

CONDITIONS OF APPROVAL

Cultural and Paleontological Stipulations

The operator/holder is responsible for informing all persons associated with this project that they may be subject to prosecution for knowingly disturbing, altering, injuring, excavating, removing or destroying any scientifically important paleontological remains or any historical or archaeological site, structure, building, or object on Federal lands.

The operator/holder shall immediately bring to the attention of the Authorized Officer any cultural and/or paleontological resources that might be altered or destroyed on Federal lands by his/her operations. If archaeological, historical, Native American or scientifically important paleontological remains are discovered, the operator/holder is to suspend all operations that further disturb such materials and immediately contact the Authorized Officer. Any such discovery shall be left intact until the operator/holder is told to proceed by the Authorized Officer.

The Authorized Officer shall evaluate the discoveries brought to his/her attention, take action to protect or remove the resource, and allow operations to proceed within 10 working days after notification to the Authorized Officer of such discovery. The decision as to the appropriate measures to mitigate adverse effects to cultural or paleontological resources shall be made by the Authorized Officer after consulting with the operator/holder.

Before a Plan of Operations is approved, the operator/holder is responsible for the cost of any investigations necessary, and any mitigation measures required by the Authorized Officer. The Authorized Officer will provide technical and procedural guidelines for the conduct of the required evaluation and mitigation. After the Plan of Operations is approved, or where a Plan of Operations is not involved, the Federal Government (BLM) shall have the responsibility and bear the cost of investigations and salvage of any cultural and paleontology values discovered by the operator/holder.

Native American Resources

The area under consideration contains no known areas or locations of religious or cultural concern to Native Americans. If such areas are subsequently identified or become known through the Native American notification or consultation process they would be considered during the implementation phase. The BLM would take no action that would adversely affect these areas or locations without consultation with the appropriate Native Americans.

Human Remains

If human remains are discovered or suspected the operator/holder shall suspend operations immediately, physically guard the area, and notify BLM immediately.

Air Quality

If it becomes necessary to control and suppress fugitive dust generated by haul trucks, all haul roads shall be kept wet by using a water truck mounted with a spray bar.

Reclamation and Seed Mix

Prior to commencement of reclamation the authorized officer of the BLM would be notified.

Within 1-2 years following mining (removal) of bentonite, all disturbed pits, other associated disturbance areas, and associated haul roads not needed for current mining actions, would be recontoured to match surrounding topography and prevent erosion and all hydrologic drainages reestablished.

The seed mix BHB proposes to use has been previously approved by WDEQ/LQD for use on the permit area.

Reseeding of the disturbed areas shall be conducted using the following seed mix(es) on the public lands as approved by WDEQ-LQD and BLM:

Common Name (Variety)	Pounds of pure live seed per acre
Bluebunch wheatgrass (Secar CT)	3.00

Indian ricegrass (Rimrock CT)	4.00
Russian wildrye (Bozoisky)	2.00
Bottlebrush squirreltail	2.00
Gardner saltbush	2.00
Fourwing saltbush	2.00
Wyoming big sagebrush	0.10
Rubber rabbitbrush	0.50
Total	15.60

Seed shall be planted during October – November, as soon as possible after topsoiling. All seed would be certified weed free. No mulch or fertilizer would be applied, and no irrigation would be applied.

Wildlife

To protect raptor and/or sage and sharp-tailed grouse nesting habitat, surface disturbing activities shall not be allowed during the period from February 1 to July 31 within lands that contain active nests or suitable nesting habitat, as determined by field surveys. Exceptions could be approved in writing, including documentation supporting analysis, by the authorized officer.

Threatened & Endangered Species

Prior to any surface disturbing activities under the A-7 Plan, on-the-ground surveys shall be conducted for any species or candidate species that are Threatened or Endangered. On-the-ground surveys would be conducted prior to any surface disturbing activities to ensure no raptor nests would be disturbed by mining or road building. BLM shall be notified immediately if raptor nest sites are discovered prior to or during mining activities and appropriate mitigation would then be determined. Monitoring shall also be conducted throughout the life of the mine for raptors, T&E species, sage grouse and MBHFI. BLM shall be notified by BHB of the results of any wildlife monitoring upon request. Results of surveying or monitoring activities shall be provided annually or on request.

Noxious or Invasive Weeds

In compliance with Wyoming Reclamation Policy (BLM March 2009), Black Hills Bentonite shall submit a Weed Management Plan; with approval from the Washakie County Weed and Pest Control District and the BLM's Noxious and Invasive Weed Coordinator, prior to commencing surface disturbing activities on public lands.

The operator (Black Hills Bentonite, L.L.C.) shall be responsible for controlling all noxious and undesirable invading plant species in mined and/or reclaimed areas until the revegetation activities have been determined to be successful, and the bond has been released for a given area. If noxious or invasive weeds are encountered, the Washakie County Weed and Pest shall be contacted by the operator/holder for control and eradication. Written approval from the BLM Authorized Officer for the use of herbicides must be obtained prior to their usage.

Fencing of Reclaimed Areas

If it becomes necessary, BHB shall construct fencing based upon agreement with respective surface owners including BLM, to protect newly seeded areas post-mine. Fences erected to protect newly reclaimed areas would be removed after release of the reclamation bond, if the surface owner requests it. Extended vegetation reference areas shall be used in the A-7 Plan to assist in determining when or if bond release is acceptable to LQD and BLM.

Roads

Three short segments of new roads shall be required. These roads shall be built according to BHBs specifications as outlined in their application, as well as according to BLM Manual Section 9113. Culverts shall be properly sized to allow through-flow of storm or runoff water based on WDEQ/LQD recommendations and as specified under BLM 9113.

Notification and Authorization of changes to low water crossings and or culverts should be made known to the BLM before work is completed.

Visual Resources

Reclamation shall be conducted concurrent with mining as much as possible. Use of mine pit areas for bentonite drying shall be kept to a minimum so that mine pits can be backfilled, recontoured and reseeded in a timely manner. Mined areas shall be contoured to blend in with the adjacent surroundings and support similar vegetation. Unnecessary and undue degradation of native soils and vegetation shall not be allowed to occur as a result of bentonite mining in the A-7 area. Final pits in a sequence shall be backfilled appropriately.

Hazardous Materials

As part of the notification process, the operator shall inform the BLM of spills of more than 25 gallons; a report shall be submitted to the Authorized Officer within 10 days of the release with detailed information regarding the contaminate and how the ground contaminated by such a spill would be disposed of or treated.