. No Action Alternative: Under the No Action Alternative, PFO would reject the AC application for removal of sand and gravel from the Pit. By denying access to this resource, no removal would be allowed and the public's need for sand and gravel would have to be met from other sources such as private pits. In accordance with 43 CFR 3601.11, "BLM would not dispose of mineral materials if BLM determines that the aggregate damage to public lands and resources would exceed the public benefits expected from the proposed disposition". Proposed sand and gravel sales as described by 43 CFR 3600 are "discretionary actions"; therefore, the No Action Alternative would be consistent with current regulations.

2. Alternatives Considered but Eliminated from Detailed Analysis: The PFO considered two other alternatives and eliminated them from further study.

1. An Alternate Access Route: BD Boulevard is Archer Construction's only legal access to the pit.

2. An Alternative Location for the Sand and Gravel Pit: The PFO considered an alternative that would have the applicant locate the requested additional sand and gravel operation to another site in the Pinedale area. This alternative did not meet the purpose and need of the Operator's request for expanded operations to extract sand and gravel. To have the applicant consider excavating a new pit at a different location would not be reasonable because: even though the mineral materials are the estate of the U.S. Government the current Pit is on private land and moving the Pit to another location would create new disturbances, require a new permit and create more impacts by creating two distinct pit operations compounding the effects to the surrounding area. Other potential sites lack the road access provided by the existing Pit. A new road would also have to be built, increasing costs, and creating additional disturbances. Forcing the use of another pit would also increase the cost to users due to longer hauling distances and initial start up expenses. Therefore, an alternative site was not sought and this alternative is dismissed from further consideration.

III. AFFECTED ENVIRONMENT

The Pit proposal could potentially affect critical elements of the human environment as listed in BLM National Environmental Policy Act Handbook H-1790-1 (USDI, 2008). This section will only address resources that would be affected by the alternatives under consideration. The descriptions are only as long as to provide a basis for understanding the environmental consequences of each alternative.

A. Air Quality and Noise: A complete description of the state of the air quality, including ozone and the presence of potential harmful chemical compounds and visibility in the Pinedale area, is incorporated by reference into this analysis. Extensive information and subsequent analyses are found in the Pinedale Resource Management Plan and Final Environmental Impact Statement for the Pinedale Field Office (USDI, 2008). The primary concern in the vicinity of the existing Pit is the amount of dust (suspended particulate matter) generated by sand and gravel removal and processing (crushing) and the truck traffic.

B. Cultural Resource: An on-the-ground cultural survey was completed by Kail Consultants on August 24, 2010 for the proposed Pit area. A Class III cultural resource inventory was conducted of the entire area. No cultural resources were identified. On September 2, 2010 an archeological clearance by Mr. Dave Crowley, the BLM archeologist, was received.

C. Socio-Economic: More detailed information and analysis of the socio-economic environment of Sublette County and the community of Pinedale are incorporated by reference to the Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS) (USDO, 2008). Local sand and gravel operations contribute to the economy of Pinedale and surrounding areas. As discussed in the PRMP/FEIS the supply of affordable housing is limited and demand and values shift with oil and gas development activities.

D. Vegetation, Weeds, and Rangeland: Pit production is from an outwash fan emanating from the Wind River Mountains, composed of six to eight inches of top soil, three-five feet of glacial till, with the remaining a composite of mostly mixed sand and gravel. The vegetation tends to be relatively sparse to moderately sparse due to rapid runoff. The Wind River area receives from seven to nine inches of precipitation per year (Precipitation Zones for Technical Range Description, USDA Soil Conservation Service, 1986). Vegetation is dominated by sagebrush steppe shrubland, and its associate community that includes various species of wheatgrass, needle-and-thread grass, ricegrass, Indian paintbrush, wildflowers, rabbitbrush, wild buckwheat, cushion phlox, and prickly pear cactus. Ground surface visibility in the inventory area ranges from 10% to 80%, averaging out at 40% (Knight, 1994).

With all surface disturbing activities, the probability of invasive non-native weeds invading the site is a possibility. Noxious weeds and invasive non-native species that may be in the area include henbane, Canada thistle, musk thistle, Russian thistle, cheat grass, and halogeton. These weeds can be brought in by air, passing vehicles, on the treads of the various vehicles entering the site, grazing livestock, passing wildlife, and migrating birds. The proposed project area does

not occur within any BLM allotment since it is on private land. Grazing of the land does not occur on the land surrounding the Pit area.

E. Wastes: Hazardous and Solid: Hazardous materials are used during the operation and extraction of the sand and gravel. The term hazardous materials as used here means: 1) any substance, pollutant, or contaminant (regardless of quantity) listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C. 9601 et seq., and the regulations issued under CERCLA, 2) any hazardous waste as defined in the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, and 3) any nuclear or nuclear byproduct as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. Hazardous materials used in any sand and gravel operation include: diesel, gasoline, and oil. The handling and treatment of hazardous materials is covered in the Spill Contingency Plan provided by the Operator.

F. Soils and Geology: The soils on this glacial outwash fan are a fine-grained smectitic mixed with fine-grained calcareous silt, sand and gravel. Soil classification types include: Typic Haplocambids and Typic Torrifluvents (Munn and Aerson, 1998). This undulating glacial till covered outwash fan is composed of Wind River Mountain origin interbedded fine- to coarse-grained sands and gravels, with the main body of the Wasatch Bedrock Formation beneath (Love and Christensen, 1985).

G. Visual Resource Management: The BLM's Visual Resource Management (VRM) classification for this area is classified as VRM Class III (PRMP/FEIS 2008). "VRM Class III objective of this class is to partially retain the existing character of the landscape. The level of change to the landscape should be moderate. Management activities may attract the attention of the casual observer, but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape." (USDI, 2009, p. 3-105)

H. Wildlife: A wildlife survey was performed by PFO wildlife biologists, Mr. Dale Woolwine on June 16, 2010. Mr. Woolwine concurred with Ms. Jenna Casey's, PFO wildlife biologist, assessment of May 11, 2009 stating that "No stipulations or Conditions of approval apply to this pit."

The existing gravel pit has been in operation for many years. The Pit is within two miles of Murdoc Mesa sage-grouse lek. Based on recent housing development, the history of the pit, the lack of suitable habitat for sage grouse and with coordination of Wyoming Game and Fish Department, the BLM PFO will not apply the Condition of Approval protecting suitable sage grouse and early broad-rearing habitat previously applied to this action. This Pit is located within one mile of the New Fork River, but there no known activity or historic bald eagles documented in this stretch of the river as per BLM documented data. This Pit is within ½ mile of historic raptor nest and within one mile of the New Fork River, but the timing restriction protecting raptor nesting habitat and bald eagle winter use areas will not be added due to the history of the pit, the housing development and a lack of suitable raptor nesting/bald eagle roosting habitat between the gravel pit and the suitable habitat, Willow Creek. The Pit is also

located within a known pronghorn migration corridor; however, the Pit currently exists on this location.

IV. ENVIRONMENTAL EFFECTS

A. Air Quality and Noise

No Action Alternative: Under the No Action Alternative the issuing of a permit would be denied, no material would be allowed to be removed, and the action would be canceled. The amount of dust created by the sand and gravel extraction and processing would not have an effect. Emissions from petroleum fueled equipment including haul trucks would also not be an issue.

Proposed Action: Any extraction activity produces some amount of suspended particulate matter. Direct effects include fugitive dust generation during the extraction, screening, and transport of sand and gravel. Indirect effects include visibility reduction due to dust generated from associated increase traffic and sand and gravel processing. The amount depends upon a number of factors including equipment used, the production level, and the nature of the raw material. The dust control plan addresses fugitive dust caused by haul trucks as well as by processing operations at the proposed location. The technique of spraying water on an hourly basis as well as when needed over the processing and crushing processing of the sand and gravel reduces the dust to acceptable levels. A water truck will be at the Pit at all times for both fire and dust control.

Cumulative effects of total airborne dust, fossil fuel and bi-product pollution, as well as noise, would increase for the life of the project especially during periods of extraction and processing. Ultimately these effects will cease and decrease to nothing once extraction and processing have been completed and the Pit has been completely reclaimed.

The equipment used for processing and hauling the material to the site would emit nominal quantities of byproducts of fossil fuel combustion, including CO, CO₂, and SO₂. The noise attributed from the extraction and production of the material does have an effect; however, operator committed measures of limiting operating hours to 8 am to 5 pm Monday through Friday and hauling of material from 8 am to 6 pm, with occasional hauling of material on the weekends four to five truck loads, will reduce these effects.

B. Cultural Resource

No Action Alternative: There would not be any cultural concerns since the project would not be allowed to proceed under the No Action Alternative. Extraction and processing would not take place, thus there would not be any affect to the any cultural resource site that was discovered.

Proposed Action: During the Class III cultural resources survey, no sites or any artifacts were discovered by Kail Consulting on August 25, 2010.

C. Socio-Economic

No Action Alternative: No further impacts to the Socio-Economic issues would occur under the No Action Alternative. Reclamation of the Pit would produce a temporary disruption lasting a week or two.

Proposed Action: Sand and gravel is a major contributor to the economics of any society by contributing the building blocks for roads, homes, and all building projects. Having such a close sand and gravel source to a housing development reduces the cost to home owners for such products needed to build their homes and roads, thus making them more affordable. Since there is one other pit currently in operation in the area, this would create competition thus lowering the price to surrounding residents.

Direct, indirect, and cumulative effects to the socio-economics of the homes and land adjacent to the Pit are nearly impossible to predict in a market, especially the current unpredictable and fluctuating one. The current economic state of the nation affects not only the nation but also has an effect on the Pinedale area. Numerous affordable housing developments as well as higher end home subdivision within and around the Pinedale area have been approved by the Sublette County Commissioners and are currently under development.

D. Vegetation, Weeds, and Rangeland

No Action Alternative: The vegetation as described in the affected environment chapter would remain the same. The vegetation would continue to remain as the primary food source for both livestock and wildlife.

Proposed Action: Vegetation from the Pit area would be stripped and stockpiled along the east wall of the Pit and would later contribute to the seed source during reclamation. Disturbances in similar areas have been reclaimed successfully with the proposed techniques and there would be no reason to doubt the success at this location. Mitigation measures to reduce any possible affects to the population of noxious weeds and invasive non-native species include regular inspection and eradication of any noxious weeds and invasive non-native species.

Noxious weeds and invasive non-native species could be introduced to or spread from the proposed sand and gravel sale area. Direct effects could include the proliferation of noxious weeds and invasive non-native species at and around the surface disturbance of the proposed Pit. Other direct effects include Pit construction as well as vehicle damage that would crush and kill sagebrush and other vegetation. It could take more than 30 years for the sagebrush to return to its pre-disturbance height. Grasses would be crushed but should recover within one growing season.

Indirect effects could include the dissemination of noxious weeds and invasive non-native species throughout the county as hitchhikers on project vehicles or in produced sand and gravel.

Indirect effects to vegetation could include the introduction of invasive non-native species that would out-compete native vegetation.

There would be no cumulative effects to vegetation; however, the surface disturbance of the proposed sand and gravel sale area would increase the likelihood of the entering, proliferation, and dissemination of noxious weeds or invasive non-native species.

Rangeland surrounding the Pit area is not anticipated to experience any direct, indirect, or cumulative effects to the Animal Unit Month since the surrounding land use is for homes. Ultimately the Pit area will be restored and subdivided for future homes.

E. Wastes: Hazardous and Solid

No Action Alternative: Under the No Action Alternative, the use of hazardous materials would not occur since the project would not be allowed to take place.

Proposed Action: Any extraction and production activity uses hazardous materials; the amount depends on a number of factors including equipment used and the production level. The Spill Contingency Plan addresses hazardous spills caused by all equipment on the access road as well as by operations at the Pit. The technique used involves the immediate removal of contaminated soil to the depth of the contamination; place the contaminated material in an appropriate receptacle, and the transportation the receptacle to a DEQ approved landfill that accepts that particular hazardous material. Direct effects include soil staining from spillage or leakage from equipment. Indirect effects include increased incidents of spillage or leakage from associated increased traffic. Cumulative effects would not be an issue for hazardous and solid wastes, since they will be dealt with immediately before any issue could arise. Impacts due to hazardous material spills will be minimized by the operator's plan to store hazardous materials in appropriate containers.

F. Soils and Geology

No Action Alternative: No topsoil would be removed or stockpiled, nor would there be any extraction or processing of mineral materials under the No Action Alternative.

Proposed Action: Direct effects to topsoil piles include the interruption of vegetative growth within the project boundary area of 39.9 acres. All stored topsoil would be stockpiled in an elongated, low, narrow row to reduce wind and runoff erosion to a minimum. Topsoil piles would also be seeded annually with either winter barley or wheat and bermed with weed-free straw bales to reduce wind and runoff erosion loss. Vegetative growth would stabilize the soil for both the short and long term. Indirect effects include minimal wind or water erosion that could result in the permanent loss of some soil. Cumulative effects to soils would be if reclamation does not occur within a reasonable timeframe the microbial horizon of the soil may become sterile, thus reducing reclamation success and increasing the reclamation timeframe.

Direct effects to the geology include the permanent removal of up to 887,325 cubic yards of sand and gravel from the Pit. Indirect effects would include changes to the surface topography. That

portion of the site that was originally undulating would become slightly depressed. Cumulative effects to the geology are that a portion of the non-renewable mineral material resource would be permanently removed from the location and could not be replaced. Reclamation practices blend the Pit into the surrounding landscape, giving the appearance that the Pit did not exist.

G. Visual Resource Management

No Action Alternative: There would be no Visual Impact and the landscape would remain the same under the No Action Alternative.

Proposed Action: Visual resources would be affected as the size of the Pit increases; however, the overall view in comparison to surrounding landscape will retain its existing character of that particular landscape. The Operator will mitigate the disturbance of the view by placing top soil piles in strategic places and concurrently reclaiming in a sequence fashion. This will reduce the visual impact. There would not be any cumulative impacts to visual resources since the operation of the Pit is short-term in nature and final reclamation will mitigate visual impacts.

H. Wildlife

No Action Alternative: No interruption to wildlife habitat will occur under the No Action Alternative.

Proposed Action: No direct, indirect or cumulative affects will effect the wildlife, due to current conditions, in that the habitat has already been highly disturbed by the surrounding subdivisions and the existence and longevity of the Pit.

H. Mitigation Measures: Operator mitigation measures, conditions of approval practices, and a monitoring plan established by the BLM would lessen or alleviate nearly all potential impacts to all resources. These are further detailed in the Appendix.

CONSULTATION AND COORDINATION

List of Contributors

Dale Woolwine, Wildlife Biologist
Dave Crowley, Archeologist
Catharine Woodfield, Preparer/Geologist
Greg Noble, Associate Minerals and Lands Field Manager
Kelly Roadifer, P&EC
Tracy Hoover, Realty Specialist

REFERENCES

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APPENDIX

Comment Letters and BLM Responses

Four written letters were received from Scoping of the Proposal for the Pit. All comments were received from surrounding residents. Comments are identified in italic and the BLM responses are in regular font.

1. Mike Key, Resident and Homeowner.

*...”my main concern was the road (BD Blvd) in the amount of heavy commercial traffic...”
“There is also no reason this kind of traffic should be entering and exiting through a small private subdivision.”*

Please see Chapter II. Proposed Action and Alternatives C. Alternatives 2. Alternatives Considered but Eliminated from Detailed Analysis 1. An Alternate Access Route, Operator Committed Measures #8 and #10 in Appendix, and Conditions of Approval #7 and #8.

2. Geoff and Jackie Sell, Resident and Homeowner.

*“1) **Road Maintenance and Dust Control** – This summer there were 50-75 large trucks that used the facility each day. This caused dust and a lot of subdivision road deterioration...”*

Please see Chapter II. Proposed Action and Alternatives B. Proposed Action, paragraph #9, Operator Committed Measures #6, #9, #10, and #16 in Appendix, and Conditions of Approval #7, #8, and #24.

*“2) **Maintaining the Appearance of the Property** – Recently there has been as much debris hauled into the site as gravel hauled out. This has created an eyesore for the subdivision home owners.”*

Please see Chapter II. Proposed Action and Alternatives B. Proposed Action, paragraph #9, Operator Committed Measures #13, #17, and #18, and Conditions of Approval #7, #8, and #24.

*“3) **Setback From Closest Properties** – A minimum permit setback of at least 300’ from lots 4, 5, 6, Mrs Binning’s sold house, and the residents to the east should be mandatory.”*

This is out of the scope of the EA. The BLM does not have surface jurisdiction in this matter this is a DEQ matter. The expanded Pit boundaries would be limited to a 300 foot setback from adjoining properties as per DEQ’s regulations. A 50-foot setback could be allowed with the adjacent landowners’ permission.

*“4) **Restrict Hours of Operation** – Hours of operation should be limited from 8:00 AM to 5: PM for crushing operations and 8:00 to 6:00 PM for hauling.”*

Please see Operator Committed Measure #15 and Conditions of Approval #31.

“5) **Limit Pit Size** – *Pit size should be limited to 10 acres maximum.*”

With sequential mining and reclamation the Pit would be limited to ten acres.

3. Ryan McGuire and LaDonna McLoughlin, Residents and Homeowners.

“I am concern about legal access to the gravel pit”

Archer Construction has legal access to the Pit.

“increase dust and noise from the expansion of the pit,

Please see Chapter II. Proposed Action and Alternatives B. Proposed Action, paragraph #9, Operator Committed Measures #3 and #6, and Conditions of Approval #12 and #24.

“enforcement of speed limits”

Please see Operator Committed Measure #10.

“cost of maintenance of access roads”

Please see Operator Committed Measures #9 and #16.

“and storage of hazardous materials and chemicals at the proposed expansion site.

All hazardous materials will be stored in appropriate containers to prevent release. Please see Proposed Action page 7.

4. Paul Knapp/BD Village President and Gabrielle Knapp/BD Village Secretary.

“The manager has agreed to limit operations from 8am to 5pm weekdays only and this should be stipulated in the permit.”

Please see Operator Committed Measure #15 and Conditions of Approval #31.

“I also suggest that any permit issued should have a 5 year conditional use limit so that the conditions of the permit and performance of the permit holder can be formally reviewed.”

The performance of the operator will be continually monitored. The operator committed measures and conditions of approval for the permit are all enforceable under the terms of the permit. Should the operator fail to operate within the terms of the permit, operations can be shut down by the BLM.

“The manager has agreed to not receive any more concrete materials for subsequent crushing.”

Please see Operator Committed #17.

“The manager has agreed to use topsoil berms to shield the neighbors from noise and limit the view shed.”

Please see Operator Committed Measure #3 and #12 in the Conditions of Approval.

“Dust suppression needs to be used extensively during any crushing operations since the subdivision is directly down wind.”

Please see Chapter II. Proposed Action and Alternatives B. Proposed Action, paragraph #9, Operator Committed Measures #3 and #6, and Conditions of Approval #12 and #24.

OPERATOR COMMITTED MITIGATION MEASURES

1. All activities will be in accordance with Standard Practices, Best Management Practices, and Guidelines for Surface Disturbing Activities for the Pinedale Field Office.
2. A Standard Signed Notification Documenting National Historical Preservation Act Compliance Project Review under Section 106 was accepted on October 22, 2008 and was immediately sent to the State Historic Preservation Office. Any cultural resource (historic or prehistoric site or object) discovered during operations would be immediately reported to the Authorized Officer. Operations in the area of such discovery would be suspended until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery would be made by BLM to determine appropriate actions to prevent the loss of significant cultural values. The Operator would be responsible for the cost of evaluations and for necessary mitigation. Mitigation might include avoidance or excavation of the site.
3. The top soil piles will be maintained in an elongated fashion on the east side of the Pit and will be surrounded by certified-weed-free straw bales to reduce the loss of sediment from runoff and wind erosion. The piles will be seeded with a quick growing seed such as winter wheat or rye. This configuration will reduce the impact to the neighbor view shed and the noise from the operation.
4. Reclamation of the east high wall will be to reduce the slope to a 3:1 and blend it into the surrounding landscape as much as possible. Top soil will be spread over the re-countered slope and area, ripped to a depth of eight inches, and seeded with the BLM specified seed mix.
5. Archer Construction is responsible for controlling noxious and invasive weed species at all times in accordance with the Sublette County Weed and Pest.
6. Archer Construction has developed an operator committed dust control plan. The dust control plan addresses fugitive dust caused by haul trucks on access road (BD Boulevard) to the Pit. Dust suppression of sprayed water will be applied on an hourly basis and at all other times when needed during the crushing and processing of material.
7. Archer Construction has developed a BLM approved erosion control plan in consultation with the Wyoming DEQ (Storm Water Discharge Plan). The area would be maintained to prevent a change in surface hydrology or aquifer recharge.
8. Signage will be posted to notify the public of hazards due to increased truck traffic along Sublette County Road 23-144 (Ehman Lane).
9. Archer Construction will be responsible for maintaining the access road in a safe manner. The road to the Pit is a crowned and ditched gravel road with culverts appropriately placed in accordance with the BLM Manual Section 9113.
10. Archer Construction will insure that increased truck traffic in connection with the proposed sand and gravel Pit expansion does not interfere with the safety of the public. Vehicles will be

operated in accordance with all state and local laws at all times. Speed limits of 20 mph will be obeyed where posted. Incidents involving the public or damage to private property, including livestock, will be handled in accordance with local, state, and federal laws.

11. Archer Construction or any contracting company working for or with Archer Construction will have Material Safety Data Sheets (MSDS) with them at all times for all chemical, compounds, or substances that are used during the course of operations of this proposed project. In addition, all chemicals will be handled in an appropriate and safe manner to minimize the potential for leaks or spills to the environment. Accidental releases, spills, and fires involving hazardous materials will be handled according to the Operator's Spill Prevention Control and Countermeasure Plan and the Operator will abide by all applicable federal, state, and local laws or regulations. Any and all incidents of any type of any chemical spill will be reported immediately to the Authorized Officer and followed in 15 days in writing to the PFO.

12. Archer Construction will be responsible for cleanup of any diesel or hydraulic fluid spills, including contaminated soils. All spill-related material will be hauled to a Wyoming (DEQ) approved disposal site for proper disposal.

13. All garbage or refuse will be contained in an enclosed receptacle as to prevent it from being scattered by the wind or wildlife.

14. Portable restroom facilities will be provided on site at all times of activities by Archer Construction.

15. Archer Construction will extract, crush, and process material between the hours of 8 am to 5 pm Monday through Friday, with hauling taking place from 8 am to 6 pm Monday through Friday, with an occasional weekend hauling of material of four to five truck loads.

16. Archer Construction will maintain BD Boulevard, which will include grading, plowing, and mag-chlording the road when necessary to maintain safe driving conditions for their operation and the use by others.

17. Archer Construction will not receive any more concrete on site until the existing stock pile has been processed and removed.

18. Archer Construction received asphalt will remain on the property for one year from the date of receipt.

CONDITIONS OF APPROVAL
HIGH PLAINS VENTURE PIT 1
PINEDALE, WYOMING
WYW-178622

1. This is a Contract for Sale of Mineral Materials (3600-9) issued by the U.S. Government for the sale of mineral materials from within the High Plains Venture Pit 1 to Randy Archer (Operator) of Archer Construction (AC), from the Bureau of Land Management (BLM) Pinedale Field Office (PFO). No other operators will be allowed to operate within the permitted area.
2. The Operator will conduct all activities directly or indirectly associated with the removal of mineral materials within the limits of the permitted area for that year. In the event that the Operator operates outside of that years permitted area the Operator will be subjected to Federal trespass actions.
3. The Operator will only be allowed to extract from within that year's permitted area as specified on the approved mining and reclamation plan or up to 200,000 cubic yards (43 CFR 3602.31(c)). Removal in excess of this amount will constitute a breach of the contract, cancellation of contract, and trespass charges.
4. The Operator will comply with all the terms of the contract, permit, and these conditions of approval at all times. If not, this constitutes a breach of contract and the contract will be terminated at any time.
5. The Operator is required to obtain a valid, signed BLM Sale for Mineral Materials, for the stated in-bank quantity of material that is to be removed for the term of the contract from the PFO prior to any extraction taking place. If the amount initially granted has been exhausted, a new permit must be obtained 15 days prior to the complete excavation of the previous permit's amount. Permits will be issued for one year. If the permit is to lapse prior to the complete removal of the stated amount, a **one-time one-year extension** maybe granted 30 days prior to the contract's expiration date (43 CFR 3602.27).
6. All pertinent permits and documents are to remain onsite at the High Plain Venture Pit 1(HPVP1) at all times.
7. Heavy truck traffic signs will be posted the appropriate distances east and west along BD Boulevard and north and south along Ehman Lane and .
8. The Operator and his drivers will exercise extra care for public safety and practice safe driving measures when entering and leaving from the access road onto BD Boulevard and Ehman Lane.
9. All equipment and vehicles will be confined to the open pit area.

10. The Operator will report all in-bank volumes of mineral material that have been removed during each monthly period. This will be provided to the PFO in writing on a **monthly** basis and will need to be submitted to the Pinedale Field Office by the 15th day of the following month in which mineral material was removed (43 CFR 3602.21 (a)(2)(iii)).

11. A yearly report of all activities will be submitted at the end of each extraction year by December 31st of that year. The Operator will, at the time of the submittal of the yearly report, report the next year's mining plans to the best of their knowledge and expectations. At the time of submittal any variations from the original approved mining and reclamation plan can be submitted for review and consideration. Approval of any and all changes will be sent in writing from the PFO to Randy Archer of Archer Construction.

12. The approximate depth of topsoil in the unmined area is six to eight inches. Any and all topsoil will be removed from the approved mining area as stated in that year's mining plan. The topsoil will be stripped and stockpiled in an elongated manner along the east wall area. The top soil will only be disturbed twice, once to be removed and secondly to be redistributed during reclamation. If topsoil is exposed to the elements for more than one week, it must be stabilized at its base by certified weed-free straw bales to control any possible erosion of runoff or wind erosion. The topsoil pile also needs to be seeded with winter wheat or barley for wind and water stabilization purposes. The weed-free straw bales can be incorporated within the topsoil during the reclamation process. All topsoil piles will be maintained in this manner for the life of the project until reclamation takes place.

13. When overburden is encountered, it will be stockpiled between the topsoil pile and the highwall area, and kept separated from the topsoil. The excess overburden can be used for reclamation and the resloping of the highwall to a final 3:1 slope.

14. The Operator is responsible for all reclamation. Yearly inspections will take place cooperatively with the BLM and DEQ. These inspections will be made to determine the progress towards final reclamation standards. The final inspection for the release of Archer Construction's responsibility to the Pit takes place three years after the last seed application has taken place and with adequate revegetation coverage (approximately 85% of the surrounding vegetation stand). At that time if the site meets the reclamation standards, Archer Construction's bond will be released.

15. Reclamation, including backfilling, recontouring the slope to 3:1, and seeding the area will be completed for that year by November 1st.

16. Reclamation will utilize the seed mixture that is provided by the BLM.

17. Seeding of all disturbed areas using drill equipment must have a depth regulator to insure even depths of planting. All seeds must be drilled along the natural contour of the Pit. This will create rows that will retain rainwater and spring runoff and thus speed the germination of the seeds. Seeds will be planted between one-quarter and one-half inch deep. Where drilling is not possible (too steep or rocky), broadcasting the seed and raking or chaining the area to cover the seed will be necessary. If the seed mixture is broadcast, the application rate listed on the

provided seed mixture sheet will be doubled. Seeding will be repeated as deemed necessary or until a satisfactory stand is determined to be obtained by the Authorized Officer from the BLM and the Authorized Officer from the DEQ.

18. Once seeding has taken place on the reclaimed area, the seed tags from the seed mix bags must be submitted to the BLM.

19. Whenever the Authorized Officer identifies a weed control problem, the Operator will be responsible for weed control on disturbed areas within the limits of the Pit. The Operator is responsible for consultation with local county weed and pest supervisors for the most appropriate weed control methods. Pesticides shall be used in accordance with written instructions from the Sublette County Weed and Pest personnel.

20. A "Pesticide Use Proposal" (Form WY-04-9222-1) and pesticide label must be submitted by the Operator to the BLM, PFO for approval. The Operator shall comply with all applicable Federal and State Laws and Regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) and other hazardous materials in all activities/operations under this permit.

21. If the Operator or any person working on their behalf discovers any historical, archeological (historic or prehistoric site or object), or paleontological resources, they shall immediately stop all excavation and immediately notify the Authorized Office of the PFO. If the Operator does not comply, they will be subject to prosecution for damaging, altering, excavating or removing any archaeological, historical, vertebrate fossils or paleontological objects from the Pit. Within five (5) working days, the Authorized Office will evaluate the discovery and inform the Operator of actions that will be necessary to prevent any further loss of significant cultural or scientific values of the materials found. The Operator will be responsible for the cost of any mitigation required by the Authorized Office evaluation. The Authorized Office will provide technical and procedural guidelines for conducting mitigation. Upon written verification from the Authorized Office, when the required mitigation is completed, the Operator will be allowed to resume operations.

22. Archer Construction or any contracting company working for Archer Construction will have Material Safety Data Safety Sheets (MSDS) available for all hazardous chemicals, compounds, or substances that are used during the course of extraction.

23. Spillage of any hydrocarbons or any other hazardous materials must be reported immediately to the BLM Authorized Officer, and all appropriate measures must be followed to clean the spillage up, remove, and dispose of it properly from the Pit to an approved DEQ disposal site.

24. Archer Construction has developed an operator committed approved dust control plan. The dust control plan addresses fugitive dust caused by haul trucks from the Pit area and along BD Boulevard, as well as by operations at the proposed sand and gravel pit. The techniques used involve hourly watering and as needed of the operation while separating, crushing and hauling,

with a spray of water. The application of mag-water to BD Boulevard will reduce the dust to acceptable levels.

25. If erosional or slumping of the high wall is found in the Pit during operations, it will need to be modified and corrected immediately. Slopes are to be kept at a 3:1 at all times.

26. A sign with the name of the Operator, lease serial number, and surveyed description of the Pit will be placed at the entrance to the site in plain sight.

27. A portable restroom facilities will be on site at all times of operation.

28. All undesirable events (fires, accidents, spills, or discharges of any kind) will be reported immediately verbally to the Pinedale BLM Authorized Office and followed within 15 days in writing.

29. Garbage will be contained in an enclosed trash receptacle to prevent it from being scattered by the wind or by wildlife.

30. Sewage will be disposed of in accordance with the State of Wyoming Department of Environmental Quality regulations. No sewage boreholes will be allowed.

31. All operations will take place from 8 am to 5 pm Monday through Friday and hauling will take place from 8 am to 6 pm Monday through Friday, with occasional operations of four to five trucks on the weekends within the hours of 8 am to 6 pm.

32. Archer Construction will not go beyond the next ten acres that has been permitted by the DEQ ET (TFN 5 4/155 HPV-1; ET 1504) until a Small Mine Permit has been obtained from DEQ and approved copy is given to the BLM.

Failure to adhere to the general terms, conditions and stipulations of the contract and mining plan, and to the above conditions of approval will be cause for the termination of this contract, the revoking of the bond, and possible trespass charges.

BLM MONITORING PLAN FOR THE HIGH PLAINS VENTURE PIT 1

BLM Authorized Officer will monitor all activities that take place in the Pit area at four different times during the year. This is according to the established 2011 BLM work plan.

Monitoring will include:

1. Make sure no historical, cultural, or paleontological resources have been unearthed by examining the disturbed areas.
2. Determining that the Operator is staying within the delineated mining area.
3. Check to make sure the topsoil has been moved and stabilized by the established procedures.
4. Monitor all reclamation activities, from regrading to reseeded from the previous year's reclamation.
5. Monitor any erosion issues and determine whether adherence of the erosion control plan is taking place.
6. Check for any possible noxious and/or invasive weeds problems.
7. Monitoring for proper dust control measures to make sure they are being adhered to.
8. Making sure all required signage is in its proper place.
9. Determine if the access road is being maintained in a safe manner.
10. Notify the Operator of any traffic issues associated with operations of the Pit.
11. Make sure the Operator has MSDS Sheets as well as the current permit for extraction on site.
12. Check for any hazardous spills by walking around the Pit area.
13. Perform production verification on the Pit to determine whether the correct amount of reported material has been removed from the Pit.
14. Make sure that all garbage and refuse are being contained in an enclosed receptacle.
15. Determining portable restroom facilities are on site during all times of activity.
16. Determining whether the Operator is in compliance with all of the Conditions of Approval, terms of the contract, and the permit.
17. Compliance with the storm water discharge permit is adhered to.

18. Determine that proper top soil and any overburden stock piling is taking place, when encountered during mining operations.

19. Periodically inspections will be made to make sure that the Operator is operating within their allotted daylight hours of 8 am to 5 pm Monday through Friday, with hauling hours of 8 am to 6 pm Monday through Friday, with occasional four to five trucks hauling on weekend within the hours of 8 am to 6 pm.