

PART II

EXAMPLE SMALL MINING PERMIT APPLICATION FOR

**“ACME MINING
CORPORATION”**

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Adjudication Information

I.A. APPLICATION FOR SMALL MINE PERMIT, FORM 1(s)

This section contains the signed application form 1(s).

NOTE: DO NOT MODIFY THIS FORM.
Submit two (2) copies. Pages 1 & 2
must be initialed and dated where
indicated. *Signature preferred in
blue ink.*

State of Wyoming

**Department of Environmental Quality
Land Quality Division
Application for Small Mining Permit or
Amendment to a Small Mining Permit**

In accordance with W.S. §35-11-401(j), for Noncoal Surface Mining operations, involving not more than ten thousand (10,000) cubic yards of overburden and ten (10) acres of affected land in any one (1) year.

1. a. Name, Mailing Address, Phone Number, and Fax Number of Applicant: Acme Mining Corporation
PO Box 1000, Kemmerer, WY 83101, phone: 307-888-2221, fax: 307-888-2222

b. If the applicant is a partnership, association, corporation or limited liability co., (circle one) then the names and addresses of all managers, partners and executives directly responsible for operations in this State:

Name: John Acme Address: PO Box 1000, Kemmerer, WY 83101
Title: Chief Operating Officer Phone No.: 307-888-2221

Name: _____ Address: _____
Title: _____ Phone No.: _____

Name: _____ Address: _____
Title: _____ Phone No.: _____

Name: _____ Address: _____
Title: _____ Phone No.: _____

2. Name, Mailing Address, Phone Number, and Fax Number of the agent or person to whom any notice under the provisions of Wyoming Environmental Quality Act or Land Quality Division Rules and Regulations adopted thereunder may be sent: Dave Acme PO Box 1000, Kemmerer, WY 83101
phone: 307-888-2221 fax: 307-888-2222

3. Attach the following information as part of the specific appendices:

a. Appendix "A"

Names and addresses of surface and mineral owners of record within the proposed permit (amendment) area

b. Appendix "B"

Names and last known addresses of the owners of record of the surface rights of the lands immediately adjacent to the proposed permit (amendment) area.

c. Appendix "C"

i. All lands to be included in the proposed permit (amendment) area shall be tabulated by legal subdivision, section, township, range and county, if any, and the number of acres for each subdivision listed.

ii. Lands which are to be part of these proposed permit (amendment) area, for which no right to mine is claimed shall be identified in item c. i. above as such and tabulated separately listing the number of acres for each legal subdivision.

iii. Lands which are located within other permit areas shall be identified and a copy of the land use agreement with the other permittee shall be attached as part of this application.

- iv. An original United States Geological Survey topographic map showing; (1) the permit area boundary; (2) the boundaries of the lands to be affected; (3) the location of adjudicated groundwater wells inside and within one-half mile of the permit area; and (4) the outline of all areas previously disturbed by or which will be affected by underground mining.

d. Appendix "D"

Support information as described in Land Quality Division Noncoal Rules and Regulations, Chapter 9, Section 1(a)(i)(C).

4. Mineral(s) to be mined: Sand and Gravel
 Mining method to be used: Open Pit

5. Estimated dates of commencement and termination of the proposed operation:
 Start: June 2010 Terminate: 2015

6. The total number of acres in the proposed permit (amendment) area and an estimate of the total number of acres to be affected by the operation:

Permit Acres	Approved Acreage to Affect
Original Permit <u>10*</u>	Original Permit <u>10*</u>
Approved Amendments _____	Approved Amendments _____
This Application <u>13.87</u>	This Application <u>13.87</u>
Total Acres <u>23.87</u> *ET Conversion _____	Total Acres <u>23.87</u> *ET Conversion _____

Note: Total Affected Acreage must not exceed ten (10) acres per year.

7. The name, if any, by which the permit (amendment) lands or any part thereof are known: Acme Mining Corporation Kemmerer Pit

8. A filing fee of \$ 100.00 (\$ 200.00 for amendments) plus \$10.00 for each acre in the requested permit (amendment) area. The maximum fee shall not exceed \$ 2000.00.

9. The application shall include a mining plan and reclamation plan dealing with the extent to which the mining operation will disturb, change or deface the lands to be affected, the proposed future use or uses and the plan whereby the operator will reclaim the affected lands to the proposed future use or uses. The mining plan and reclamation plan shall be consistent with the objectives and purposes of the Wyoming Environmental Quality Act and the Rules and Regulations promulgated.

10. The applicant may have the local Soil Conservation District assist in preparation of, provide data for, permit research, review and comment upon the reclamation.

11. The following obligation is incumbent upon the approval of this application:

The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit, to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

Final Sworn Statement

State of Wyoming)
)ss
County of Lincoln)

I John Acme being duly sworn on my oath that I am the applicant (or chief executive officer of the applicant if a corporation) for the foregoing mining permit (amendment); that I have read the said application and fully know the contents thereof; that all statements contained in the permit (amendment) application are true and correct to my best knowledge and belief, by execution of this statement I certify that Acme Mining Corporation has the right and power by legal estate owned to mine from the land for which this permit (amendment) is desired; that Acme Mining Corporation has not forfeited, or is not involved on forfeiture proceedings for, a bond posted for reclamation purposes; and by completion and submission of this application, hereby give consent to allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit. Records or equipment shall not require advance notice.

Dated this 5th day of March, 2010.

John Acme
Signature

(Corporate Seal)

John Acme
Name printed or typed
Chief Operating Officer
Title

The foregoing instrument was acknowledged before me by John Acme this 5th day of March, 2010.

Witness my hand and official seal.

Sharon Rose
(Notary Public or Secretary if a Corporation)

Sharon Rose
(Name printed or typed)

(Notary Seal)

My Commission Expires: 6-12-11

The State of Wyoming)
)ss
Department of Environmental Quality)

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions:

This permit (amendment) grants only the right to affect the land described in Appendix "C" of the application.

Acceptance of the approved permit (amendment) obligates the operator to abide by the standard conditions specified in Item 11 of this application form. Any condition and/or special condition attached to approval of this permit (amendment) shall supersede and/or replace and conflicts with the original permit, amendments or any revisions.

Additional special conditions and limitations are as follows:

Approved: _____
Administrator
Land Quality Division
Department of Environmental Quality

Approved: _____
Director
Department of Environmental Quality

Effective Date: _____

I.B. LICENSE TO MINE APPLICATION, FORM 3

This section contains the signed application Form 3.

NOTE: **DO NOT CUT OR MODIFY THIS FORM.** Use typewriter or print neatly with blue or black ink. Submit two (2) copies one of which must be an original Form 3 as supplied by the Department of Environmental Quality, Land Quality Division.

STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
APPLICATION FOR LICENSE TO MINE

This application in duplicate for a license to mine is submitted in accordance with the provisions of the Wyoming Statute §35-11-410.

1. Name, telephone number, and mailing address of applicant: Acme Mining Corporation
307-888-2221, PO Box 1000, Kemmerer, WY 83101
2. Location of mining operation (County): Lincoln
3. (a) A copy of the mining permit, submitted herewith, for the lands which are to be affected by the proposed mining operation:
Permit No. _____ Issued _____ day of _____, _____.
- (b) If the applicant is other than the permit holder, a copy of the instrument of permission submitted herewith, from the permit holder granting to the applicant the right thereto;
4. Maps showing the location and the numbers of acres to be affected by the proposed mining operation for the first year of operation if less than the full extent of the permit area.

(Map of affected area may be submitted with legal description if desired). The scale of maps shall be reasonable so as to show necessary detail, width of map not to exceed 48".

Suggested scales: Up to 10 acres - 1" = 100'
 Up to 40 acres - 1" = 200'
 40 acres or more - 1" = 400'
5. Date (month and year) when operation will commence: June 2010
Estimated date (year) of termination of the proposed mining operation: 2015
6. A fee of \$25.00.
7. Name, telephone number, and address of the agent or persons to whom any notice under the provisions of the Wyoming Environmental Quality Act, Land Quality Division or Rules and Regulations adopted thereunder may be sent: Dave Acme, Acme Mining Corporation, 307-888-2221
PO Box 1000, Kemmerer, WY 83101
8. The provisions of this license are severable, and if any provision of the license, or the application of any provision of this license to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this license shall not be affected thereby.

FINAL SWORN STATEMENT

State of Wyoming)
)ss.
County of Lincoln)

I John Acme being duly sworn on my oath that I am the applicant (or the President or Vice President if the applicant is a corporation) for the foregoing "License to Mine"; that I have read the said application and fully know the contents, thereof; and that all statements contained in the License to Mine application are true and correct to my best knowledge and belief; by execution of this statement I certify that Acme Mining Corporation, applicant or entities controlled by or under common control with the applicant has the right and power by the legal estate owned to mine from the land for which this License to Mine is desired; that applicant or entities controlled by or under common control with the applicant has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes nor has had a mining permit or a license to mine suspended or revoked; and if a **surface coal mining application**, that applicant or entities controlled by or under common control with the applicant has paid the reclamation fees for this and all coal mining operations under the jurisdiction of P.L. 95-87 as required by Title IV of that law; and that applicant or entities controlled by or under common control with the applicant has not had any Federal or State Coal mining permits or licenses to mine suspended or revoked in the five years preceding the date of this application.

Dated this 5th day of March, 2010.

Signature John Acme

(Corporate Seal)

Name John Acme
(printed or typed)

Title Chief Operating Officer

The foregoing instrument was acknowledged before me by John Acme, this 5th day of March, 2010.

Witness my hand and official seal.

Sharon Rose
Notary Public or Secretary if a Corporation

Sharon Rose
Title (Name printed or typed)

This application when returned to you with the validating signature of the Administrator of the Land Quality Division, Department of Environmental Quality, becomes your License No. _____
Effective date: _____.

Approved by:

By: _____
Administrator
Land Quality Division
Department of Environmental Quality

Director
Department of Environmental Quality

I.C. SURFACE OWNER CONSENT, FORM 8

The following page is LQD Form 8. It is a signed statement by Murine Murrow who is the sole surface owner for lands within the permit area.

SURFACE LANDOWNER'S CONSENT

I, Murine Murrow, CERTIFY that I hold surface rights on the following lands on which Murine Murrow holds mineral estate rights:

<u>SW 1/4 NE 1/4</u>	Section	<u>37</u>	, T.	<u>21</u>	N.,R.	<u>115</u>	W.
_____	Section	_____	, T.	_____	N.,R.	_____	W.
_____	Section	_____	, T.	_____	N.,R.	_____	W.
_____	Section	_____	, T.	_____	N.,R.	_____	W.
_____	Section	_____	, T.	_____	N.,R.	_____	W.
_____	Section	_____	, T.	_____	N.,R.	_____	W.
_____	Section	_____	, T.	_____	N.,R.	_____	W.

County of Lincoln.

I have examined the mining plans and reclamation plan prepared by Sunrise Engineering in compliance with the Wyoming ENVIRONMENTAL QUALITY ACT, and do hereby approve said plans, and give my consent to enter and carry out said mining and reclamation programs on said lands as proposed therein.

Dated this 2nd day of March, 20 10.

Murine Murrow
Surface Landowner (Signature)

Murine Murrow
Name (printed or typed)

Philip Elliot 3-2-10
(Witness) (Date)

I.D. OTHER OWNER CONSENT STATEMENTS

There are no occupied dwellings, homes, public buildings, schools, churches, community or institutional buildings, parks or cemeteries within three hundred (300) feet of the lands which will be affected by the proposed mining operations.

Thus, no additional consent statements are presented.

I.E. PERMITS FROM OTHER AGENCIES

This section discusses permitting agencies for other permits necessary in association with this proposed Small Mining Operation.

1. Acme Mining Corporation has a permit with Air Quality to operate gravel crushing/screening associated with the 10-Acre LMO. The permit number is CT-0000. Acme Mining Corporation is applying for an Air Quality site permit for the small mining permit. Any asphalt or concrete batch plant will be required to have a separate DEQ/Air Quality permit before it is located at the site.
2. All storm water runoff will be contained in the gravel pit area. Acme Mining Corporation has received authorization to discharge storm water under permit authorization number WYR329999.
3. Acme Mining Corporation will not appropriate groundwater used in the mining or material processing operation. So no State Engineer permits are necessary.
4. Acme Mining Corporation will not construct any water impoundment for use in the mining or material processing operation. So no State Engineers permits are necessary.
5. The pit area is located such that no wetlands will be encountered or disturbed by the mining operation. So no Army Corps of Engineers permit is necessary.
6. Acme Mining Corporation has an M-3 Access Permit from the Wyoming Department of Transportation, for entrance onto US Highway 30. The permit number is LN 03B-00000.
7. A copy of the approved Lincoln County Conditional Use Permit, to mine gravel, is included in this section per DEQ request.

In general, copies of permits are not included in this section, but are available upon request from Acme Mining Corporation.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

LINCOLN COUNTY, WYOMING

In the Matter of

Gravel Pit Expansion (Kemmerer Pit)
Request for Conditional Use Permit Application

File No. PZ 11

FINAL DETERMINATION

THIS MATTER having come before the Board of County Commissioners on the 2nd day of March, 2011 for a Conditional Use Permit Application. The Board of County Commissioners have reviewed the application, the Staff Report by the Planning Office, and heard any relevant evidence from the applicant, neighbors, governmental agencies, and other concerned citizens regarding the project. The Board of County Commissioners hereby make the following:

FINDINGS OF FACT

This is a Conditional Use Permit Application for the expansion of a Gravel Pit (Kemmerer Pit) from 10 acres to 23.87 acres in the Rural Zone area. The location is in Township 21 North, Range 115 West, Section 37, 6th Principle Meridian, Lincoln County, Wyoming, approximately 5 +/- miles east of Kemmerer, WY and access off US HWY 30.

In 2008, this pit received approval to be re-opened to a 10 acre limited mining operation, formerly requested by _____ . At this time, the pit is being leased by Acme Mining Corporation from Murine Murrow . Acme Mining Corporation plans to use the location for processing sand and gravel, producing asphalt hot mix and concrete batching. Original approval in 2008 did not include hot-mix plant at the pit. The applicant proposes enlargement of the pit, from a 10 acre limited mining operation to a Small Mine Permit. Wyoming Department of Environmental Quality (WDEQ) requires approval of a Small Mine Permit Application in order to mine more than ten acres at one time. The WDEQ application requires verification of local zoning compliance. The applicant also seeks continued permission to mine, crush, screen and process sand and gravel, and to add asphalt hot mix and concrete batching as market demands require.

At the time of approval in 2008, there was an issue brought forth by Lincoln County Weed & Pest regarding the noted Perennial pepperweed and Salt Cedar found on the property. It was originally determined that there would be a restricted part of the pit that would not be disturbed or any equipment operating in the area and it would be fenced. The applicants worked with Weed & Pest on a weed management plan agreement for the restricted part of the pit and later received approval on a revision of the Condition of Approval #3, to conform with the agreement between _____ and Lincoln County Weed & Pest regarding the weed management plan for the restricted part of the pit. At this time, the applicants have contacted Weed & Pest and they indicate they have been spraying and monitoring this pit.

Staff finds that the request to remove gravel from the proposed site is consistent with the Lincoln County Comprehensive Plan and Land Use Regulations and that there are no significant off site impacts that cannot be mitigated. Requirements for the approval of the application, the approval from the Department of Environmental Quality, still need to be produced. Staff would recommend approval of this project with the conditions attached and any others that the Commission deems necessary for its conformance with the Comprehensive Plan and Land Use Regulations for Lincoln County.

RECOMMENDATION:

On February 23, 2011, the Planning and Zoning Commission sent a recommendation to the Board of County Commissioners to **APPROVE** File # PZ 11, a Conditional Use Permit Application for a Gravel Pit Expansion, with the following Findings of Approval and Conditions of Approval:

- Findings of Approval A. through F.
- Conditions of Approval 1. through 6.

FINDINGS OF APPROVAL:

- A. County approval of the project is consistent with the provisions of W.S. 18-5-201 authorizing the Board of County Commissioners to regulate the use of lands in the unincorporated area of the county.
- B. The proposal is consistent with the provisions of Lincoln County Comprehensive Plan Section III. Economic Development Goals:
 - a. Promote and assist in the development of commercial, recreational and industrial activities.
 - b. Promote the exploration and development of mineral and alternative energy sources in Lincoln County.
Objective 1. Promote and support the development of infrastructure in and around the towns and community centers for the creation and expansion of new and existing businesses.
- C. The proposal is consistent with the standards found in Lincoln County Land Use Regulations Section 6.8 Land Use Siting Standards and Requirements:
 - B. Batch Plants
 - 1. Siting Criteria.
 - a. Land use not allowed adjoining to an existing residential subdivision.
 - b. Land use not allowed within 1,000 feet of existing home(s), unless home owner(s) give written permission. Distance measured from the project boundaries of the batch plant to the existing home(s).
 - c. Operation shall be deemed permanent if the months of operation exceed six months.
 - F. Gravel Pits
 - 1. Siting Criteria for Rural Zone.

- a. Land use not allowed adjoining to an existing residential subdivision.
 - b. Land use not allowed within 1,000 feet of existing home, unless home owner(s) give written permission. Distance measured from the project boundaries of the gravel pit to the existing home(s).
2. Standards.
- a. Submission of a reclamation plan with the application.
 - b. The Lincoln County Weed and Pest shall certify that rock from the gravel pit rock does not contain seeds which will promote noxious weeds and evidence of such certification shall be submitted to the Planning Office.
- D. The proposal is consistent with the procedures of Lincoln County Land Use Regulations Chapter 3 Conditional Uses, Variance and Mapping Procedures.
- E. The proposal, with conditions, will not substantially impair the appropriate use of the neighboring property and will serve the public need, convenience and welfare since the project adjoins agricultural parcels on three sides and commercial lots on the fourth side. Project approval does not preclude reasonable development of adjacent properties. Aggregate products do serve the public need, convenience and welfare.
- F. The proposal, with conditions, is designed to be compatible with adjacent land uses and the area of its location.

CONDITIONS OF APPROVAL:

1. This permit is to operate the uses outlined in the project description. Significant alternations from the uses described in the application shall require additional permitting.
2. The Contractor/Developer shall be responsible for dust control on access road as necessary.
3. The applicants shall continue to work with Lincoln County Weed & Pest and adhere to their recommendations/agreement, as per the original agreement in 2008 and the updated dated January 27, 2011 correspondence.
4. Permanent outdoor lighting fixtures shall be in compliance with Lincoln County Land Use Regulations Section 6.10 Lighting. Portable lighting will have shielded fixtures.
5. Operation hours shall be limited to Monday through Friday during the hours of 7:00 a.m. to 7:00 p.m. unless approved for a specific time period by the Board of County Commissioners.
6. After hours maintenance shall be limited to a small crew, of less than five persons.

CONCLUSIONS OF LAW

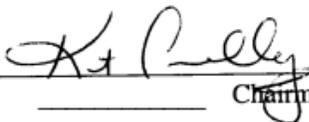
This Conditional Use Application IS **IS NOT CONSISTENT** with the following required findings of the Lincoln County Land Use Regulations and Comprehensive Plan:

- The proposed Conditional Use IS / IS NOT consistent with the standards of the Lincoln County Land Use Regulations and IS / IS NOT consistent with the goals and objectives of the Lincoln County Comprehensive Plan.
- The proposed Conditional Use WILL / WILL NOT substantially impair the appropriate use of neighboring property; and WILL / WILL NOT serve the public need, convenience and welfare.
- The proposed Conditional Use IS / IS NOT designed to be compatible with adjacent land uses and the area of its location.

Now, therefore, based on these findings, the Board of County Commissioners takes the following action:

- Approve** the Conditional Use Permit application with the conditions and with required findings, as noted;
- € **Approve** the Conditional Use Permit application subject to conditions and findings as the Board deems necessary;
- € **Deny** the Conditional Use Permit application stating findings in support of the action; or
- € **Table** the Conditional Use Permit application and direct the Applicant / Planning Staff to take specific steps to bring the application into conformance with the standards and the policies of the Land Use Regulations, and the goals and objectives of the Comprehensive Plan. The Chairman shall set a specific date when the application is to be heard again.

DETERMINED this 2nd day of March, 2011.



 Chairman

CERTIFICATE OF MAILING

I, Corey, hereby certify that on the 2nd day of March, 2011, I caused a true and correct copy of the foregoing Final Determination to be served by depositing the same in the United States mail, duly enveloped, postage prepaid, addressed to:

John Acme
Acme Mining Corporation
PO Box 1000
Kemmerer, WY 83101

Corey
Corey _____

I.F. APPENDIX A SURFACE AND MINERAL OWNERS WITHIN THE PERMIT AREA

1. Names and last known addresses of owners of record for surface rights as per W.S. 35-11-406(a)(iv).

Murine Murrow
2345 Meadowlark Lane
Kemmerer, WY 83101

2. Names and last known addresses of owners of record for mineral rights as per W.S. 35-11-406(a)(iv).

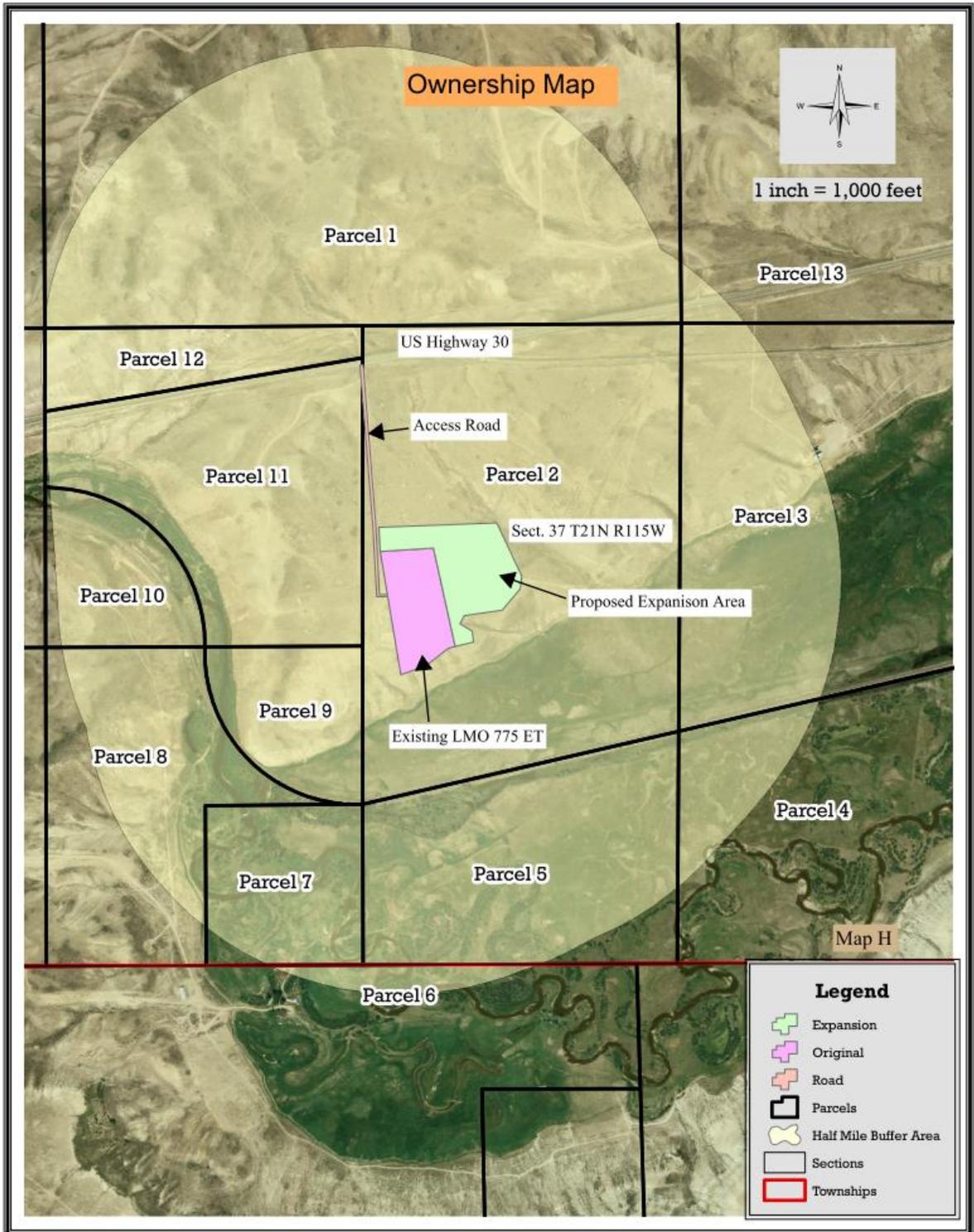
Murine Murrow
2345 Meadowlark Lane
Kemmerer, WY 83101

I.G. APPENDIX B SURFACE OWNERS RIGHTS WITHIN ½ MILE OF PERMIT AREA

1. Names and last known addresses of owners of record for surface rights of the lands immediately adjacent to the permit area as per W.S. 35-11-406(a)(iv). W.S. 35-11-103(e)(vii) defines “Adjacent Lands” as all lands within (1/2) mile of the permit area boundary.

Map H of this appendix shows the parcels of land which are located within ½ mile of the permit area boundary.

The names and last known addresses for the owners of the surface rights of the lands within a 1/2 mile of the permit area are attached. Additional owners with their accompanying addresses found on deeds with the designation “etal” or “trust” are listed in the table on page I.H.3.



Owners of Parcels Shown on Ownership Map (Map H)

Parcel No.	Ownership	Deed Bk - Pg	Mailing Address
13	BLM		PO Box 000 Kemmerer, WY, 83101
1	SIMMONS , BLAKE & JULIE ETAL		PO Box 000, Kemmerer, WY. 83101
	SIMMONS, BLAKE & JULIE		PO Box 000, Kemmerer, WY. 83101
8	SIMMONS, BLAKE & JULIE ETAL	000-000	PO Box 000, Kemmerer, WY. 83101
	TOWN, BETSY		100 Blaine St, San Francisco , CA 90000
	SENDEKER, JILL		45 Broadway Sonora, CA 90000
	SIMMONS , JIM		3301 Glenwood Ct. Belwood, CA 90000
11	PACK, BILL & GEORGIA	000-000	PO Box 30, Jackson, WY. 83002
4,5,6,7	BATTLESON, DAVE& JENNIE	000-000	PO Box 5, Diamondville, WY. 83116
12	SALMON, DON	000-000	120 E. Well Street, Afton, WY. 83110
2,3,9	MURROW, MURINE, TRUST	000-000	PO Box 00 Kemmerer, WY. 83101
	MURROW, MURINE		PO Box 00, Kemmerer, WY. 83101
10	UNION PACIFIC LAND RESOURCE CORP.		PO Box 23, Denver, CO 80217

Additional owners included in the above table for parcels 1 and 8 are those represented by the “etal” designation on the deed.

I.H. APPENDIX C LEGAL TABULATION OF LANDS WITHIN PERMIT AREA

1. Description of lands by legal subdivision and/or bearing and distance survey methods as per W.S. 35-11-406(a)(vi)(A) and (B).

See page I.I.6 for Form C-2 which includes a boundary description of the permit area.

2. Description of land for which no right to mine is claimed as per item 3.(c)(ii) of Form 1(s).

None

3. Identification of lands which are included in other Land Quality Division permits as per Item 3.(c)(iii) of Form 1(s).

None

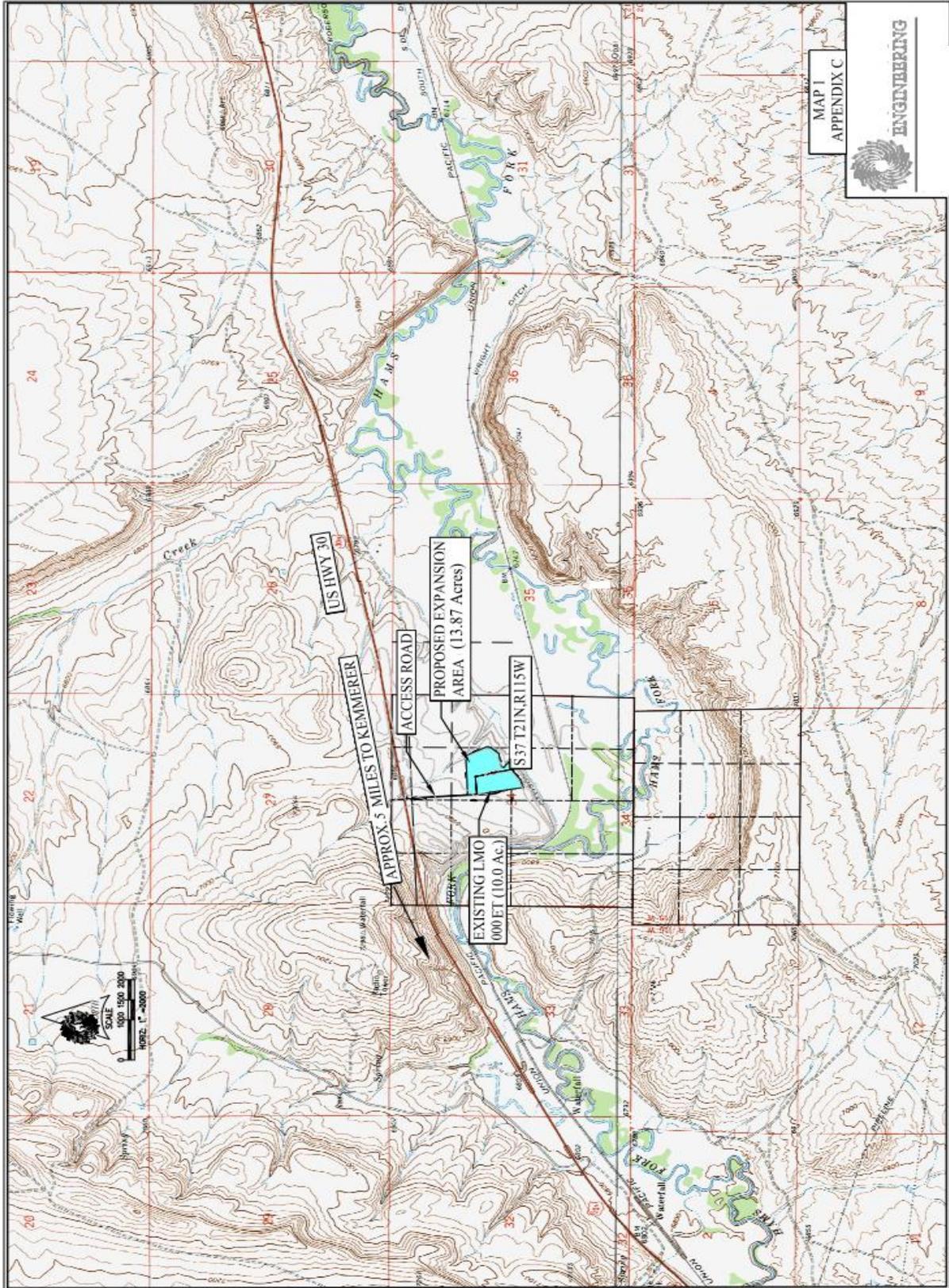
4. U.S.G.S. topographic map showing the permit area and other information as per items 3.(c)(iv) and 3.(d) of Form 1(s) and W.S. 35-11-406(a)(ix) as modified by 1993 Non-Coal Rules and Regulations, Chapter 9, Section 2(a)(viii) and (ix) and item 3(c) of Form 1(s).

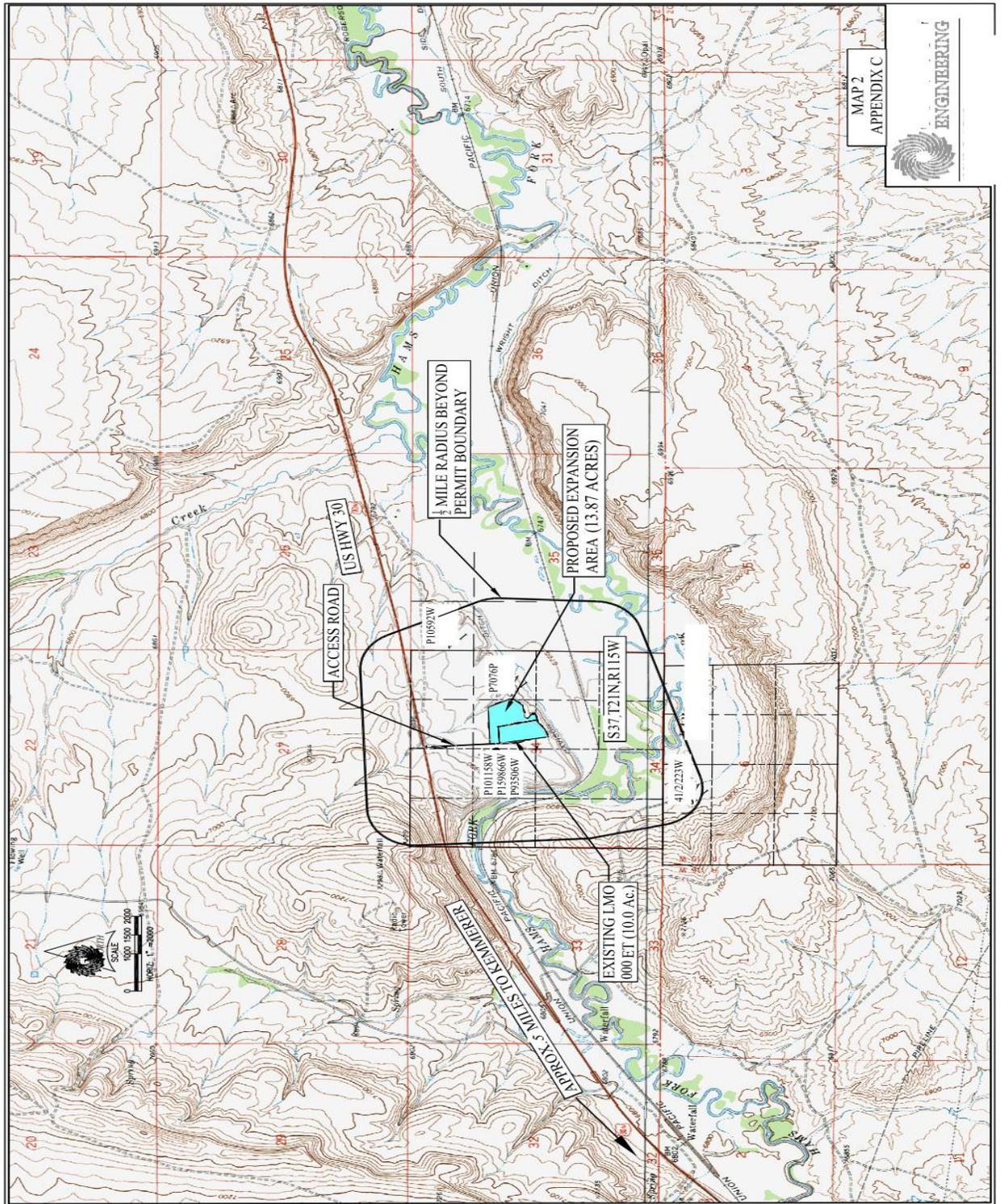
Map 1 of Appendix C shows:

- a. USGS topographic map showing the permit area boundary including the access road corridor to its junction with US Highway 30 and the total permit acreage.
- b. The existing 10 Acre LMO #000 ET

Map 2 of Appendix C shows:

- a. Locations by quarter-quarter of groundwater wells inside and within one-half mile of the permit. Please refer to Appendix D-6 for documentation of contact with the Wyoming State Engineers Office regarding the groundwater. Also included in Appendix D-6 is a table stating the locations and other information related to the groundwater wells.
5. No areas of this facility are intended to be used for underground mining, nor have any areas been previously used for that purpose.





I.H.4

APPENDIX "C"
Bearing and distance Description

This appendix "C" represents the location of lands by legal subdivision, section, township, range, county, and municipal corporation, if any, (W.S. §35-11-406,(a),(vi)) and the number of acres in each bearing and distance description. No mining activity may take place on land for which there is not in effect a valid mining permit (W.S. §35-11-405). To include additional lands within a permit area it is necessary to amend the permit (W.S. §35-11-406,(a),(xii)), so care should be taken to include all lands necessary to the mining operation as defined in W.S. §35-11- 103,(e),(viii). Each description should state the acreage encompassed by the description and the total permit acreage should be stated. An original U.S.G.S. topographic map with the permit area clearly outlined should accompany each permit application.

Situate in the NE 1/4 of Section 37, Township 21 North, Range 115 West of the 6th Principal Meridian, described as follows: Beginning at the North 1/4 corner of Section 37, Township 21 North, Range 115 West, thence S4d32'03"E 1671.97' to the northwest corner of permit boundary and the TRUE POINT OF BEGINNING; thence N87d48'47"E 974.00'; thence S25d11'27"E 486.65' thence S7d4'4"W 106.88'; thence S40d10'9"W 231.20'; thence S81d55'37"W 315.55'; thence S29d21'13"W 75.78'; thence S58d20'23"E 118.67'; thence S7d34'57"E 91.09'; thence S76d19'50"W 214.74'; thence S51d52'41"W 240.77'; thence S70d58'9"W 215.83; thence N 9d26'18"W 1031.93'; thence N2d55'46"W 200.96' more or less to the TRUE POINT OF BEGINNING

COUNTY of Lincoln

Subtotal Above Acres 23

Municipal Corporation _____

Total Permit (Amendment) Acres 23.87

Reviewed (compiled),
DEQ/LQD

Date

John Acuna
Applicant Signature

2-15-20 11
Date

Checked, DEQ/LQD

Date

Permit No.

TFN

Page 1 of 1

I.I. FIRST PUBLIC (COMPLETENESS) NOTICE

This section contains the verbiage for the 1st Public Notice which was published in the Kemmerer Independent, on May 19th and 26th, 2011.

The subsequent page contains the proof of publishing from the newspaper.

PUBLIC NOTICE

Acme Mining Corporation of Kemmerer, Wyoming has filed a mining permit expansion application with the Land Quality Division of the Wyoming Department of Environmental Quality for the mining of Sand & Gravel in Lincoln County, Wyoming. The area is approximately 5 miles east of Kemmerer, Wyoming on Highway 30. The application may be viewed at the Cheyenne or Lander Office of the Land Quality Division. The application will be re-advertised for public comment prior to approval by the Department of Environmental Quality.

Any interested parties are encouraged to review the application and contact the appropriate Land Quality Division District Supervisor with questions about the application. Upon request by an interested party, the Land Quality Division may schedule a public meeting to discuss the application.

AFFIDAVIT OF PUBLICATION
Kemmerer Independent
Kemmerer, Wyoming

STATE OF WYOMING
)ss.
COUNTY OF LINCOLN

PUBLIC NOTICE

Acme Mining Corporation of Kemmerer, Wyoming has filed a mining permit expansion application with the Land Quality Division of the Wyoming Department of Environmental Quality for the mining of Sand & Gravel in Lincoln County, Wyoming. The area is approximately 5 miles east of Kemmerer, Wyoming on Highway 30. The application may be viewed at the Cheyenne or Lander Office of the Land Quality Division. The application will be re-advertised for public comment prior to approval by the Department of Environmental Quality.

Any interested parties are encouraged to review the application and contact the appropriate Land Quality Division District Supervisor with questions about the application. Upon request by an interested party, the Land Quality Division may schedule a public meeting to discuss the application.

PUBLISH: May 19, 26, 2011

0519D

I, _____ do hereby, upon my oath, depose and say that I am the General Manager of the KEMMERER INDEPENDENT NEWSPAPER, a once weekly newspaper published in the City of Kemmerer, County of Lincoln, in the State of Wyoming, and that said newspaper has a general circulation in said County and State; and that the legal notice herein attached was published in said newspaper for the full period of 2 consecutive issues/weeks; the first publication being on the 19 day of May, 20 11, and the last publication being on the 26 day of May, 20 11; and that said advertisement appeared in each and every number of said newspaper during the period of publication as above stated.

(Signed)

Will

Publisher



Subscribed in my presence and sworn to

before me on this 26 day of

May A.D., 20 11,

by _____, Publisher

Rosemary
Notary Signature

I.J. FINAL PUBLIC NOTICE

This section contains the verbiage for the Final Public Notice that was published in the Kemmerer Independent on June 9th, 16th, 23rd, and 30th 2011.

The subsequent page is the proof of publishing from the newspaper.

PUBLIC NOTICE

Acme Mining Corporation of Kemmerer, WY has applied for a small mining permit from the Land Quality Division of the Department of Environmental Quality for the State of Wyoming. The mining permit area for the mining of sand and gravel will be located in: NE ¼ of Section 37, T21N, R115W, Lincoln County, Wyoming. The area is approximately 5 miles east of Kemmerer, Wyoming south of Highway 30. A portion of the permit area has been permitted as a limited mining operation, (10 acre) # 000ET. The proposed operation is scheduled to begin August 29, 2011 and is estimated to continue until unknown date. The land, after mining, will be returned to agricultural use. Information regarding the proposed mining operation and reclamation procedures may be reviewed in the Office of the Land Quality Division of the Department of Environmental Quality in Cheyenne and Lander, Wyoming, the office of Acme Mining Corporation in Kemmerer, WY or the Lincoln County Clerk's Office in Kemmerer, Wyoming.

Upon request by an interested party, the Land Quality Division may schedule an informal conference to discuss the application. If such a meeting is scheduled, it must be prior to the date for the close of public comments. If concerns about the permit are not resolved by the Land Quality Division, written objections to the proposed mining operation must be received by the Administrator of the Land Quality Division of the Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, WY 82002, before the close of business on July 30, 2011. If an objection is submitted a public hearing shall be held within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The Council or Director shall publish notice of the time, date and location of the hearing or conference in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing or conference. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act (W.S. §16-3-101 through §16-3-115), and the right of judicial review shall be afforded as provided in that act. All parties as given in W.S. §13-11-406(j) will be mailed a copy of this notice. The Wyoming Oil and Gas Commission will be mailed a copy of the application mine plan map as required by W.S. §35-11-406(j).

KEMMERER INDEPENDENT

KEMMERER, WYOMING

AFFIDAVIT OF PUBLICATION
Kemmerer Independent
Kemmerer, Wyoming

STATE OF WYOMING
)ss.
COUNTY OF LINCOLN

PUBLIC NOTICE

Acme Mining Corporation of Kemmerer, WY has applied for a small mining permit from the Land Quality Division of the Department of Environmental Quality for the State of Wyoming. The mining permit area for the mining of sand and gravel will be located in: NE 1/4 of Section 37, T21N, R115W, Lincoln County, Wyoming. The area is approximately 5 miles east of Kemmerer, Wyoming south of Highway 30. A portion of the permit area has been permitted as a limited mining operation, (10 acre) ET. The proposed operation is scheduled to begin July 25, 2011 and is estimated to continue until unknown date. The land, after mining, will be returned to agricultural use. Information regarding the proposed mining operation and reclamation procedures may be reviewed in the Office of the Land Quality Division of the Department of Environmental Quality in Cheyenne and Lander, Wyoming, the office of Acme Mining Corporation in Kemmerer, WY or the Lincoln County Clerk's Office in Kemmerer, Wyoming.

Upon request by an interested party, the Land Quality Division may schedule an informal conference to discuss the application. If such a meeting is scheduled, it must be prior to the date for the close of public comments. If concerns about the permit are not resolved by the Land Quality Division, written objections to the proposed mining operation must be received by the Administrator of the Land Quality Division of the Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, WY 82002, before the close of business on July 30, 2011. If an objection is submitted a public hearing shall be held within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The Council or Director shall publish notice of the time, date and location of the hearing or conference in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing or conference. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act (W.S. §16-3-101 through §16-3-115), and the right of judicial review shall be afforded as provided in that act. All parties as given in W.S. §13-11-406(j) will be mailed a copy of this notice. The Wyoming Oil and Gas Commission will be mailed a copy of the application mine plan map as required by W.S. §35-11-406(j).

PUBLISH: June 9, 16, 2011

0609C

I, _____, do hereby, upon my oath, depose and say that I am the Publisher of the KEMMERER INDEPENDENT NEWSPAPER, a once weekly newspaper published in the City of Kemmerer, County of Lincoln, in the State of Wyoming, and that said newspaper has a general circulation in said County and State; and that the legal notice herein attached was published in said newspaper for the full period of 4 consecutive issues/weeks; the first publication being on the 9 day of June, 2011; and the last publication being on the 30 day of June, 2011; and that said advertisement appeared in each and every number of said newspaper during the period of publication as above stated.

(Signed)

[Handwritten Signature]

, Publisher



Subscribed in my presence and sworn to

before me on this 5 day of

July A.D., 2011

by _____ Publisher.

[Handwritten Signature: Rosemary]
Notary Signature

COUNTY CLERK FILING

This section contains Affidavit of Filing from the Lincoln County Clerk.



Jeanne Wagner
County Clerk

LINCOLN COUNTY CLERK

925 Sage Avenue, Suite 101
Kemmerer, WY 83101
Telephone (307) 877-2020
FAX (307) 877-3101

April Brunski
Deputy

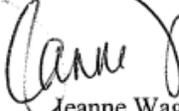
June 7, 2011

Wyoming Department of Environmental Quality
Land Quality Division

To Whom It May Concern:

This is to certify that I received a Small Mining Permit for Acme Mining Corporation-Kemmerer Pit (Section 37, T21N, R115W) from Sunrise Engineering, Inc. on the date of this letter. It will be available to the public throughout the notice period.

Sincerely,


Jeanne Wagner
County Clerk



PUBLIC MAILINGS

Page I.J.7 is the Affidavit which constitutes the proof of mailing for notification of all parties listed in Appendices A and B and proof of mailing to the Wyoming Oil and Gas Commission.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION

IN THE MATTER OF THE SMALL MINE
PERMIT APPLICATION OF ACME MINING CORPORATION
TFN 5 5/000

**AFFIDAVIT OF JOHN ACME
OF NOTICE**

I, John Acme after being duly sworn upon my oath, deposes and states as follows:

1. I am appointed to the office of agent for Acme Mining Corporation. I am submitting this affidavit to comply with the sworn statement requirement in W.S. §35-11-406(j). In my capacity as agent I am responsible for ensuring that Acme Mining Corporation has complied with the notice requirements in W.S. §35-11-406(j) for the above-captioned permit application. This application is for a new noncoal small mine permit/amendment.
2. On June 3, 2011, Acme Mining Corporation : received notice from the Department of Environmental Quality, Land Quality Division that it has determined our application is complete and suitable for final publication.
3. On June 9, 2011, Kemmer Independent printed the first notice in the required two week sequence for final publication of this application. On June 6, 2011, Acme Mining Corporation mailed a copy of the notice to all surface owners of record of the land within the permit area, to all surface owners of record of immediately adjacent lands, and to all surface owners within one-half (½) mile of the proposed mining site. On June 6, 2011, Acme Mining Corporation mailed a copy of the application mining plan map to the Wyoming Oil and Gas Commission.

DATED 6-28-11

John Acme
John Acme Agent

STATE OF WYOMING)
) ss.
COUNTY OF LINCOLN)

Subscribed, sworn to and acknowledged before me by
this 28th day of June, 2011.

John Acme on

Kim Jones
Notary Public

My Commission expires: Jan. 13, 2015



Supporting Information

APPENDIX D – 1 PREMINING LAND USE

The lands within this permit boundary are pasture lands.

The proposed expansion area at the site lies adjacent to the existing LMO #000ET.

Map P1 in the Mine Plan shows existing contours.

Appendix D-8 contains photos of the permit area, included in the vegetation study.

APPENDIX D – 3 ARCHAEOLOGICAL, PALEONTOLOGICAL AND CULTURAL RESOURCE SURVEYS AND CLEARANCES

The surface and mineral ownership rights within the permit area are both private. Therefore, no archaeological, paleontological or cultural resource surveys are required.

During excavations by Acme Mining, if any historical or cultural resources are discovered, work will be halted immediately, the Wyoming Department of Environmental Quality-Land Quality Division (WDEQ-LQD) and the Wyoming State Parks and Cultural Resources Division (SHPO) staff shall be contacted and the cultural materials shall be evaluated by an archaeologist or historian meeting the Secretary of Interior's Professional Qualifications Standards (48 FR 22716. Sept. 1983).

APPENDIX D – 5 PREMINING TOPOGRAPHY AND OVERBURDEN

The pre-mining topography is shown on Map P1 in the Mine Plan.

Based on previous excavations and test pit excavations, Acme Mining has visually observed the soils on the site. There is an average of 6 inches of topsoil which will be removed prior to getting into overburden material. The overburden varies in depth from approximately 4 feet in the northern section of the proposed expansion area to no overburden in the southern section.

The topsoil will be stockpiled inside the existing pit area as shown on Map P1 of the Mine Plan or distributed on reclaimed sections of the pit.

APPENDIX D – 6 PREMINING SURFACE AND GROUNDWATER

A. Surface water

The USGS map in Appendix C shows the major regional surface water features. The main channel of the Hams Fork is located approximately 1000 feet west and 1500 feet south of the permit area at the nearest points. The Davison Ditch is located approximately 300 feet south of the permit area. There are no USGS or other standardized surface water quantity or flow data available for this ditch.

There are surface water rights associated with the irrigation ditch. The ditch is owned by the surface landowner, Murine Murrow.

There are no reservoirs or lakes within the permit area.

B. Groundwater

The table on page Appendix D-6.3 indicates all registered water wells within a half-mile of the permitted area. The State Engineers Office has 6 wells on file. Only four of the six wells have statements of completion.

The wells are associated with residences and are for domestic and irrigation use.

Review of well information for wells in Section 36 and 37 adjacent to the proposed site shows that the depth to static groundwater in the wells varies from 3 feet to 155 feet. The Statement of Completion for well P101158W shows a total well depth of 14 feet and a static water depth of 3 feet. The Statement of Completion for this well indicates that it is used for livestock watering. The applicant describes this well as being placed in a spring. The other wells that are nearby clearly indicate that the normal groundwater level is much deeper than this situation. The existing pit depth will be continued in the expansion area. There has been no indication of water migrating into the existing pit.

The depth of excavation in the proposed pit area is approximately 8-13 feet below ground level because the gravel seam which is being excavated only extends to that depth. With this depth of excavation, there appears to be little concern that the bottom of the pit will encroach within 20 feet of the groundwater.

Map 2 of Appendix C shows the well locations by quarter/quarter.

Groundwater Wells Within 1/2 Mile Radius of Acme Mining Corporation Kemmerer Pit

Permit #	Priority	Status	Township	115 Suffix	Range	Rng Suffix	Section	Qtrqtr	Applicant	Facility Name	Uses	Well Depth	Static Depth
Wells in Section T21N R115W													
P101158W	12/18/1995	GST	21	N	115	W	---	SENW	Kevin & Elizabeth Whitmore	WHITMORE WELL #1	DOM,STO	14	3
P159866W	6/14/2004	GSI	21	N	115	W	---	SENW	James Park	J PARK HANSPORK WELL #1	DOM		
P7076P	8/31/1916	GST	21	N	115	W	---	SENE	Perl Miller Thompson	MILLER #1	DOM,STO	110	40
P93506W	11/15/1993	GST	21	N	115	W	---	SENW	Kevin & Elizabeth Whitmore	WHITMORE WELL #2	DOM	226	155
Wells in Section T21N R115W													
P10592W	5/9/1997	GST	21	N	115	W	---	NWNW	Tom Schulthess	MILLER #3	DOM	223	40
Wells in Section T20N R115W													
41/6/223W	8/4/2008	UNA	20	N	115	W	---	SENW	Clnt Proffit	PROFFIT #1	DOM,STO		

RECORD SUFFIXES ARE DENOTED AS FOLLOWS:

"A" ADJUDICATED (FINALIZED) RIGHTS; UNLESS THE RIGHT IS A TERRITORIAL APPROPRIATION, THERE WILL BE A MATCH IN THE REFERENCE COLUMN FROM ONE OF THE FOLLOWING PERMIT TYPES FOR THE UNADJUDICATED PORTION

"C" WELL STATEMENTS OF CLAIM, FILED FROM 1947 TO 1957 FOR WELLS COMPLETED PRIOR TO APRIL 1, 1947

"G" WELL REGISTRATIONS, FILED FOR WELLS COMPLETED AFTER APRIL 1, 1947

"P" STOCK AND DOMESTIC USE WELLS COMPLETED PRIOR TO MAY 24, 1969 AND REGISTERED WITH THE STATE ENGINEER'S OFFICE PRIOR TO DECEMBER 31, 1972

"W" PERMITS ARE FOR WELLS WITH A PRIORITY DATE FOR THE DATE OF FILING WITH THE STATE

Status Codes

APP Application
 ADJ Adjudicated
 EXP Expired
 GST Good Standing
 GSI Good Standing, Incomplete
 GSM Good Standing, Map Required
 GSE Good Standing, Extended
 GSX Good Standing, Extension Requested
 UNA Unadjudicated*
 * Domestic, Stock, Monitor, Coal Bed Methane and some misc. wells are not adjudicated

Use Codes

CBM Coal Bed Methane
 DEW Dewatering
 Dom Domestic
 DRI Drilling
 IND Industrial
 IRR Irrigation
 MIS Miscellaneous
 MON Monitoring
 MUN Municipal
 RES Reservoir
 STO Stock
 TEM Temporary
 TST Test Well

APPENDIX D – 7 PREMINING TOPSOIL, SUBSOIL & OVERBURDEN INFORMATION

There is no NRCS soil sample data available for the site. Therefore, topsoil salvage volumes could not be calculated using NRCS soil map units. A topsoil and overburden site investigation was conducted by the applicant.

A. Soil Survey Map

Map D7A of this Appendix shows the location of soil test pit locations investigated by Acme Mining Corporation. The map indicates the location of six test pits which were excavated in the proposed expansion area. Photos of each test pit are also included in this Appendix.

Table 1 of this Appendix shows depths of the topsoil and overburden for each test pit.

Through examination of the test excavations the topsoil averages approximately six inches in depth.

The overburden averages approximately 2.5 feet in depth.

From the test pit evaluations it is estimated that there will be approximately 10,500 cubic yards of topsoil salvaged from the expansion area along with approximately 52,500 cubic yards of overburden.

There are two existing topsoil piles created from previous topsoil removal on the existing pit. They contain a total of approximately 7200 cubic yards of topsoil. The 17,700 total cubic yards of topsoil will be adequate to reclaim the pit area.

Kemmerer Pit-Test Pit Photos



Test Pit # 1



Test Pit # 2



Test Pit # 3



Test Pit # 4



Test Pit # 5



Test Pit # 6

Table 1

Kemmerer Pit-Soil Test Pit Measurements

<u>Test Pit Number</u>	<u>NRCS Soils Classification</u>	<u>Depth of Topsoil (inches)</u>	<u>Depth of Overburden (Feet)</u>
1	Not Available	8.5	5.9
2	Not Available	8.5	4.3
3	Not Available	8.5	4.3
4	Not Available	7	0
5	Not Available	5	0
6	Not Available	5	0

APPENDIX D – 8 PREMINING VEGETATION INFORMATION

The undisturbed portion of the permit area is pasture land. This area has been grazed. The owner has no information on past seed mixtures that may have been used on the property

The vegetative cover within the permit area was mapped and described by our vegetation consultant on April 22, 2011. Their report and photos of the vegetative cover types are included in this section. Common names of plants present on the site are listed next to the species names in the report.

Locations of the vegetative cover types described in the consultant report are shown on the area map included in the report.

The Lincoln County Weed and Pest inspected the site in January, 2011. They will continue to monitor and spray the property in the future. A copy of their letter is now included in Appendix D-8. Acme Mining Company will continue to work with the County Weed and Pest to control noxious weeds at the site.

LINCOLN COUNTY WEED & PEST CONTROL DISTRICT

— IN COOPERATION WITH THE —
WYOMING DEPARTMENT OF AGRICULTURE
P.O. BOX 1117
AFTON, WYOMING 83110
(307) 885-(WEED) 9333 • (FAX) 307-886-5211

January 27, 2011

Office of Planning and Zoning

RE: Acme Mining-Kemmerer Gravel Pit

I have visited the Kemmerer gravel pit in Lincoln County recently. At this time there is snow on the ground and I am unable to fully assess the weed situation on this property. However, the history of this property and location suggests that two main weeds will be prevalent Salt Cedar, and Perennial Pepperweed. Lincoln County Weed and Pest suggests that the top soil be placed in an easy accessible area and not transported anywhere. This pile will be monitored and sprayed by Lincoln County Weed and Pest. This gravel pit already has a pile of nontransferable debris located on its premises. We are spraying and monitoring this pile also. Lincoln County Weed and Pest will continue to monitor this pit and recommend necessary steps to remove the noxious weeds from this area. If this stipulation is followed we feel this expansion can proceed.

Sincerely



Jerry Dayton

Lincoln County Weed and Pest Control



ENVIRONMENTAL CONSULTING & HABITAT RESTORATION

**Small Mining Permit Vegetation Analysis
Acme Mining-Kemmerer Pit
April 22, 2011**

investigated the vegetation found on the Kemmerer Pit on April 13, 2011 in order to perform a vegetation analysis to supplement a permit application in accordance with "Chapter 9 – Noncoal – Small Mining Operations".

Methods

The entire (approximately) 12-acre property would be classified as sage habitat. It is dominated by Wyoming big sagebrush with several species of unknown bunch grasses (at the time of survey) scattered throughout. This site is relatively level with the exception of a small drainage that runs northwest to Southeast as depicted in Figure 1. Vegetation in this drainage area consists of only Sagebrush with little, to no grass component.

Vegetation was mapped by identifying predominant vegetation cover types. Cover types were delineated when the total vegetative percent cover and/or dominant species changed. Subdominant species varied within some of the cover types; significant variations are noted in the descriptions below. The "total cover" is given as a percent of aerial plant coverage. "Relative cover" percents refer to all the plants in a cover type totaling 100% regardless of the total vegetative cover. Percent coverage was determined via ocular estimation. Because of the fairly significant variation of the percent coverage of some species, we feel that this survey method results in a more detailed understanding of the vegetation found on the property than by using random sample plots. The vegetative cover types are described below, and correspond to the map included with this vegetation survey (Figure 1). Photographs are also included with this submittal and their location and photo direction are included in the attached figure.

Vegetative Cover Types

T1P1

Sample site located in Southeast corner of proposed expansion area. Predominantly rocky, dry, short grasses with very little shrub component.

Total Cover:

30%: Vegetative Cover

70% Bare ground.

Relative cover:

40% Native short, bunch grass; 20% Unknown Forb; 20% *Opuntia humifusa* (Prickly Pear); 20% Fungus crust.

Photo Points:



Landscape View



Sample Plot

T1P2

Dry rocky site with short grasses.

Total Cover:

40% Vegetative Cover

60% Bare ground.

Relative cover:

40% Native short, bunch grass; 20% Unknown Forb; 20% Fungus crust; 20% Pin cushion.

Photo Points:



Landscape View



Sample Plot

T1P3

Sagebrush monoculture; minimal grass.

Total Cover:

50% Vegetative Cover

50% Bare ground.

Relative cover:

100% *Artemeisa tridentata* (Wyoming Big Sagebrush)

Photo Points:



Landscape View

Sample Plot

T1P4

Sagebrush monoculture; minimal grass.

Total Cover:

40% Vegetative Cover

60% Bare ground.

Relative cover:

90% *Artemeisa tridentata* (Wyoming Big Sagebrush); 10% moss/fungus mixed with native grass intertwined w/ Sage roots; not on bare ground.

Photo Points:



T2P1

Sagebrush monoculture; minimal grass.

Total Cover:

70% Vegetative Cover

30% Bare ground.

Relative cover:

90% *Artemisia tridentata* (Wyoming Big Sagebrush); 15% Unknown forb; 5% moss/fungus mixed with native grass intertwined w/ Sage roots; not on bare ground; 5% Native bunchgrass; 5% *Poa secunda* (Sandberg Bluegrass).

Photo Points:



Summary

Vegetation on this property is classified as a sagebrush community with minimal understory; the most dominant species being sagebrush along with unknown bunch grass species scattered throughout. As depicted in Transect 1 Pits 1 & 2, these two dry patches have no shrub component, consisting only of small native bunch grasses.



- ANALYSIS BOUNDARY (13 acres)
- EXISTING ROADS (TWO-TRACK)
- FENCE LINE
- ⊕ VEGETATION SAMPLE SITES
- ▭ SAGE-STEPPE HABITAT
- ▭ DRAINAGE AREA
- ▭ NO SHRUB COMPONENT

Scale: 1" = 333'

0 33 67 100 133 167 200 233 267 300 333

DATE: April 15, 2011
 DRAWN BY: AG
 CHECKED BY: KS
 JOB NAME: 1
 TITLE:

REVISIONS:

Acme Mining-Kemmerer Pit
 Small Mining Permit

Figure 1: Vegetation Analysis
 Appendix D-8.7



APPENDIX D – 9 WILDLIFE INFORMATION

A. Introduction

The permit area contains 23.87 total acres. 10 acres are presently part of a limited mining operation. The remainder of the proposed permit area is pasture land. The overall topography is gently sloped to the south. Elevations within the permit area, including the access road, range from 6,830 to 6,900 feet above sea level.

B. Wildlife Habitat

Consultation with Wyoming Game and Fish Department (WGFD) personnel in Cheyenne and the DEQ in Lander established that the permit area lies within a core sage grouse area. This required conducting a Density/Disturbance Calculation Tool (DDCT). _____ Mapping Technologies created a DDCT map for the site which allowed the determination of the total project and disturbed areas. The DDCT process was performed using a BLM template and guidelines provided at a website administered by the Wyoming Game and Fish Department. Page Appendix D-9.4 contains a copy of the DDCT map. Page Appendix D-9.5 contains a table of the DDCT totals.

The map indicates that there are no active sage grouse leks within the required four mile radius. The total acreage in the intersection of the core area and the four mile radius is 16,406.63 acres. The total acreage of the disturbed and project areas is 469.71 acres. The 469.71 acres is well below the allowed 5% of the 16,406.63 acres or 820.33 acres.

By examination of the DDCT map, it was determined that there are a total of 3 disturbances which qualify as mining or oil and gas disturbances within the DDCT area. The guidelines allow 1 disturbance per 640 acres. The DDCT area is 16,406 acres. 16,406 acres divided by 640 acres/disturbance equals 25 disturbances allowed in the review area. The existing 3 disturbances are well below the 25 allowed by the guidelines.”

Because the proposed expansion area lies within a core sage grouse area, top soil stripping at the site will be limited to the period from July 1st through March 14th each year.

The Hams Fork River is within 0.5 miles of the project. The site is located on land which is elevated approximately 40-50 feet above the river bottom. A three foot high berm will be constructed and seeded at ground level on the downstream side of the pit to contain any runoff which might occur. The mining operation will have processing equipment and fuel storage which is located below ground level which will prevent any petroleum products from escaping the site.

Correspondence with the WGFD and the U.S. Fish & Wildlife Service (USFWS) on these topics are included in this Appendix.

C. Wildlife Inventory

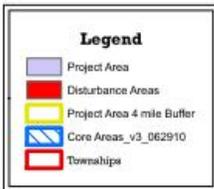
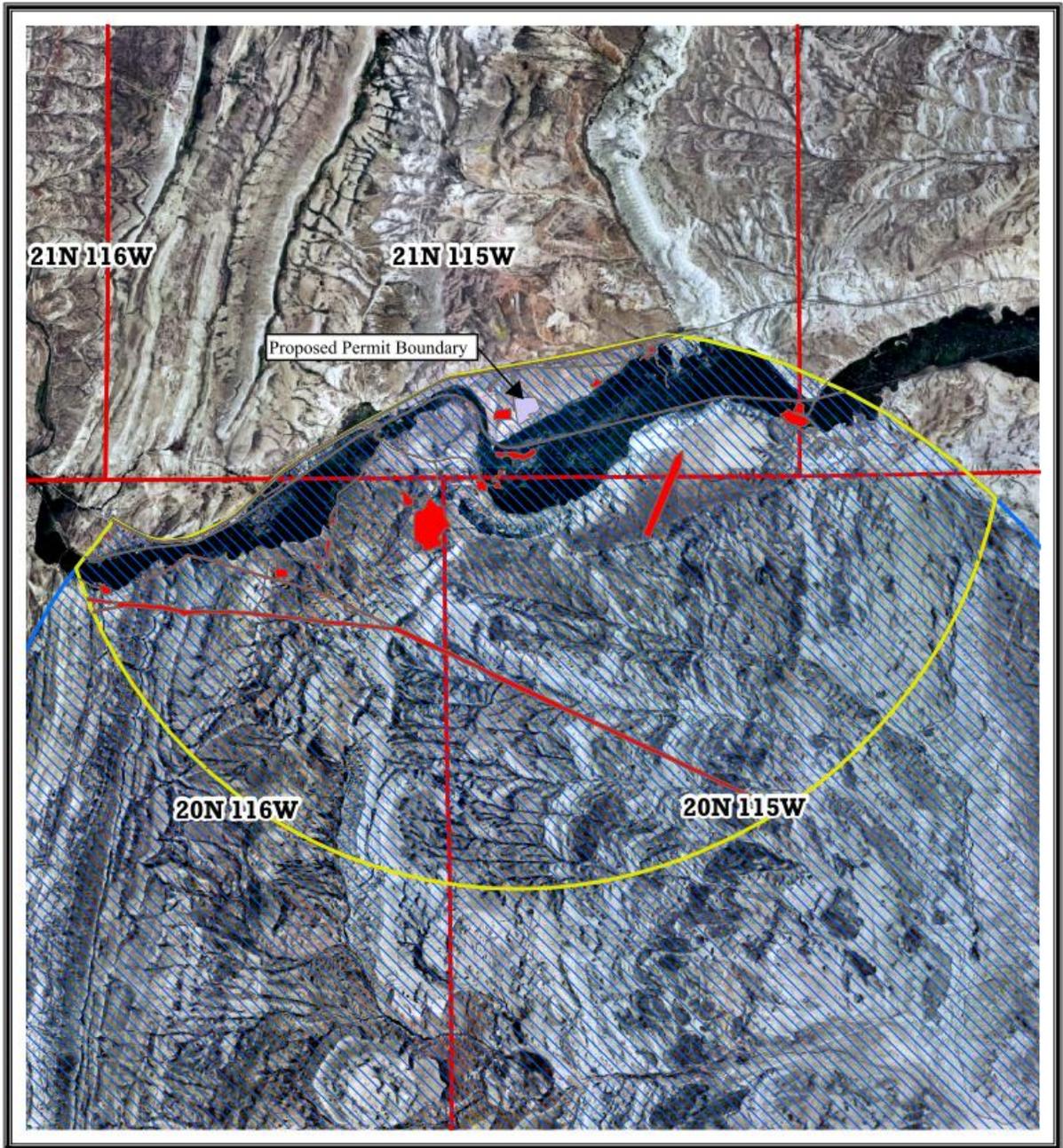
There are no small prairie dog colonies in the area.

USFWS and WGFD had no specific information on or knowledge of Migratory Birds of High Federal Interest (MBHFI) within the permit area. The USFWS suggested that a MBHFI survey be conducted at the site. Wyoming Wildlife Consultants conducted the survey on April 19, 2011. A copy of their survey report is included in this Appendix.

D. Commitments

In a cooperative effort to preserve the wildlife resources of the State, Acme Mining Corporation commits to:

- Notify the LQD Lander District Office, the WGFD District Biologist, and the USFWS if any of the information in this Appendix is known to have significantly changed as the mining operation progresses.
- In the future, if MBHFI are found to be nesting within one mile of the project area or Mountain Plovers are found to be nesting in the permit area, Acme Mining agrees to implement the USFWS guidelines found in their February 1, 2011 response letter.



DDCT Map for
 Acme Mining-Kemmerer Pit
 Small Mining Permit Application
 S 37 T21N R115W



1 inch = 6,000 feet

Prepared by

Appendix D-9.3

January 5, 2011

To Whom It May Concern:
Wyoming Game and Fish Department
Wildlife Habitat Protection Program
5400 Bishop Boulevard
Cheyenne, WY 82006

RE: Acme Mining Corporation Kemmerer-Gravel Pit
Lincoln County, WY USGS Quad-Willow Springs
S37 T21N R115W

Dear Sir/Madam;

Acme Mining Corporation is in the process of applying for a Small Mining Permit on the property owned by Murine Murrow approximately 5 miles east of Kemmerer, WY in Lincoln County. I have attached a map showing the exact location of the expansion.

The permit requirements direct that we communicate with you and request your input concerning the Wildlife Habitat Protection Program. Specifically;

- 1) What important critical or crucial habitats are known to exist within and adjacent to the permit area?
- 2) Are there perennial streams supporting fish populations in the area to be disturbed by mining?

The small mining permit application consists of a 13.87 acre extension to an existing 10-acre gravel pit. The area to be disturbed is pasture land.

Would you please research your records relating to the area and address the above questions?

If we have not heard from you within 30 days, we will assume that you have no concerns.

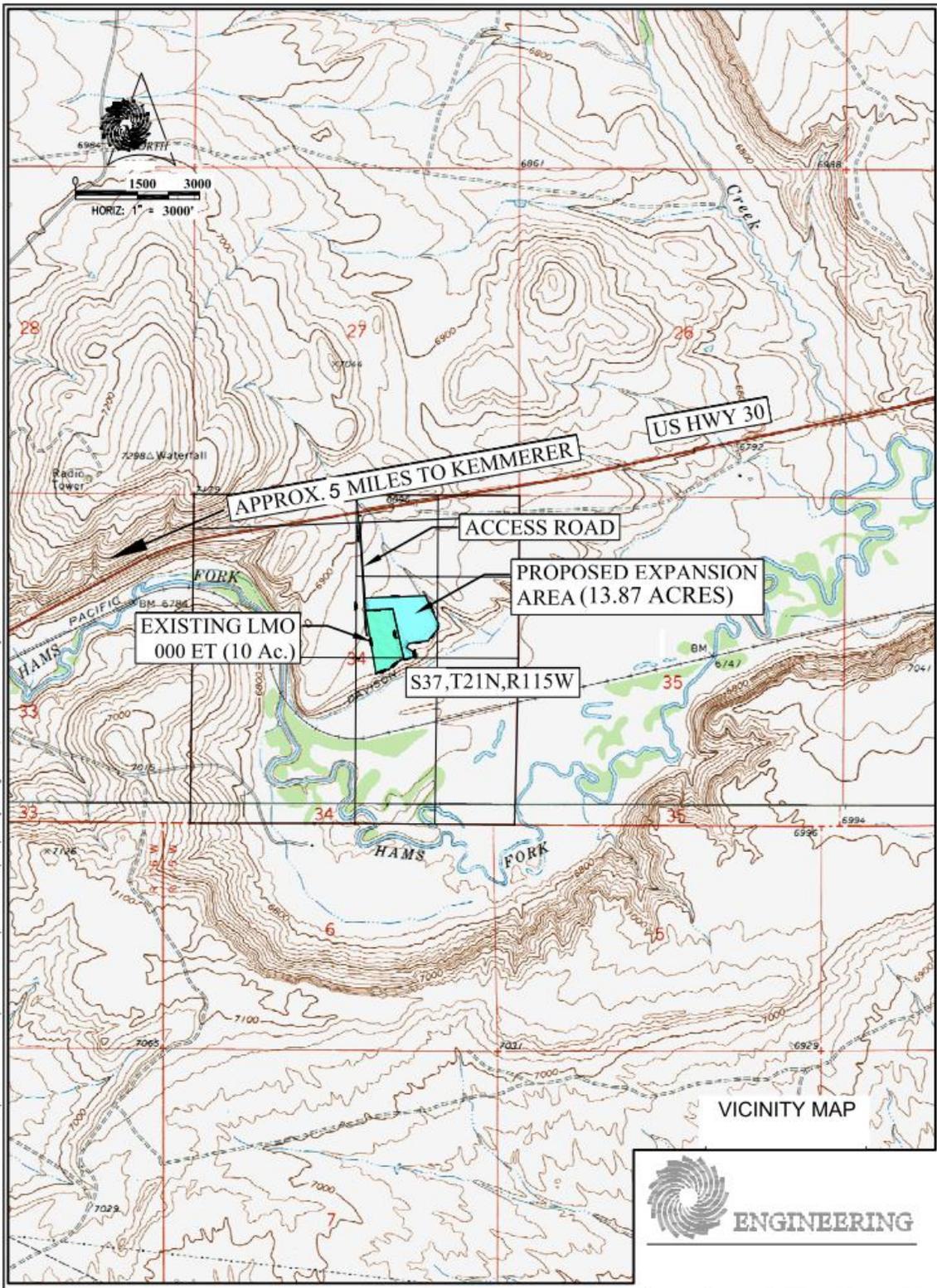
We appreciate your assistance with our permitting process.

Sincerely,

Sam Nunn
Environmental Coordinator
Acme Mining Corporation

Enclosures

Appendix D-9.4



Appendix D-9.5



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4600 Fax: (307) 777-4610

Web site: <http://gf.state.wy.us>

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AARON CLARK
JERRY GALLES
MIKE HEALY
CLIFFORD KIRK

January 31, 2011

WER 12213

Small Mining Permit Application
Kemmerer Gravel Pit
Acme Mining Corporation
Lincoln County

Sam Nunn
Environmental Coordinator
Acme Mining Corporation
PO Box 1000
Kemmerer, WY 83101

Dear Mr. Nunn

The staff of the Wyoming Game and Fish Department has reviewed the small mining permit application for the Kemmerer Gravel Pit submitted by Acme Mining Corp. in Lincoln County. We offer the following comments for your consideration.

Terrestrial Considerations:

The proposal consists of a 14 acre extension to an existing 10-acre gravel pit. Section 37 occurs within a sage grouse core area. As per the Governor's Sage Grouse Executive Order 2010-04, Attachment B, we recommend the proponent conduct a Disturbance/ Density Calculation Tool (DDCT) to evaluate the average disturbance acreage and surface disturbance density within the analysis area. You can either send us a copy of the map and calculations of the DDCT or submit them to the state permitting agency and they will send a copy of the documents to WGFD to review.

Aquatic Considerations:

The proposed project is within 0.5 miles of the Hams Fork River. The Hams Fork River at this location is a Yellow Ribbon trout stream and contains the following species: bluehead sucker, brown trout, carp, cutthroat trout, fathead minnow, flannelmouth sucker, longnose dace, mountain sucker, mountain whitefish, rainbow trout, redbreast shiner, roundtail chub, speckled dace, Utah chub, and white sucker.

The Department has categorized the flannelmouth sucker, bluehead sucker and roundtail chub as Status 1 species. Status 1 species are physically isolated and/or exist at extremely low densities

"Conserving Wildlife - Serving People"

Mr Nunn
January 31, 2011
Page 2 - WER 12213

throughout their range, and habitat conditions are declining or vulnerable. Therefore, the Department has been directed by the Commission to recommend that no loss of habitat function occur. Some modification of the habitat may occur, provided that habitat function is maintained (i.e. the location, essential features, and species supported are unchanged).

To minimize the impacts to the aquatic resources in the Hams Fork River, we recommend the following:

- Accepted best management practices be implemented to ensure that all sediments and other pollutants are contained within the boundaries of the work area. Disturbed areas that are contributing sediment to surface waters as a result of project activities should be promptly re-vegetated to maintain water quality.
- Any riparian canopy or bank stabilizing vegetation removed as a result of construction activities should be reintroduced and protected from grazing until well established (typically rested for a minimum of two grazing seasons).
- Equipment should be serviced and fueled away from streams and riparian areas. Equipment staging areas should be at least 300 feet from riparian areas.

To prevent the spread of Aquatic Invasive Species (AIS), we recommend the following:

All equipment entering or working over water should be pressure washed and leaks repaired prior to use. Equipment should be pressure washed and allowed to dry prior to movement between watersheds.

If equipment has been used in an area known to contain aquatic invasive species, the equipment will need to be inspected by an authorized aquatic invasive species inspector certified in the state of Wyoming prior to its use in any Wyoming water. If aquatic invasive species are found, the equipment will need to be decontaminated.

When work will occur in or near water, all equipment must be decontaminated. Decontamination should first occur before arrival at a project site, so AIS are not transferred from the last visited area. Decontamination should again occur before leaving a project site, so AIS are not transferred to the next site.

Decontamination may consist of either 1) Drain all water from equipment and compartments, Clean equipment of all mud, plants, debris, or animals, and dry equipment for 5 days in summer (June, July & August); 18 days in Spring (March, April & May) and Fall (September, October & November); or 3 days in Winter (December, January & February) when temperatures are at or below freezing,

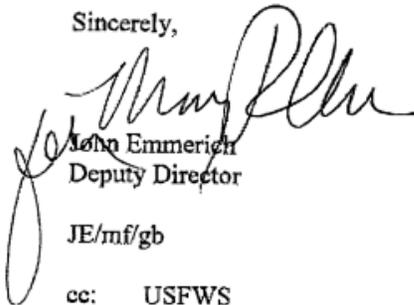
Or

Mr. Nunn
January 31, 2011
Page 3 - WER 12213

2) Use a high pressure (3000 psi) hot water (140°F) pressure washer to thoroughly wash equipment and flush all compartments that may hold water.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Scott Gamo, Staff Terrestrial Biologist, at 307-777-4509 or Robb Keith, Green River Fisheries Supervisor, at 307-875-3225 ext. 251.

Sincerely,



John Emmerich
Deputy Director

JE/mf/gb

cc: USFWS
Robb Keith-WGFD, Green River Region
Mark Zornes-WGFD, Green River Region

January 5, 20 11

To Whom It May Concern:
U. S. Fish and Wildlife Service
5353 Yellowstone
Suite 308A
Cheyenne, WY 82001

RE: Acme Mining Corporation Kemmerer-Gravel Pit
Lincoln County, WY USGS Quad-Willow Springs
S37 T21N R115W

Dear Sir/Madam;

Acme Mining Corporation is in the process of applying for a Small Mining Permit on the property owned by Murine Murrow approximately 5 miles east of Kemmerer, WY in Lincoln County. I have attached a map showing the exact location of the expansion.

The permit requirements direct that we communicate with you and request your input concerning our project. Specifically;

- 1) Is there any significant potential for federally listed threatened or endangered animal species inhabiting lands within or adjacent to our proposed permit area?
- 2) Is there any significant potential that migratory Birds of High Federal Interest (MBHFI), nest within or adjacent to the proposed permit area?
- 3) It is our determination that there are no prairie dog towns within our permit area. Do you have any information to the contrary?

The small mining permit application consists of a 13.87 acre extension to an existing 10-acre gravel pit. The area to be disturbed is pasture land.

Would you please research your records relating to the area and address the above questions?

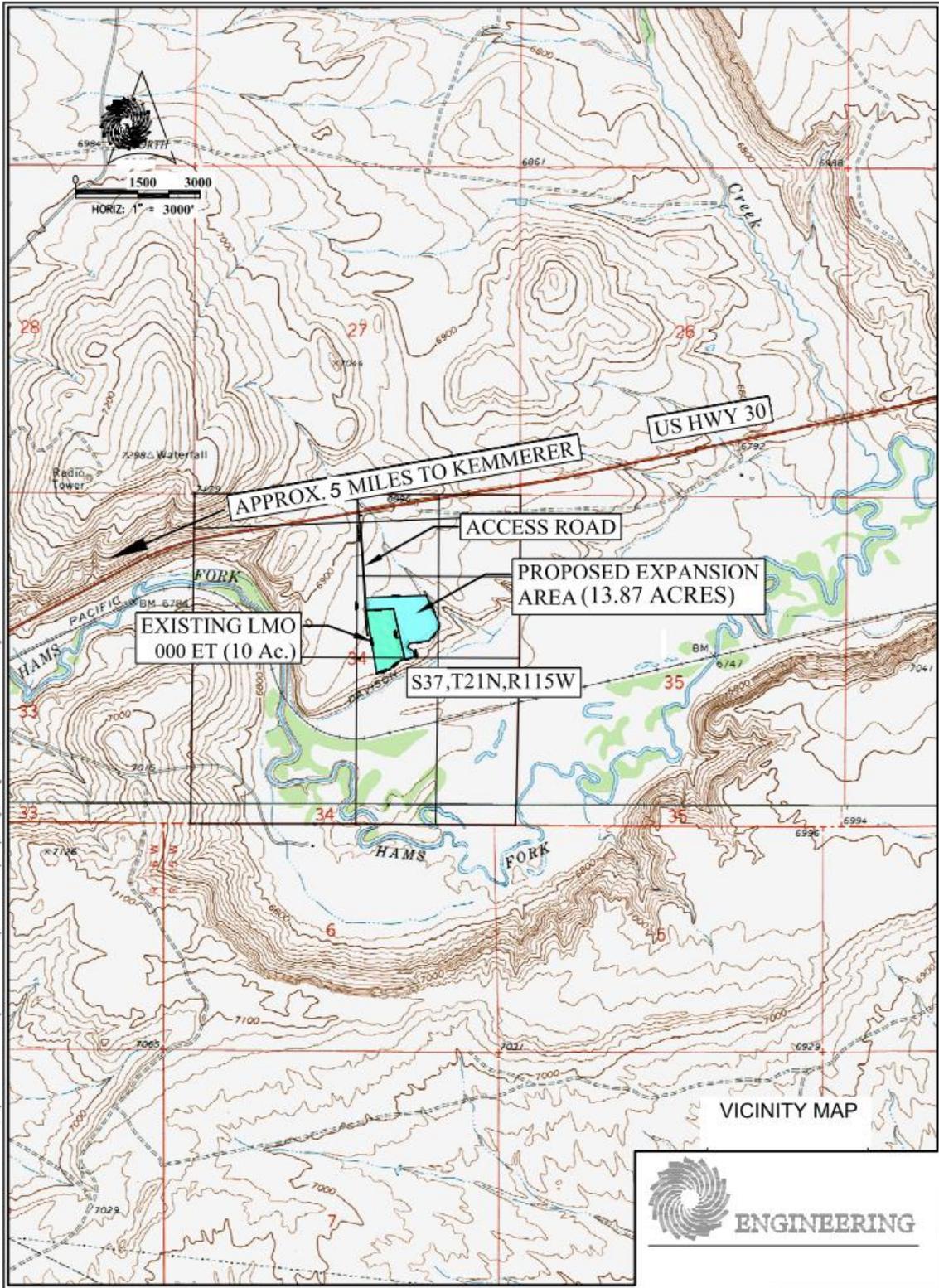
If we have not heard from you within 30 days, we will assume that you have no concerns.

We appreciate your assistance with our permitting process.

Sincerely,

Sam Nunn
Environmental Coordinator
Acme Mining Corporation

Enclosures



Appendix D-9.11





United States Department of the Interior

FISH AND WILDLIFE SERVICE



Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

In Reply Refer To:
ES-61411/WY11SL0090

FEB 01 20

Sam Nunn
Environmental Coordinator
Acme Mining Corporation
PO Box 1000
Kemmerer, WY 83101

Dear Mr. Nunn:

Thank you for your letter of January 5, 2011, received in our office on January 6, regarding the small mine for Acme Mining Corporation. This mine will be located in Lincoln County, Wyoming at T21N, R115W, Section 37. The small mining permit application consists of a 14-acre extension to an existing 10-acre gravel pit.

You have requested information regarding species listed under the Endangered Species Act of 1973, as amended (Act), 16 U.S.C. 1531 *et seq.* In response to your request, the U.S. Fish and Wildlife Service (Service) is providing you with recommendations for protective measures for threatened and endangered species in accordance with the Act. We are also providing recommendations concerning migratory birds in accordance with the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, and the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668. Wetlands are afforded protection under Executive Orders 11990 (wetland protection) and 11988 (floodplain management), as well as section 404 of the Clean Water Act. Other fish and wildlife resources are considered under the Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 *et seq.*, and the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742a-742j.

In your letter, you requested that we also address the potential for Migratory Birds of High Federal Interest (MBHFI) to nest within or adjacent to the proposed permit area. The Service does not maintain site specific information on the nesting locations of the birds on the MBHFI list (copy enclosed). Site-specific nest location information may be available from the Wyoming Game and Fish Department (WGFD), other applicable land management agencies, or can be determined through the use of species-specific surveys conducted on site. If site-specific information indicates that MBHFI do occur at or in the vicinity (e.g., 1 mile) of the proposed project area, we can provide additional site and species-specific recommendations.

In accordance with Section 7(c) of the Act, we have determined that the following species or their designated habitat may be present in the proposed project area. We would appreciate

receiving information as to the current status of each of these species within the proposed project area.

Listed, Proposed, Candidate Species and their Designated and Proposed Critical Habitat that may be in the proposed Project Area

Species/Critical Habitat	Scientific Name	Status	Habitat
Colorado River Fish			Downstream riverine habitat in the Yampa, Green, and Colorado River systems*
(Bonytail,	<i>Gila elegans</i>	Endangered	
Colorado Pikeminnow,	<i>Ptychocheilus lucius</i>	Endangered	
Humpback Chub,	<i>Gila cypha</i>	Endangered	
Razorback Sucker)	<i>Xyrauchen texanus</i>	Endangered	
Colorado River Fish Critical Habitat	Designated for Colorado River Fish in Colorado and Utah in downstream riverine habitat in the Yampa, Green, and Colorado River systems (see 50 CFR 17.95(e))*		
Mountain Plover	<i>Charadrius montanus</i>	Proposed - Threatened	Grasslands and prairie dog towns
Greater Sage-grouse	<i>Centrocercus urophasianus</i>	Candidate	Sagebrush communities

Colorado River fish and water depletions: Formal interagency consultation under section 7 of the Act is required for projects that may lead to depletions of water from any system that is tributary to the Colorado River. Federal agency actions resulting in water depletions to the Colorado River system may affect the endangered Bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), and Razorback sucker (*Xyrauchen texanus*) downstream in the Green and Colorado River systems. In addition, depletions may contribute to the destruction or adverse modification of designated critical habitat for these four species.

In general, depletions include evaporative losses and/or consumptive use of surface or groundwater within the affected basin, often characterized as diversions less return flows. Project elements that could be associated with depletions include, but are not limited to, ponds (detention/recreation/irrigation storage/stock watering), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), hydrostatic testing of pipelines, wells, dust abatement, diversion structures, and water treatment facilities. Any actions that may result in a water depletion should be identified. The document should include: an estimate of the amount and timing of average annual water use (both historic and new uses) and methods of arriving at such estimates; location of where water use or diversion occurs as specifically as possible; if and when the water will be returned to the system; and what the water is being used for. Depending upon the details of the

project, the Service may have more specific questions regarding the potential consumptive use of water.

As of August 11, 2009, the Service, in accordance with the Upper Colorado River Endangered Fish Recovery Program, adopted a *de minimis* policy, which states that water-related activities in the Upper Colorado River basin that result in less than 0.1 acre-foot per year of depletions in flow, have no effect on the Colorado River endangered fish species, and thus do not require consultation for potential effects on those species. Similarly, detention basins designed to detain runoff for less than 72 hours, and temporary withdrawals of water outside of critical habitat (e.g., for hydrostatic pipeline testing) that return all the water to the same drainage basin within 30 days, are considered to have no effect and do not require consultation.

Mountain Plover: On June 29, 2010, the Service reinstated a December 5, 2002, proposed rule (67 FR 72396) to list the mountain plover as a threatened species. Please see our recent Federal Register notice (75 FR 37353) for additional information. A new final determination on the proposal is to be completed by May 1, 2011. Pending the completion of the new final determination, the mountain plover is again proposed for listing as threatened. Section 7(a)(4) of the Act, requires Federal agencies to confer with us on any action that is likely to jeopardize the continued existence of any species proposed for listing. Federal action agencies may also request a conference on any proposed action that may affect a species proposed for listing.

We encourage project planners to develop and implement protective measures should mountain plovers occur within project areas. Measures to protect the mountain plover from further decline may include: (1) avoidance of suitable habitat during the plover nesting season (April 10 through July 10), (2) prohibition of ground disturbing activities in prairie dog towns, and (3) prohibition of any permanent above ground structures that may provide perches for avian predators or deter plovers from using preferred habitat. Suitable habitat for nesting mountain plovers includes grasslands, mixed grassland areas and short-grass prairie, shrub-steppe, plains, alkali flats, agricultural lands, cultivated lands, sod farms, and prairie dog towns. We encourage you to develop protective measures with an assurance of implementation should mountain plovers be found within the project areas.

Greater Sage-grouse: The Service has determined that the greater sage-grouse (*Centrocercus urophasianus*) warrants listing under the Act, but the development of a proposed listing rule is precluded by other higher priority listing actions. As a result, the greater sage-grouse has been placed on the list of candidate species. Candidates are reviewed annually to determine if they continue to warrant listing or to reassess their listing priority. Ideally, sufficient threats can be removed to eliminate the need for listing in which case sage-grouse would no longer be a candidate. If threats are not addressed or the status of the species declines, a candidate species can move up in priority for a listing proposal.

Please see our recent *Federal Register* notice (75 FR 13910; available at www.fws.gov/wyominges) on greater sage-grouse for detailed information concerning the status of the species. Greater sage-grouse are dependent on sagebrush habitats year-round. Habitat loss and degradation, as well as loss of population connectivity have been identified as important factors contributing to the decline of greater sage-grouse populations rangewide. Therefore, any

activities that result in loss or degradation of sagebrush habitats that are important to this species should be closely evaluated for their impacts to sage-grouse.

We recommend you contact the Wyoming Game and Fish Department to identify important greater sage-grouse habitats and recommended seasonal restrictions within the project area, and appropriate measures to minimize potential impacts from the proposed project. The Service recommends surveys and mapping of important greater sage-grouse habitats where local information is not available. The results of these surveys should be used in project planning, to minimize potential impacts to this species. No project activities that may exacerbate habitat loss or degradation should be permitted in important habitats.

The State of Wyoming has adopted a "Greater Sage-grouse Core Area Protection" Executive Order 2010-4 to ensure greater sage-grouse conservation. The recommendations of the State Sage-grouse Implementation Team and State of Wyoming's Greater sage-grouse "Greater Sage-grouse Core Area Protection" Executive Order 2010-4 state that development of any type in the identified core areas is done only when no decline to the species can be demonstrated. Executive Order 20108-4 further states the burden of proof for showing development does not affect sage-grouse rests with the industry or proponent in question, and any research they feel is necessary to convey this, should be conducted outside of core areas. The proposed project may be located in an area designated by the State of Wyoming as a core sage-grouse population area. We recommend you pursue additional consultation with the Wyoming Game and Fish Department on the core area strategy as it relates to this project.

Migratory Birds: The MBTA, enacted in 1918, prohibits the taking of any migratory birds, their parts, nests, or eggs except as permitted by regulations, and does not require intent to be proven. Section 703 of the MBTA states, "Unless and except as permitted by regulations ... it shall be unlawful at any time, by any means or in any manner, to ... take, capture, kill, attempt to take, capture, or kill, or possess ... any migratory bird, any part, nest, or eggs of any such bird..." The BGEPA, prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing. Work that could lead to the take of a migratory bird or eagle, their young, eggs, or nests (for example, if you are going to erect new roads, or power lines in the vicinity of a nest), should be coordinated with our office before any actions are taken.

Removal or destruction of such nests, or causing abandonment of a nest could constitute violation of one or both of the above statutes. Removal of any active migratory bird nest or nest tree is prohibited. For golden eagles, inactive nest permits are limited to activities involving resource extraction or human health and safety. Mitigation, as determined by the local Service field office, may be required for loss of these nests. No permits will be issued for an active nest of any migratory bird species, unless removal of an active nest is necessary for reasons of human health and safety. Therefore, if nesting migratory birds are present on, or near the project area, timing is a significant consideration and needs to be addressed in project planning.

If nest manipulation is proposed for this project, the project proponent should contact the Service's Migratory Bird Office in Denver at 303-236-8171 to see if a permit can be issued for

this project. No nest manipulation is allowed without a permit. If a permit cannot be issued, the project may need to be modified to ensure take of a migratory bird or eagle, their young, eggs or nest will not occur.

The Service's Wyoming Field Office has compiled a list of Migratory Bird Species of High Federal Interest (Enclosure) from the ongoing work among State and Federal agencies, non-governmental organizations, and the interested public that produced the Wyoming Bird Conservation Plan. This list will now serve as our list of Migratory Bird Species of Management Concern in Wyoming, in place of the previous list based on the Migratory Nongame Birds of Management Concern in the United States: the 1995 List.

For our internal tracking purposes, the Service would appreciate notification of any decision made on this project (such as issuance of a permit or signing of a Record of Decision or Decision Memo). Notification can be sent in writing to the letterhead address or by electronic mail to FW6_Federal_Activities_Cheyenne@fws.gov.

We appreciate your efforts to ensure the conservation of Wyoming's fish and wildlife resources. If you have questions regarding this letter or your responsibilities under the Act and/or other authorities or resources described above, please contact Alex Schubert of my office at the letterhead address or phone (307) 772-2374, extension 238.

Sincerely,



R. Mark Sattelberg
Field Supervisor
Wyoming Field Office

Enclosure

cc: WGFD, Non-game Coordinator, Lander, WY (B. Oakleaf)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)

Migratory Bird Species of Management Concern in Wyoming
(Migratory Birds of High Federal Interest)

Based on the *Wyoming Bird Conservation Plan* (Cerovski et al. 2000)

May 2, 2002

U.S. Fish and Wildlife Service, Wyoming Field Office,
 5353 Yellowstone Road, Suite 308A, Cheyenne, Wyoming 82009

The Wyoming Field Office of the U.S. Fish and Wildlife Service (Service) has compiled the following list from the ongoing work among State and Federal agencies, non-governmental organizations, and the interested public that produced the Wyoming Bird Conservation Plan. This list will now serve as our list of Migratory Bird Species of Management Concern in Wyoming, in place of the previous list based on the Migratory Nongame Birds of Management Concern in the United States: the 1995 List. The Wyoming Bird Conservation Plan identified priority species based on a number of criteria (see below) using the best information available for these generally un-studied species. In many cases, this list reflects identified threats to habitat because no information is available on the species population trends. In some cases it reflects identified population declines though no causal factors have been identified.

The following tables and explanatory text are taken directly from the Wyoming Bird Conservation Plan (Cerovski et al. 2000). For more information on this listing process, this report is available from our Wyoming Field Office, 5353 Yellowstone Road, Suite 308A, Cheyenne, Wyoming 82009; or Wyoming Game and Fish Department (WGFD), Nongame Branch, 260 Buena Vista, Lander, Wyoming 82520.

Table 1. **Level I Species (Conservation Action)**. Species clearly needs conservation action. Includes species of which Wyoming has a high percentage of and responsibility for the breeding population, and the need for additional knowledge through monitoring and research into basic natural history, distribution, etc.

Species	PIF Score ^a	AI ^b	PT ^c	Primary Habitat Type(s)
Mountain Plover ^d	28	4	3	Shortgrass Prairie, Shrub-steppe
Trumpeter Swan	26	3	3	Wetlands
Sage Grouse	26	5	3	Shrub-steppe
McCown's Longspur	26	3	2	Shortgrass Prairie, Shrub-steppe
Baird's Sparrow	26	2	3	Shortgrass Prairie
Ferruginous Hawk	23	4	3	Shrub-steppe, Shortgrass Prairie
Brewer's Sparrow	23	5	5	Shrub-steppe, Mountain-foothills Shrub
Wilson's Phalarope	22	3	5	Wetlands
Franklin's Gull	22	3	3	Wetlands
Sage Sparrow	22	5	2	Shrub-steppe, Mountain-foothills Shrub

Table 2. **Level II Species (Monitoring)**, continued.

Species	PIF Score ^a	AI ^b	PT ^c	Primary Habitat Type(s)
Sage Thrasher	19	5	2	Shrub-steppe
Grasshopper Sparrow	19	3	5	Shortgrass Prairie, Shrub-steppe
Bobolink	19	2	3	Shortgrass Prairie, Shrub-steppe
Common Loon	18	3	3	Wetlands
Black-billed Cuckoo	18	2	3	Plains/Basin Riparian
Red-headed Woodpecker	18	2	3	Plains/Basin Riparian, Low Elevation Conifer
Yellow-billed Cuckoo	18	3	3	Plains/Basin Riparian
Eastern Screech-Owl	18	3	3	Plains/Basin Riparian
Western Screech-Owl	18	3	3	Plains/Basin Riparian
Great Gray Owl	18	3	3	Mid Elevation Conifer, High Elevation Conifer
Boreal Owl	18	3	3	High Elevation Conifer
Broad-tailed Hummingbird	18	2	2	Montane Riparian, Plains/Basin Riparian, Mid Elevation Conifer
Western Scrub-Jay ^d	18	3	3	Juniper Woodland
Loggerhead Shrike	18	3	3	Shrub-steppe
Vesper Sparrow	18	5	4	Shrub-steppe
Lark Sparrow	18	3	4	Shrub-steppe
Golden-crowned Kinglet	17	3	3	High Elevation Conifer
MacGillivray's Warbler	17	3	1	Montane Riparian, Plains/Basin Riparian
Ash-throated Flycatcher ^d	16	2	3	Juniper Woodland
Bushtit ^d	16	3	3	Juniper Woodland
Brown Creeper	16	3	3	Mid Elevation Conifer, High Elevation Conifer
Merlin	15	3	3	Low Elevation Conifer
Sprague's Pipit	n/a	n/a	n/a	Grassland, Plains/Basin Riparian, Shortgrass Prairie
Barn Owl	n/a	n/a	n/a	Shortgrass Prairie, Urban
White-faced Ibis	n/a	n/a	n/a	Wetlands, Aquatic
American Bittern	n/a	n/a	n/a	Wetlands, Aquatic
Common Tern	n/a	n/a	n/a	Wetlands, Aquatic
Purple Martin	n/a	n/a	n/a	Wetlands, Aquatic/Basin Riparian, Montane Riparian

^a From the PIF Priority Database (Carter et al. 1997).

^b AI = Area Importance (from the PIF Priority Database).

^c PT = Population Trend (from the PIF Priority Database).

^d Nicholoff, S. 2002. Wyoming Bird Conservation Plan, Version 1.1. Wyoming Partners In Flight and Wyoming Game and Fish Department, Lander. In press.

Wyoming Partners In Flight Process for Prioritizing Species

Wyoming Partners In Flight participants developed the current list of priority species based on a combination of the seven criteria in the national Partners In Flight Priority Database (Carter et al. 1997). This database serves as a defensible method of prioritizing both species and habitats in need of conservation. The criteria include Wyoming-dependent and Wyoming-independent factors. The Wyoming-independent criteria are constant over a species' range and do not vary for each species. The Wyoming-dependent criteria were the key components used to prioritize species and their conservation action needs. In the absence of any more rigorous statewide surveys, Breeding Bird Survey data dating back to 1968 were used to determine population trends in Wyoming.

Criteria

Within each criterion below, a species was given a rank score ranging from 1 to 5, with 1 being the least critical rank and 5 the most critical. Each ranked species could potentially receive a low score of 7 and a high score of 35. However, setting conservation goals based only on total score could be misleading; therefore, each total score was reviewed in conjunction with its component parts. In Wyoming, species were initially ranked using total score, area importance, and population trend.

1. Relative Abundance (RA) - The abundance of a bird, in appropriate habitat within its entire range, relative to other bird species. This criterion gives an indication of a species' vulnerability to withstand cataclysmic environmental changes. A low score would indicate a higher relative abundance, therefore reducing the risk of complete extirpation from losses in one or more regions. Higher scores indicate a lower relative abundance, thus more vulnerability to drastic losses or population changes.

2. Breeding Distribution (BD) - A relative measure of breeding range size as a proportion of North America (defined as the main body of the continent, excluding Greenland, through Panama and the islands of the Caribbean, comprising an area of 22,059,680 km² [National Geographic Society 1993]), and as such it provides an index of a species' vulnerability to random environmental events. High scores indicate localized breeding, thus a higher likelihood of serious decline from drastic environmental changes. Low scores indicate wide breeding distribution, therefore less likelihood of extirpation. Used for breeding birds only.

3. Non-breeding Distribution (ND) - A relative measure of non-breeding, or winter, range size as a proportion of North America, and as such it provides an index of a species' vulnerability to random environmental events. High scores indicate localized distribution on the non-breeding grounds. Low scores indicate wide distribution on the non-breeding grounds, therefore less likelihood of extirpation. Used for wintering birds only.

4. Threats on Breeding Grounds (TB) - The ability of a habitat in an area to support populations of a species in that area. Two factors are considered here: 1) each species' demographic and ecological vulnerability (the potential inability of a species to recover from population loss by normal reproductive effort due to low reproductive rate, high juvenile mortality, or both; and the level of ecological specialization of a species and, hence, its potential inability to withstand environmental change), and 2) habitat loss or disruption (a combination of the amount of habitat or conditions necessary for survival and reproductive success that has been lost since 1945, and the amount that is anticipated to be lost in the future). High scores indicate either a large loss of habitat or a species that is an extreme ecological specialist. Low scores

indicate a stable or increasing habitat or a species that is an ecological generalist. Used for both breeding and wintering birds.

5. Threats on Non-breeding Grounds (TN) - Range-wide threats on non-breeding, or winter, grounds. This is scored using the same criteria as threats on breeding grounds but reflects non-breeding issues, including migratory habitat. Used for wintering birds only.

6. Population Trend (PT) - The overall population trend of each species assigned independently for each state, province, or physiographic area. This criterion must meet two thresholds, reliability and magnitude, to warrant either a very high or very low score. When possible, a score was assigned using BBS data, which incorporated a population trend uncertainty score based on the statistical validity of the BBS data (i.e. a species must be detected on a minimum of 14 BBS routes per state for population trends to have statistical significance). This criterion was chosen to alert managers to species with modest, but certain, population declines.

7. Area Importance (AI) - The abundance of a species within a state, province, or physiographic area relative to its abundance throughout its range. This criterion helps direct conservation efforts toward areas that are most important to a species' survival. Area Importance is scored locally; therefore, high scores indicate that a large proportion of the species' breeding or winter range occurs in Wyoming, or a species is using a habitat that is only available in Wyoming. Low scores indicate that a small proportion of the species' range occurs in Wyoming, or the preferred habitat is widespread across its range. Used for both breeding and wintering birds.

Priority Species

Priority bird species in Wyoming were identified from the PIF Priority Database (Carter et al. 1997) and by qualitative, informed decisions. Those species with a total score of 18 or above, Area Importance (AI) of 3 or above, and/or Population Trend (PT) of 3 or above from the database, or with a total score less than 18 but of significant local interest were identified as the highest priority species. However, as more information becomes available, the highest priority species for Wyoming may change, as this is a dynamic database that allows for updated information to be periodically inserted and reviewed. The primary habitat type or types required for breeding were identified for each species to determine the highest priority habitat types for the state.

Literature Cited

- Carter, M. F., W. C. Hunter, D. N. Pashley, J. S. Bradley, C. S. Aid, J. Price, and G. S. Butcher. 1997. Setting landbird conservation priorities for states, provinces, and physiographic areas of North America. Partners In Flight Priority Database Final Report, Colorado Bird Observatory, Brighton.
- Cerovski, A., M. Gorges, T. Byer, K. Duffy, and D. Felley. 2000. Wyoming Bird Conservation Plan, Version 1.0. Wyoming Partners In Flight, Lander, WY.
- Nicholoff, S. 2002. Wyoming Bird Conservation Plan, Version 1.1. Wyoming Partners In Flight and Wyoming Game and Fish Department, Lander. In press.



SURVEY REPORT

**MIGRATORY BIRDS OF HIGH
FEDERAL INTEREST**

**ENLARGEMENT OF KEMMERER GRAVEL PIT
EXISTING LMO PERMIT # 000 ET**

PREPARED FOR:

ACME MINING CORPORATION
PO BOX 1000
KEMMERER, WY 83101

PREPARED BY:

..... CONSULTANTS, LLC
POST OFFICE BOX 000
PINEDALE, WYOMING 82941

25 APRIL 2011

1.0 INTRODUCTION

Consultants, LLC (WWC) was retained by Acme Mining Corp. to conduct wildlife surveys for the expansion of the Kemmerer Gravel Pit, LMO Permit # 000 ET. The pit is in Lincoln County, Wyoming, T21N, R115W, Section 37. The study area is within the Ham's Fork River corridor, characterized by a narrow riparian area dominated by irrigated hayfields and ribbons of willows with some cottonwoods in small stands and individual trees. Sagebrush uplands dominate the landscape outside of the river corridor. The railroad tracks and right-of-way cut very nearly through the center of the study area.

Correspondence with the Wyoming Game and Fish Department (WER 12213) and the United States Fish and Wildlife Service (ES-6141t/WY11SL0090) provided guidance on the species that should be addressed for a terrestrial analysis. Based on the recommendations of these two agencies mountain plovers (*Charadrius montanus*) and an assortment of raptors were the species of potential concern for the expansion of the existing Kemmerer Gravel Pit. The pit is also within a sage-grouse core area. The Project Impact Area Analysis (PIAA) is presented in a separate portion of this permit application.

2.0 METHODS

2.1 Mountain Plovers

has surveyed for mountain plovers in a number of areas in Wyoming, and were the first to document this species on the Pinedale Anticline Project Area in 1999. Based on published species accounts and our experience no suitable habitat exists for mountain plovers within or surrounding the Kemmerer Gravel Pit. No surveys for mountain plovers were conducted.

2.2 Raptors

The cottonwood and willow galleries along the Ham's Fork River provide the primary nesting structures for raptors near the Kemmerer Gravel Pit. Some small rock faces exist on the south side of the river on the eastern edge of a one mile buffer, but these are very small and unsuitable for cliff-nesting raptors (See Photo 1). Pack rat middens were found outside the one mile buffer on these low cliffs.

The majority of the riparian landscapes have been groomed to function as hayfields. Irrigation ditches following landscape contours bring water from the Ham's Fork River to supplement natural ground water and rainfall events. Cottonwood ribbons of varying widths, with interspersed individual trees, occur both along these ditches, along the railroad tracks and the river itself. This vegetative pattern allows literally every tree within the study area to be inspected for nesting raptors.

Two biologists, John _____ and Gregg _____, surveyed by foot and vehicle a one-mile area surrounding the proposed expansion of the Kemmerer Pit for nesting raptors on 19 April 2011.

3.0 RESULTS

3.1 Eagles

No nests of either bald eagles (*Haliaeetus leucocephalus*) or golden eagles (*Aquila chrysaetos*) are known to exist or were found within one mile of the proposed expansion.

3.2 Other raptors

One stick nest of a diurnal raptor was located within a one-half mile buffer of the proposed expansion. This nest has the appearance and is located in a cottonwood tree in a manner typical of nests built and used by red-tailed hawks (*Buteo jamaicensis*). No raptors were seen on or associated with this nest during the survey (see Photo 2). This nest is illustrated spatially in Map 1 below.

One additional nest each of red-tailed hawks, Swainson's hawks (*Buteo swainsoni*), and great horned owls (*Bubo virginianus*) were found outside the one mile buffer. These three nests all had adults in incubating positions upon the nests.

4.0 SUMMARY

: Consultants, LLC conducted a site assessment and raptor survey for the proposed expansion of the existing Kemmerer Gravel Pit on 19 April 2011. No suitable mountain plover habitat exists within a one-quarter mile buffer of the proposed expansion. No eagle nests are located within a one mile buffer of the proposed expansion. One inactive nest which we judged to be built by red-tailed hawks is within a one-half mile buffer of the proposed expansion. This nest has been established within an area of moderate existing uses, including ranching, a state highway, and the existing, operating gravel pit.

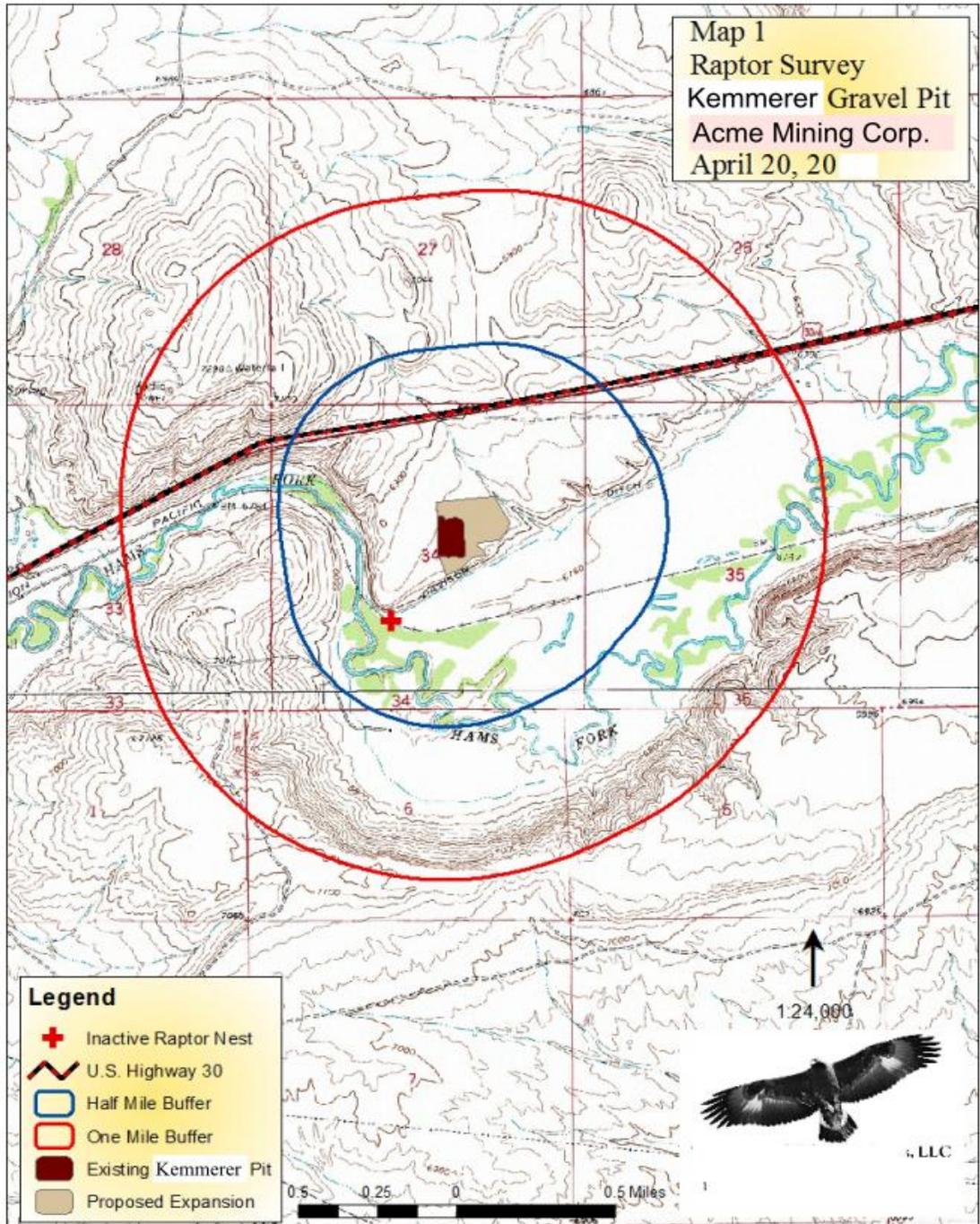
5.0 ILLUSTRATIONS



Photo 1: Existing Kemmerer Gravel Pit left circle, railroad tracks near center, Ham's Fork River and riparian system center and to right. Photo taken from west side of one mile buffer.



Photo 2: Inactive stick nest within one-half mile buffer.





WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006

Phone: (307) 777-4800 Fax: (307) 777-4610

Web site: <http://gf.state.wy.us>

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April 12, 2011



WER 12213
Department of Environmental Quality
Land Quality Division
Notice of Small Mine Permit Application
Kemmerer Pit
Acme Mining Corporation
TFN 5 5/000
Lincoln County

John Erickson
Land Quality Division
Department of Environmental Quality
510 Meadowview Drive
Lander, WY 82520

Dear Mr. Erickson:

The staff of the Wyoming Game and Fish Department has reviewed the small mining permit application for the Kemmerer Gravel Pit submitted by Acme Mining Corp. in Lincoln County. We offer the following comments for your consideration.

We appreciate the information provided in determining potential impacts to sage grouse through the DDCT (Disturbance/Density Calc. Tool). Based upon the data provided, the total acreage of the proposed site combined with already disturbed acres (445.66 total disturbed) is under 5% (820.33) of the analysis area. We cannot ascertain from the provided information the density of disturbances (avg. number of disturbances per 640 acres) for the project area. We advise the proponent provide DEQ the density of disturbances to so we can evaluate if the project meets the direction of the Governor's Sage Grouse Executive Order.

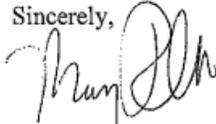
Appendix D-9.27

"Conserving Wildlife - Serving People"

Mr. John Erickson
April 12, 2011
Page 2 - WER 12213

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Scott Gamo, Staff Terrestrial Biologist, at 307-777-4509.

Sincerely,


John Emmerich
Deputy Director

JE/mf/sg

cc: USFWS
Mark Zornes, WGFD, Green River
Jeff Short, WGFD, Green River



APPENDIX D – 10 WETLANDS INFORMATION

The proposed operations will be performed entirely within non-irrigated highland. Because of the location of the permit area and through visual inspection there does not appear to be an environment where wetlands would exist. Therefore, no wetland specialist was employed to complete a survey, nor was the U.S. Army Corps of Engineers contacted.

The attached Map D-10 contains wetland mapping of the area adjacent to the proposed permit boundary which is included in the National Wetlands Inventory published by the U.S. Fish and Wildlife Service.

Pages Appendix D-10.3 through Appendix D-10.10 contain, descriptions of the wetland classifications found on the map.



U.S. Fish & Wildlife Service

National Wetlands Inventory

Branch of Resource and Mapping Support

Enter Classification code: (Example: **L1UB1Hx**)

For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)

REGIME

Description for code **PABF** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

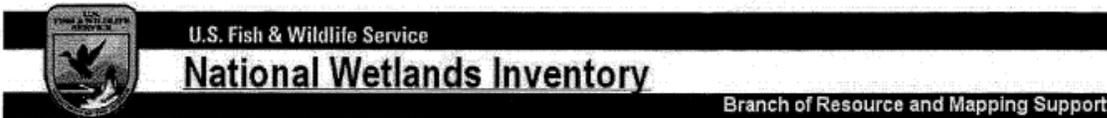
Subsystem :

AB Class **AQUATIC BED**: Includes wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years.

Subclass :

Modifier(s):

F WATER REGIME **Semipermanently Flooded**: Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land's surface.



Enter Classification code: (Example: **L1UB1Hx**)

For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)



Description for code **PEMA** :

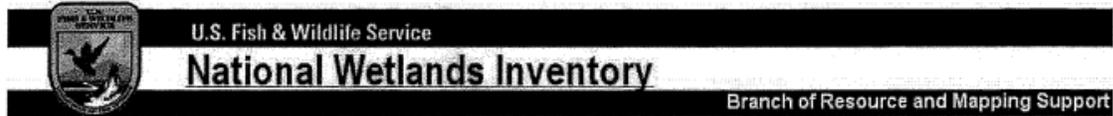
P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.
Subsystem :

EM Class **EMERGENT**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass :

Modifier(s):

A WATER REGIME **Temporary Flooded**: Surface water is present for brief periods during growing season, but the water table usually lies well below the soil surface for most of the growing season. Plants that grow both in uplands and wetlands may be characteristic of this water regime.



Enter Classification code: (Example: L1UB1Hx)

For geographically specific information* (optional), please enter a State code: (Example: TX for Texas)

Description for code **PEMC** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

EM Class **EMERGENT**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass :

Modifier(s):

C WATER REGIME **Seasonally Flooded**: Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.



U.S. Fish & Wildlife Service

National Wetlands Inventory

Branch of Resource and Mapping Support

Enter Classification code: (Example: **L1UB1Hx**)For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)Description for code **PEMF** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

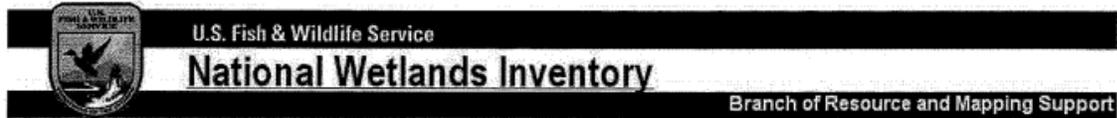
Subsystem :

EM Class **EMERGENT**: Characterized by erect, rooted, herbaceous hydrophytes, excluding mosses and lichens. This vegetation is present for most of the growing season in most years. These wetlands are usually dominated by perennial plants.

Subclass :

Modifier(s):

F WATER REGIME **Semipermanently Flooded**: Surface water persists throughout the growing season in most years. When surface water is absent, the water table is usually at or very near the land's surface.



Enter Classification code: (Example: **L1UB1Hx**)

For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)

Description for code **PFOA** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.
Subsystem :

FO Class **FORESTED**: Characterized by woody vegetation that is 6 m tall or taller.

Subclass :

Modifier(s):

A WATER REGIME **Temporary Flooded**: Surface water is present for brief periods during growing season, but the water table usually lies well below the soil surface for most of the growing season. Plants that grow both in uplands and wetlands may be characteristic of this water regime.



U.S. Fish & Wildlife Service

National Wetlands Inventory

Branch of Resource and Mapping Support

Enter Classification code: (Example: **L1UB1Hx**)For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)Description for code **PSSA** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

Subsystem :

SS Class **SCRUB-SHRUB**: Includes areas dominated by woody vegetation less than 6 m (20 feet) tall. The species include true shrubs, young trees (saplings), and trees or shrubs that are small or stunted because of environmental conditions.

Subclass :

Modifier(s):

A WATER REGIME **Temporary Flooded**: Surface water is present for brief periods during growing season, but the water table usually lies well below the soil surface for most of the growing season. Plants that grow both in uplands and wetlands may be characteristic of this water regime.



Enter Classification code: (Example: **L1UB1Hx**)

For geographically specific information* (optional), please enter a State code: (Example: **TX** for Texas)



Description for code **PSSC** :

P System **PALUSTRINE**: The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, emergents, mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean derived salts is below 0.5 ppt. Wetlands lacking such vegetation are also included if they exhibit all of the following characteristics: 1. are less than 8 hectares (20 acres); 2. do not have an active wave-formed or bedrock shoreline feature; 3. have at low water a depth less than 2 meters (6.6 feet) in the deepest part of the basin; 4. have a salinity due to ocean-derived salts of less than 0.5 ppt.

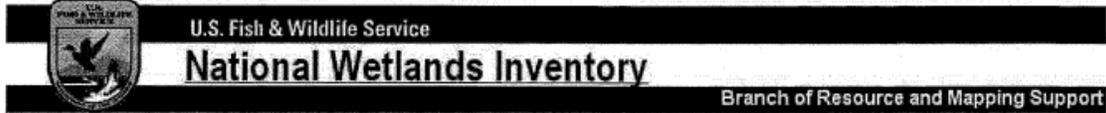
Subsystem :

SS Class **SCRUB-SHRUB**: Includes areas dominated by woody vegetation less than 6 m (20 feet) tall. The species include true shrubs, young trees (saplings), and trees or shrubs that are small or stunted because of environmental conditions.

Subclass :

Modifier(s):

C WATER REGIME **Seasonally Flooded**: Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.



Enter Classification code: (Example: L1UB1Hx)

For geographically specific information* (optional), please enter a State code: (Example: TX for Texas)

Description for code **R2USC** :

- R** System **RIVERINE**: The Riverine System includes all wetlands and deepwater habitats contained in natural or artificial channels periodically or continuously containing flowing water or which forms a connecting link between the two bodies of standing water. Upland islands or Palustrine wetlands may occur in the channel, but they are not part of the Riverine System.
- 2** Subsystem **LOWER PERENNIAL**: This Subsystem is characterized by a low gradient and slow water velocity. There is no tidal influence, and some water flows throughout the year. The substrate consists mainly of sand and mud. The floodplain is well developed. Oxygen deficits may sometimes occur.
- US** Class **UNCONSOLIDATED SHORE**: Includes all wetland habitats having two characteristics: (1) unconsolidated substrates with less than 75 percent areal cover of stones, boulders or bedrock and; (2) less than 30 percent areal cover of vegetation. Landforms such as beaches, bars, and flats are included in the Unconsolidated Shore class.
- Subclass :

Modifier(s):

- C** WATER REGIME **Seasonally Flooded**: Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.

MINE PLAN

1. Mine Plan Map

Included in this section are Mine Plan Maps P1 and P2 which shows the permit and disturbance boundaries, all roads associated with the operation, all drainage control structures, topsoil, overburden, ore/mineral and reject stockpiles, the processing site and other facilities, the pit progression for at least the first two years of operation and cross-sections of the existing permit area.

Also included in the mine plan sections is a discussion of the above items along with other information required by the small mine handbook.

2. General Description of Mining Operation

a. Type of Mine

The mine is a sand and gravel mine

b. Estimated Life of Mine

The mine life is unknown because the ability to process material is based on the market at the time.

c. General Equipment List

Map P1 shows the location of the processing equipment, temporary trailers and stockpiles area. The equipment includes crushing and screening machinery, loaders and trucks. Acme Mining may from time to time locate an asphalt batching plant and/or a concrete batching plant at the site.

d. Nature of ore reserve and estimated pit depth

The gravel seam varies but is generally eight feet thick throughout the project area. The pit depth will vary from approximately 13 feet in the north to 8 feet in the southern part of the pit.

3. General Description of mine facilities and construction methods in relation to the mine plan and/or facilities map.

- a. Buildings, processing plants and other facilities, including a discussion of fuel storage on site.

There is a temporary trailer on site. No stationary bulk oil or fuel storage will occur at the permit site. Fuel storage will be limited to what is contained in the machinery fuel tanks and in two 500 gallon portable fuel tanks.

The portable fuel tanks will be located within an earthen berm at all times to contain any leaks.

- b. Access and Haul Roads

Drawing P1 of the Mine Plan shows the location of the access/haul road associated with the initial mining sequence. The access road is an existing road and is surfaced with road base material. Removal of the road will be the owner's decision during final reclamation.

- c. Utility Rights of Way (ROW)

There are no utility rights of way in the permit area.

- e. Sedimentation and treatment ponds

There are no sedimentation or treatment ponds associated with the permit application.

- f. Railroads, conveyors, or other material load-out facilities.

There are no conveyors or other material load-out facilities proposed at the site.

- g. Mineral stockpile sites

Mineral stockpiles will be located in Area 1 shown on the Mine Plan Map P1. Spoils and mineral stockpiles will not be placed on un-stripped native lands. If these stockpiles are placed adjacent to native lands, a buffer of at least eight feet will be maintained.

- h. Access control features such as fences, berms, etc.

There are currently fences around a larger area containing the permit boundary. Berms will be constructed above all highwalls. An entrance gate is located at the highway right of way fence where the permit area is accessed.

- i. Description of the drainage/surface water control structures and measures to implement the DEQ/WQD Storm Water Pollution Prevention Plan (SWPPP).

Acme Mining Corporation does not anticipate extensive surface water runoff along the boundary of the pit area, haul/access road, or overburden stockpile. Acme Mining has Authorization to Discharge Storm Water Associated with Mineral Activities and has established a Storm Water Pollution Prevention Plan (SWPPP).

A three foot high berm will be constructed and seeded at ground level on the downstream side (south) of the pit to contain any runoff which might occur.

4. General description of mining methods and schedule, including:

- a. Pit excavation and backfill including typical cross-sections. Maximum expected depth to groundwater table.

The depth of the pit will be approximately thirteen feet in the northern portion of the permit area and approximately eight feet in the southern portion.

Acme Mining will stake the permit boundaries prior to commencement of work in the newly permitted areas. These stakes will facilitate proper location of the pit, and roads.

Typical cross-sections are shown on Mine Plan Map P2.

Depth to groundwater is anticipated to be greater than 20 feet below the bottom of the proposed pit.

- b. Description of topsoil, and subsoil salvage and stockpiling procedures, including stripping methods, stockpile berms, stockpile identification signs and temporary seeding for stabilization.

Acme Mining will salvage all available topsoil. It is estimated this will average about six (6) inches thick in the new pit area. If topsoil depth is found to be greater than 6" in isolated areas, then the topsoil will be salvaged to full depth. The topsoil will be salvaged using a loader.

All topsoil from the pit area will be placed in the topsoil stockpile as shown on Map P1 located in the bottom of the existing pit and used to reclaim the portions of the pit which have been mined. These piles shall have a sign placed on them indicating "Topsoil". A 10-foot buffer from the edge of the topsoil piles to the permit boundaries and pit edge shall be maintained. An 8-10 foot buffer of lands stripped of topsoil will be maintained along the entire perimeter of the disturbance to protect native undisturbed lands outside of the permit boundary. A buffer zone of at least 4 feet will be maintained between topsoil piles and other stockpiles." All topsoil piles will be constructed with 2:1 slopes.

There are two existing topsoil stockpiles at the site. They contain approximately 7200 cubic yards of topsoil. The piles are illustrated on the Mine Plan map.

Acme Mining will broadcast seed the topsoil stockpiles with Wheatgrass at a rate of at least 20 lbs/acre in order to stabilize the stockpiles and lessen the potential for invasion of weedy species. Each topsoil stockpile and additions to the stockpile will be seeded during the first available growing season.

Topsoil depth averages approximately six inches across the permit area. If three acres are stripped each year, that would create a volume of 2420 cubic yards of topsoil.

c. Description of spoil stockpiling

Based on previous operational history, and test pit investigation, the depth of overburden in the permit area will vary from zero on the southern portion of the area to four feet deep along the northern edge. Overburden which is excavated from the new areas will be deposited along the slopes of the existing pit which are ready to be reclaimed or placed in lifts in the bottom of the existing pit once final depth of the pit has been reached.

The top 12 inches of overburden will be salvaged and stockpiled when available as subsoil. It will be stockpiled separately as shown on the Mine Plan map and signed as subsoil.

d. Description of processed and non-saleable mineral stockpiles.

The reject material that is not saleable will be distributed back onto the completed pit floor and leveled. The final slopes of the pit areas are shown on Drawing R1 of the Reclamation Plan. These stockpiles will be located in the existing processing area.

5. Detailed description of pit progression for at least the first two years. Included is a commitment to update the pit progression for each subsequent year in the required annual report to DEQ.

Map P1 identifies a general sequence of pits by numbered units. Area #1 includes the previous 10-Acre Permit boundary. Upon approval of this application Acme Mining plans to complete excavation in Area #1 in 2011 and move to Area #2 for material extraction. Acme Mining anticipates that it will complete excavation in Area # 1 and # 2 within one year of the issuance of this permit or the end of 2012. Excavation will be taking place in Area # 3 by the end of 2012 and continue through 2015.

Acme Mining projects the sequence through the permit area based upon its knowledge of the current need for construction materials in the region. The exact rate at which the expansion will take place is unknown and will be somewhat determined by market needs.

In each Annual Report, Acme Mining will provide an updated map with existing pit area and a projection of future mining for at least the next twelve month period. The permit will be revised, if progressions in the annual report do not match the permit.

6. Plan for storage or disposal of waste materials that may be generated by the mining operation.

a. Mining Operation Non-Hazardous Solid Wastes

Acme Mining Corporation's mining and processing operation may generate small amounts of non-hazardous solid waste. These solid wastes might include spent tires, wooden or paper packing materials, used oil filters (drained for at least 48 hours), empty (and well-drained) lubricant containers, metal equipment parts, etc.

Acme Mining will remove these items from the site and dispose of them at an authorized landfill and will not burn any of these solid waste materials.

b. Clean Fill Importation and Burial

Acme Mining may periodically import clean fill and bury it in the borrow area. Acme Mining acknowledges that "Clean Fill" means material consisting solely of uncontaminated natural soil and rock, hardened asphalt rubble, brick and concrete rubble that does not create a health hazard, public or private nuisance or a detriment to the environment

c. Petroleum-Contaminated Soils

Acme Mining acknowledges that periodic equipment maintenance

and/or accidents may result in spills of petroleum products. A petroleum product is any crude oil or liquid petroleum fraction including, but not limited to gasoline, diesel fuel and used or unused motor oils, excluding hardened asphalt rubble.

If the spill involves no more than twenty-five (25) gallons, Acme Mining will pick up the petroleum-contaminated soils and dispose of the soils at an off-site permitted treatment facility. Spills over twenty-five (25) gallons will immediately be reported to the Water Quality Division.

d. Human Waste

During times of operation Acme Mining will have a portable toilet facility on site for their employees to use.

7. Plan for promptly treating or disposing of all acid-forming or toxic materials or materials constituting a fire, health or safety hazard uncovered during or created by the mining operation.

Acme Mining does not anticipate encountering or creating any toxic or acid forming materials during the mining process.

8. Procedures to avoid constituting a public nuisance.

a. Nearby Dwellings

There is no occupied dwelling, home, public building, school, church, community or institutional building park or cemetery within three hundred (300) feet of the proposed affected area.

b. Normal Operating Hours

Acme Mining will operate processing equipment and/or haul material from 7:00 AM to 7:00 PM on Monday through Friday.

c. Water used in dust suppression and processing.

Dust suppression along the access road and in other traveled locations in the processing area will be accomplished using water applied with a water truck. The application of water will depend on conditions. The water for dust suppression will be imported by truck to the site.

Acme Mining does not anticipate developing a ground water source on the site. Thus, Acme Mining does not have and has not sought groundwater appropriations in support of this mining operation.

Water used in the crushing operation is transported by water truck to the site.

No gravel washing will be conducted at the site.

d. Lighting

No nighttime lighting is anticipated at the site

e. Entrance Sign

Acme Mining will post a permit identification sign along the haul/access road corridor near its junction with US Highway 30. The sign will contain the following information:

Acme Mining Corporation
PO Box 1000
Kemmerer, WY 83101
(307) 888-2221
Agent: John Acme
LQD Permit No. _____

f. Fencing

The permit area lies within a 1386 acre parcel of land owned by Murine Murrow. There are currently fences around a smaller parcel that contains the permit area.

g. Speed Limit

Speed limits along access and haul roads associated with the permit area will be 15 m.p.h.

h. Commitments to not push material over steep slopes or escarpments, place safety berms above highwalls and leave a buffer between highwalls and topsoil stockpiles.

No materials will be pushed over steep slopes or escarpment on any sides of the pit.

Berms will be constructed above all high walls.

All topsoil piles will be located in the bottom of the pit and will be located away from the bottom of highwalls.

j. Plans for entering controlled highway.

Because of the location of the site, no interference between truck and school bus traffic is anticipated.

Truck drivers are trained regarding safety issues related to access onto and off of Highway 30.

k. Plans to minimize impacts to Sage Grouse, threatened or endangered plants and animal species, Migratory Birds of High Federal Interest or wildlife with crucial or critical habitat.

In a cooperative effort to preserve the wildlife resources of the State, Acme Mining commits to:

- Notify the LQD Lander District Office, the WGFDD District Biologist, and the USFWS if any of the information in this Appendix is known to have significantly changed as the mining operation progresses.
- Applicant commits to adhere to restrictions on the stripping of topsoil because the site is located in a mapped sage grouse core area.

Topsoil may be stripped from July 1st through March 14th of each year.

- In the future, if Migratory Birds of High Federal Importance (MBHFI) are found to be nesting within one mile of the project area or Mountain Plovers are found to be nesting in the permit area it is recommended by the USFWS that their guidelines found in the February 1, 20__ response, be implemented.
 - The owner will commit to wildlife protection measures recommended by the USFWS and/or the WGF for threatened or endangered species.
1. Commitment to prevent the spread of designated and prohibited noxious weeds.

During the application process for the Lincoln County Conditional Use Permit, the Lincoln County Weed and Pest inspected the permit area in January, 20__. A copy of their inspection letter is included in Appendix D-8.

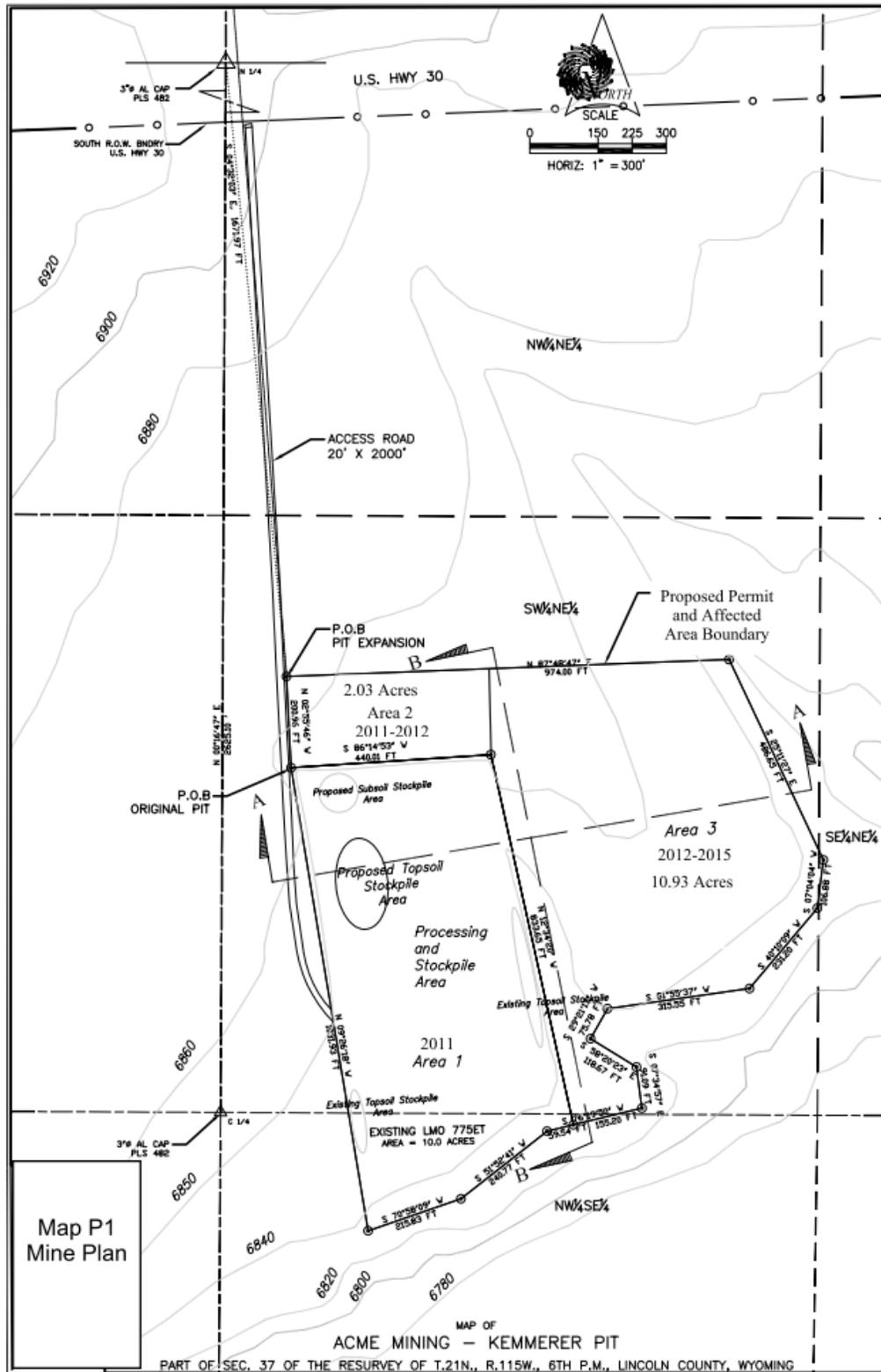
Acme Mining will strive to prevent the spread and/or serious infestations of designated and prohibited noxious weeds within the permit area through the following practices:

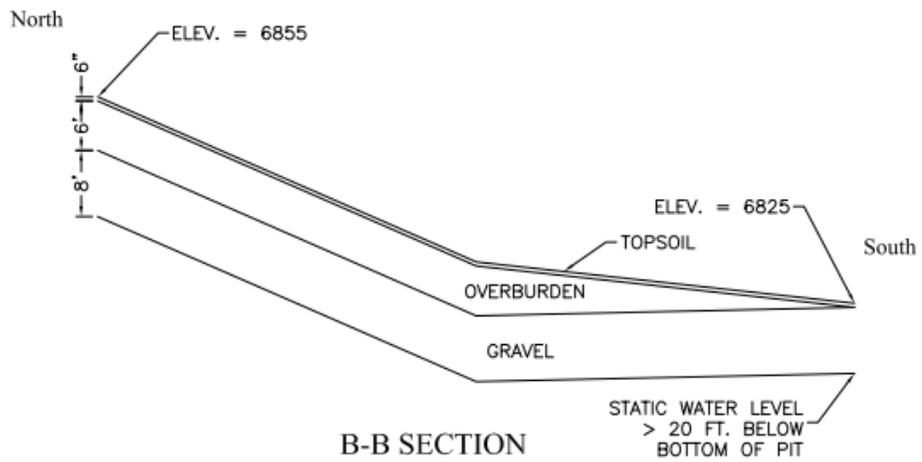
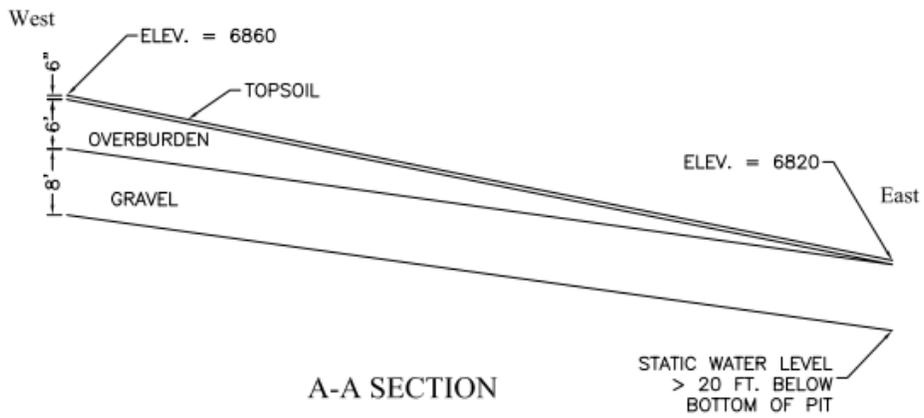
- Acme Mining will not disturb future areas until such time as they prepare that area to be mined.
- Acme Mining will broadcast a mixture of quick growing grasses on all topsoil stockpiles and select disturbed lands in order to limit the potential for weedy invasions.
- If weed infestations occur, Acme Mining will consult with the Lincoln County Weed and Pest Agency for suitable control practices. All applications of chemical herbicides will be made by licensed applicators

9. Blasting

Acme Mining Corporation does not plan any explosives use in association with this sand and gravel mining operation.

Note: The Mine Plan map below has been scaled to fit on 8 1/2" x 11" paper for this handbook. The minimum recommended size of the map submitted with the application is 11" x 17".





CROSS-SECTION MAP P2
MINE PLAN

MAP OF
ACME MINING - KEMMERER PIT
PART OF SEC. 37 OF THE RESURVEY OF T.21N., R.115W., 6TH P.M., LINCOLN COUNTY, WYOMING

RECLAMATION PLAN

1. Post Mining Land Use

The post mining land use will be similar to pre-mining use which included non-irrigated pasture land. Irrigation was not part of the pre-mining use nor will it be included in the post-mining land use.

2. Contour Map

Included in this section is Reclamation Plan Map R1 which shows the proposed approximate post-mining contours and how the contours tie into the existing contours outside of the affected area boundaries. The map scale is the same as Map P1 of the Mine Plan.

3. Typical Cross-sections

Reclamation Plan Map R2 contains cross-sections which show original ground, maximum depth of mining and proposed reclamation surfaces and slopes.

4. Description of backfill and surface re-contouring methods

As soon as the pit development allows, Acme Mining will initiate a direct backhaul and placement of excess reject material, overburden and topsoil. The placement of topsoil, overburden and reject material will be accomplished using loaders, a blade, a dozer, a paddle-wheel scraper and trucks. This direct backhaul will first occur around the existing pit area during the development of Area #2 as shown on Drawing P1 of the Mine Plan.

At the time of final reclamation, Acme Mining will remove all materials from the processing area and backfill those materials in the exhausted pit area. All processing and staging areas will be ripped prior to topsoil replacement. A layer of overburden at least 6 inches thick will be placed beneath the topsoil layer to help create a root zone for the re-vegetation.

Acme Mining will reestablish post-mining slopes and configurations, which are as stable as possible. No slopes steeper than 3 to 1 will be allowed. The post mining slopes will tie to undisturbed native lands with as little change in slope gradient as possible.

Drawing R1 shows the proposed post-mining slopes and contours including how the contours will tie to the area outside the permit area. The final depth of the pit will vary because of the existing ground elevations but will not be deeper than 13 feet. The depth of the pit follows the existing gravel seam.

The haul/access road removal will be the owner's decision during final reclamation. All roads within the permit area to be reclaimed will be ripped prior to topsoil replacement to relieve compaction.

5. Description of re-vegetation practices

a. Topsoil redistribution

Acme Mining will redistribute salvaged or imported topsoil when properly graded areas are available, placing it at an evenly distributed six inch thickness throughout all disturbed areas. If additional topsoil is needed to adequately cover the reclaimed area, it will be imported. Following the distribution of overburden and topsoil, the area to be planted will be ripped or scarified to a depth of at least 12 inches to ensure that surface compaction does not hinder re-vegetation.

The reclamation procedures will seek to employ direct haul of topsoil to graded areas as soon as the overall pit development allows.

b. Methods and schedule for seedbed preparation

Seedbed preparation will take place as soon as a section of the pit has been re-contoured. The actual date for permanent reclamation will depend upon regional market sales and the relative rate of mining but should follow the schedule in section 8. Acme Mining will use standard farming equipment to seed the site. Seeding will occur during the first seeding period after preparation is completed: Prior to May 15 or after September 15.

c. Methods and schedule of seeding

Acme Mining will continue the direct backfilling and permanent seeding progress as long as a pit configuration and other operational factors allow. Acme Mining will project the expected schedule of reclamation in each Annual Report. Permanent seeding will not occur when the topsoil is too wet or too dry or frozen to accommodate normal farm equipment operation.

d. Type and amounts of seeds for seeding

The seed mixture to be used including application rates has been provided by Intermountain Aquatics Inc. and is included in this Appendix as page RP-5.

e. Commitment to use weed-free seed

Acme Mining will seed a weed free permanent seed mixture of grasses on reclaimed lands at the first available suitable seeding period in the spring or fall.

The grass seed mixtures will also be used on topsoil berms along the outer perimeter of the mined sections.

f. Application of mulch

Following the seeding of reclaimed areas, mulch will be applied to protect those areas. Straw mulch will be used and crimped into the soil.

g. Description of protecting re-vegetated areas from domestic animal grazing

Acme Mining will protect newly seeded areas from domestic animal grazing by:

Excluding domestic animal grazing during the first two years following reclamation and seeding in any given area and not before the release of the bond by WDEQ-LQD.

Livestock fencing will remain in place surrounding the larger area. This will provide protection during the grazing deferral.

h. Noxious weed control

Acme Mining will work closely with the Lincoln County Weed and Pest in the control of noxious weeds.

The Lincoln County Weed and Pest inspected the site in January, 2011. They will continue to monitor and spray the property in the future. A copy of their letter is included in Appendix D-8.

6. Description of methods of reclamation for effective control of erosion, siltation and pollution of affected stream channels and banks

There are not stream channels or banks in the permit area.

Acme Mining will rely on the use of the established Storm Water Pollution Prevention Plan (SWPPP) to control erosion and prevent pollution of any waterway.

The SWPPP includes monthly inspections of the site and machinery to avoid pollutants making their way into adjacent waterways.

7. Description and plans for any permanent post mining impoundment

There are no plans for a permanent impoundment at the site.

8. Projected timetable for completion of the Reclamation Plan

Operations at the pit will be completed in 2015. Final reclamation will commence no later than one year before the completion date.

Final top soiling and seeding will be accomplished in the fall of 2015.

To the extent possible, reclamation will be concurrent with mining. As Area #1 and Area #2 are mined during 2011-12 the southern portions of Area 1 will be reclaimed as described in section 4 of the Reclamation Plan. The processing equipment will remain in Area #1 during the mining operation so the remainder of Area #1 will not be reclaimed until 2015.

During 2012-13, Area #2 will be reclaimed. Portions of Area #3 will be reclaimed as excavation proceeds in that area during 2012 -2015. However, final reclamation of Area #3 will not take place until 2015.

Backfilling in all areas will proceed as sufficient room becomes available for equipment to reclaim the slopes and floor of the pit, while the mining and processing continues.

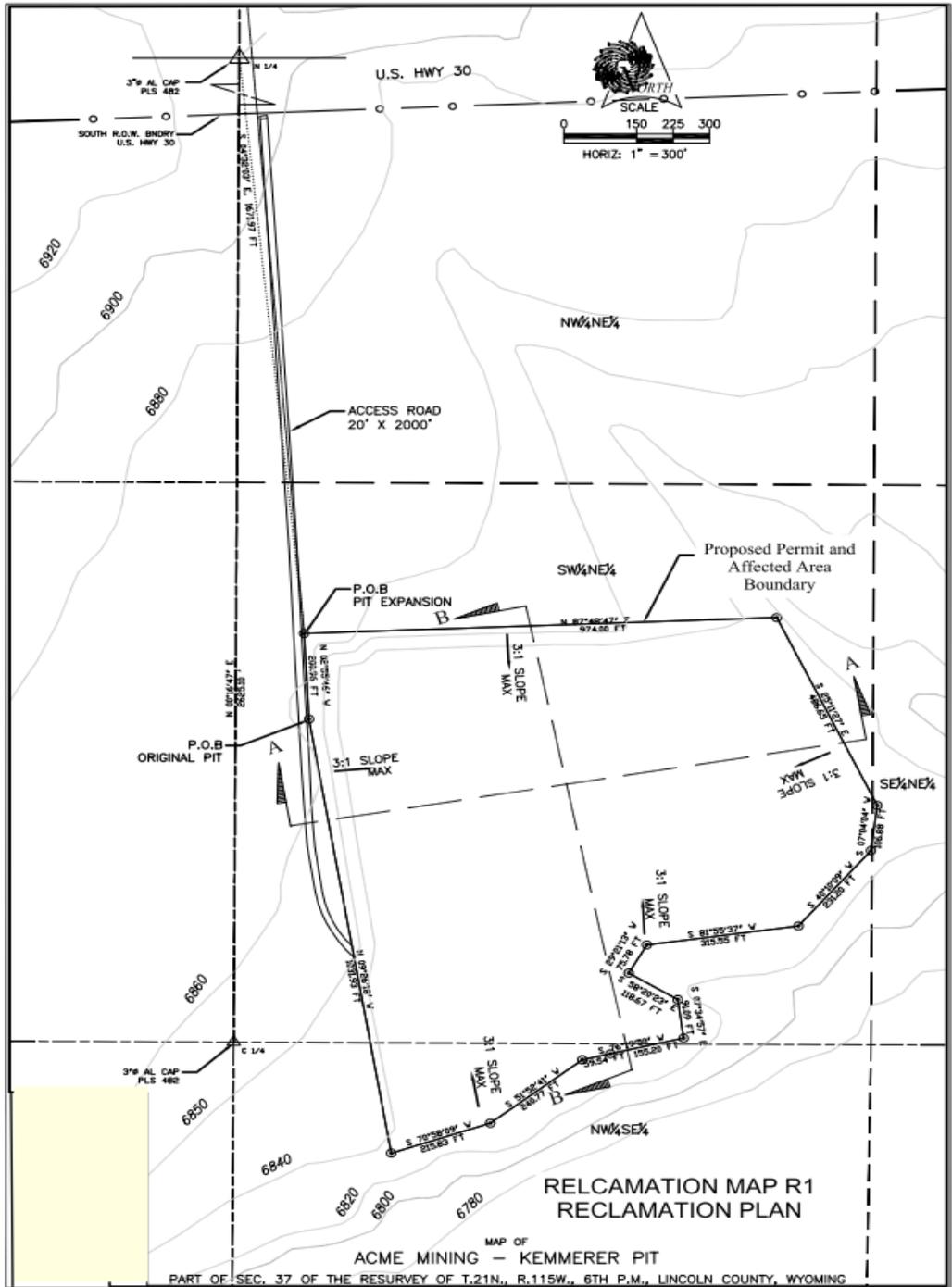


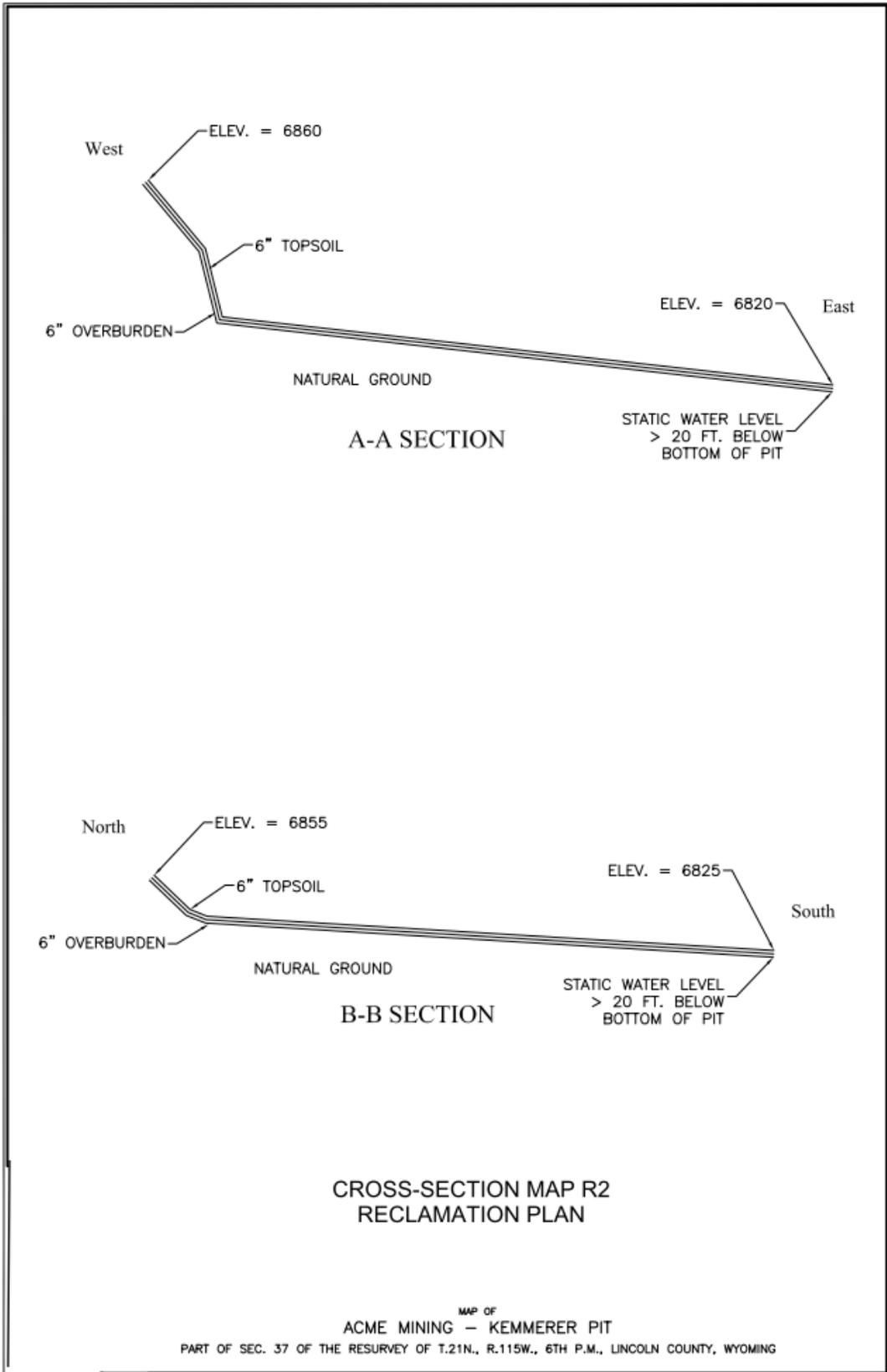
Wyoming Big Sagebrush / Bunchgrass Mix

<u>Species</u>	<u>Common</u>	<u>lbs/pls/ac</u>
Achillea millefolium	Western yarrow	0.1
Achnatherum lettermanii*	Letterman needlegrass	1.2
Artemisia tridentata	Wyoming big sagebrush	0.2
Achnatherum hymenoides	Indian Ricegrass	3.0
Elymus trachycaulus	Slender wheatgrass	0.5
Ericameria teretifolia	Green rabbitbrush	0.9
Koeleria macrantha	Prairie junegrass	0.2
Poa sanbergii	Sandburg Bluegrass	1.9
Pseudoroegneria spicata var. spicata	Bluebunch wheatgrass	1.6
Pascopyrum smithii	Western wheatgrass	
	TOTAL	9.6

*Note: Rate is for drill seeding and should be doubled if broadcasted.

Note: The Reclamation Plan map below has been scaled to fit on 8 1/2" x 11" paper for this handbook. The minimum recommended size of the map submitted with the application is 11" x 17".





RECLAMATION PERFORMANCE BOND – BOND CALCULATIONS

1. Detailed reclamation bond estimate

This section contains the bond calculations projected for the first twelve (12) months of the mining operation. Subsequent Annual Reports will contain updated and revised bond calculations as the mining operation develops.

The 25% contingency shown in the spreadsheet include profit, overhead, mobilization/demobilization, project design, construction management.

RECLAMATION PERFORMANCE BOND CALCULATION					
Applicant: <u>Acme Mining Corporation</u>					
Project: <u>Kemmerer Pit Reclamation Costs</u>			Date: <u>5/20/2011</u>		
			By: <u>JA</u>		
ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	L.S.	\$ 4,000.00	\$ 4,000.00
	Highwall Reduction	7150	Cu. Yd.	\$ 0.20	\$ 1,430.00
	Demolition	1	L.S.	\$ -	\$ -
2	Final Contour Grading	4	Acres	\$ 150.00	\$ 600.00
3	Placing and Grading Overburden (6" Minimum)	12,115	Cu. Yd.	\$ 1.10	\$ 13,326.50
4	Placing and Grading Topsoil (6" Min.)	10,500	Cu. Yd.	\$ 1.30	\$ 13,650.00
5	Scarify Area to 12" Depth	13	Acres	\$ 60.00	\$ 780.00
6	Seed Costs	13	Acres	\$ 150.00	\$ 1,950.00
7	Seed Drilling	13	Acres	\$ 80.00	\$ 1,040.00
8	Mulching and Fertilizer	13	Acres	\$ 350.00	\$ 4,550.00
CONSTRUCTION SUBTOTAL					\$ 41,326.50
	Construction Management				\$ 6,198.98
PROJECT COST					\$ 47,525.48
	25% Contingency				\$ 11,881.37
TOTAL PROJECT COST					\$ 59,406.84

2. The bonding instrument

The reclamation bond will be submitted to DEQ upon approval of the reclamation bond estimate and prior to issuance of the permit.