

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
MINERAL MATERIAL  
FREE USE PERMIT**

FORM APPROVED OMB NO. 1004-0001 Expires August 31, 2016
BUREAU OF LAND MANAGEMENT FIELD OFFICE

Permit (Case) Serial Number <b>FF093021</b>	Expiration Date <b>12/31/2026</b>
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Permittee Name and Address:  
**Alaska Department of Transportation and Public Facilities**

Legal land description of authorized permit area:  
**DHMP 221.8, ADOT: MS-65-9-089-2, Alyeska: OMS-106-1.1**

Meridian	Township	Range	Section	Subdivision	Acres
13 (FAI)	35N	10W	16	E1/2SW1/4, W1/2SE1/4	190

This permit is issued under the Act of July 31, 1947, as amended, and 43 U.S.C. 2 and 1201. Free use permits are issued subject to the requirements of 43 CFR Part 3600 now or hereafter in force.

This permit is hereby issued for the materials applied for but may be canceled if it appears that this this permit was issued erroneously or the terms or conditions contained herein are not observed.

**The permit is subject to the following standard stipulations:**

Any use of the surface of the lands involved in this permit must not interfere with any mining claim subject to the provisions of Section 4 of the Act of July 23, 1955 (30 U.S.C. 612);

The permittee must allow BLM access for inspections as required by 43 CFR 3601.51

The permittee must clean up all work areas and must remove or dispose of all refuse resulting from the permittee's operations, and equipment, personal property, and improvements must be removed within ninety (90) days after the permit expiration date as required by 43 CFR 3601.52

An annual report indicating the amount (cubic yards or tons) of material removed must be filed with the BLM Field Office on the anniversary date of the permit, and within thirty (30) days after permit expiration.

**The permit is also subject to the following SPECIAL CONDITIONS:**

Authorized purpose:

To mine materials for construction and/or maintenance of the Dalton Highway

Authorized term	Authorized quantity, <i>in-place</i>
<u>10</u> years <u>2</u> months <u>0</u> days	<u>100,000</u> cubic yards or _____ tons

Check all that apply:

- Permittee Mining and Reclamation plan is required per 43 CFR 3601.40-44
- Permittee is responsible for reclamation of permit area
- Financial Guarantee is required per 43 CFR 3602.14
- Removal area is within Community Pit – Common Use Area - Serial No.
- Permittee will perform reclamation in Community Pit – Common Use Area in lieu of reclamation fee
- Permittee must follow/comply with BLM mining and reclamation plan
- Permittee will pay a reclamation fee for Community Pit – Common Use Area as identified below:

Type of Material	Quantity (select applicable <i>in-place</i> units)		Reclamation Fee (select applicable <i>in-place</i> units)		TOTAL Reclamation Fee (\$)
	<input checked="" type="checkbox"/> cu. yds.	<input type="checkbox"/> tons	\$ per cu. yds.	\$ per ton	
	Stone, Rip-rap	100000.00		0.00	

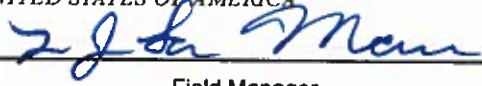
BLM will check this box if there are additional stipulations attached to this permit.

I HEREBY AGREE TO COMPLY WITH the regulations at 43 CFR Part 3600 and the stipulations and special conditions as set forth in this permit. I CERTIFY that the: (a) materials to be removed will be used for the authorized purpose noted above, (b) none of the materials removed will be sold or bartered; (c) removal of materials will begin only upon receipt of an approved copy of this permit and will cease upon the expiration date or removal of the authorized quantity, whichever comes first; and, (d) the Bureau of Land Management (BLM) will be notified upon completion of removal.

  
(Signature of Applicant)

3-22-2017  
(Date)

THE UNITED STATES OF AMERICA

By  (Signature)  
Field Manager (Title)  
Central Yukon Field Office (BLM office)

Timothy J. La Marr (Printed Name)  
4/5/17 (Date)

**Stipulations for the Alaska Department of Construction and Public Facilities (ADOT&PF) Mineral Material Free Use Permit FF093021**

1. Surface water flow will be diverted around the excavated pit to protect the water quality of the area.
2. ADOT&PF, their contractors or subcontractors will not conduct any ground-disturbing activities in areas where the BLM has identified federally listed sensitive plants occurring.
3. ADOT&PF, their contractors or subcontractors will maintain a 100 foot buffer along any creeks that flow through the pit. Maintain a 50-foot-wide buffer along the remaining site perimeter. Buffers will remain undisturbed.
4. Overburden and vegetation will be stockpiled separately on the perimeter of pit, adjacent to the 50 foot buffer. Storage of these materials will be in a manner that minimizes loss through erosion and allows for use in reclamation.
5. Unused and unneeded areas within the permitted area will be reclaimed prior to opening new areas within the same permitted area.
6. BLM staff will provide input to the permittee/contractor's mining and reclamation plan(s), when received 90 days in advance, in an effort to speed soil and vegetative recovery.
7. ADOT&PF, their contractors or subcontractors shall not expand or work outside of the area permitted under this authorization.
8. Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites and artifacts. The Antiquities Act (1906), Archaeological Resources Protection Act (1979), Federal Land Policy and Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 USC 470; 16 USC 432; 43 U.S. 1733(a); 18 U.S.C. 1361; 18 U.S.C. 641; 43 CFR 8365.1).

Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Should any such site be discovered during the permitted activity, the permittee will avoid impacting such materials, and immediately notify the authorized officer.

9. ADOT&PF, their contractors or subcontractors shall pay all the costs, as determined by the BLM archeologist, associated with the evaluation and mitigation of the paleontologic and cultural resources.
10. ADOT&PF, their contractors or subcontractors shall slope the side of the active work pit to prevent erosion and provide for the safety of humans and animals.
11. The BLM and ADOT&PF, their contractors or subcontractors will develop the amount of fertilizer and seeding mixtures to be used when reclaiming the disturbed areas of this site as determined necessary at the time of pit closure.
12. The permittee, their employees, and their contractors are required to comply with the Migratory Bird Treaty Act (MBTA) in the execution of all activities under this permit. The U.S. Fish and Wildlife Service (USFWS) provide guidance for MBTA compliance in Alaska, including dates to avoid vegetation clearing (hard copy attached; also available at [http://www.fws.gov/alaska/fisheries/fieldoffice/anchorage/pdf/vegetation\\_clearing.pdf](http://www.fws.gov/alaska/fisheries/fieldoffice/anchorage/pdf/vegetation_clearing.pdf)).

If ADOT&PF, their contractors or subcontractors choose not to follow these USFWS guidelines then the permittee shall have a qualified biologist survey any area where vegetation will be damaged by the project or associated activities no longer than 48 hours prior to vegetation disturbance. If an active nest is located, an appropriate avoidance area (as determined by the qualified biologist) shall be marked and avoided during all operations. Results of the survey(s), including findings, sufficient coordinates to describe a boundary around the survey area, site photographs, and photographs of any marked avoidance areas, shall be provided to the BLM within seven (7) business days of the survey.

13. A copy of the site Spill Prevention Control and Countermeasures Plan (SPCC) shall be provided to the BLM as required by 40 CFR 112.
14. Transportation and storage of petroleum products shall be handled in a manner to ensure release to the environment is prevented. Containers shall be stored within secondary containment; double walled tanks meet secondary containment requirements. The containment area should be lined with a compatible impermeable liner material which is free of cracks or gaps and sufficiently impervious to contain leaks or spills. The containment area must be large enough to store the capacity of the largest container stored, plus water from a 24 hour storm event.

15. Secondary containment shall be utilized during refueling operations to prevent the release of petroleum products to the environment. Equipment that has been identified as having a fluid leak should have a drip basin under the leak area to ensure no release to the surrounding environment.
16. Fuel storage within 100 feet of a water body will be avoided where possible. If a refueling site is within 100 feet of a water body the holder shall exercise caution to ensure no release of POLs. Equipment that has been identified as having a fluid leak shall have a drip basin under the leak area to ensure no release to the surrounding environment.
17. All hazardous materials storage containers must be labeled with the following information: Permittee's/contractor's name, contents of the container (name of the product that you put in the container, if not in the original container from the manufacturer), date the product was purchased/put in the container. (e.g. Northern Guides, Diesel Fuel, 17 May 2009)
18. Equipment repair by the permittee/contractor is allowed on the basis of the necessity to operate equipment on the site located within this permit. Equipment repair that has the potential to release fluids shall be completed over an impermeable liner to ensure fluid migration to the environment does not occur.
19. All spills shall be contained and cleaned up as soon as the release has been identified. The release of POLs to any water body is to be reported to the Alaska Department of Environmental Conservation (ADEC) as soon as the person has knowledge of the release. (in Fairbanks 457-2121 or 1-800-478-9300 outside normal business hours) Within 48 hours of a spill on public lands the permittee shall contact the Authorized Officer.
20. All project work on the contaminated site at Dietrich Camp, including any re-use of the contaminated material which is beneficial and does not create undo harm to the environment, must be negotiated between the ADOT&PF, BLM, and ADEC and approved by the BLM and ADEC in an approved work plan prior to any work taking place on-site. Workers must be appropriately trained for dealing with contamination. ADOT&PF and any contractors must follow all federal, state, and local laws and guidance regarding contaminated sites, transportation of contaminated material, field sampling procedures, etc.
21. ADOT&PF, their contractors or subcontractors shall keep garbage or other wildlife attractants secured while awaiting their use or incineration. Specifically, it is recommend that they use bear-proof containers, elevated caches or, where possible, suspend attractants

from a tree or structure 10 feet up in the air and 12 feet away from the tree if attractants are stored on site.

22. Wildlife will not be harassed by ADOT&PF, their contractors or subcontractors or any of their employees.
23. Burial of garbage on public lands is not authorized. All solid waste (garbage), including incinerated ash shall be removed by the permittee/contractor from public lands and disposed of in an Alaska Department of Environmental Conservation (ADEC) approved waste disposal facility, unless otherwise specified. Solid waste combustibles may be incinerated in a contained and controlled manner.
24. The disposal of human waste is not authorized on public land. Human waste shall be handled in accordance with Alaska Department of Environmental Conservation, Wastewater regulations, pit privy guidelines outlined in 18 AAC 72 at least 100 feet from surface water.
25. Areas of operation shall be kept in a neat and sanitary condition at all times. Specific written instructions will be provided by the authorized officer's representative should it be required.
26. ADOT&PF, their contractors or subcontractors will follow the best management practices (i.e. graveling, watering) for dust abatement to keep dust at an acceptable level.
27. ADOT&PF, their contractors or subcontractors will report to the BLM any invasive plant species observed within the permitted development area, along access roads and in areas reclaimed within the past 5 years. Current species of high concern include white sweetclover, bird vetch, perennial sowthistle, yellow toadflax, foxtail barley, and ox-eye daisy. Tips for identifying these species are provided in informational booklets that are provided to permittee by the BLM. If the permittee can either positively identify or even suspects that one of these species is present in a given area they are required to report this to the BLM by the end of the calendar year. Their report should include a detailed description of the infested area and a photograph of the plant.
28. The federal government shall not be held responsible for protection of the permittee/contractors structures or their personal property from wildfire. ADOT&PF, their contractors or subcontractors will be held financially responsible for any actions or activity that results in a wildfire. Costs associated with wildfire include but are not limited to; Damage to natural resources and costs associated with suppression action taken on the fire.

29. In an effort to lessen visual impacts, heavy equipment used in association with the material extraction operations will be well hidden from view during the life of the material extraction project.
30. ADOT&PF, their contractors or subcontractors will meet with BLM staff at the end of the life cycle of the mine prior to final reclamation to define final configuration of the mine.
31. ADOT&PF, their contractors or subcontractors will follow all applicable federal and state laws and regulations.
32. ADOT&PF, their contractors or subcontractors will have a copy of the Free-use Permit, the stipulations for the permit and all applicable permits on site during any and all mining operations, readily accessible for review by the BLM.
33. ADOT&PF, their contractors or subcontractors will provide the BLM with copies of any and all applicable permits prior to mining operations.
34. ADOT&PF, their contractors or subcontractors is responsible for ensuring that their employees and contractors are familiar with and follow the Stipulations associated with the authorization and material sales contract.