

## **Appendix C – BLM Stipulations**

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# Eastern Interior White Mountains

## Record of Decision and Approved Resource Management Plan

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## **Appendix A. Standard Operating Procedures and Fluid Mineral Leasing Stipulations**

### **A.1. Introduction**

The BLM has developed guidelines to protect resources called “Standard Operating Procedures” and “Fluid Mineral Leasing Stipulations” (Leasing Stipulations) as part of this planning process. These guidelines were guided by the standards and guidelines included in the Alaska Statewide Land Health Standards (IM AK 2004-023) and by the goals outlined in this Approved RMP. The Standard Operating Procedures are requirements, procedures, management practices, or design features that the BLM will use to protect resources. Leasing Stipulations are requirements to reduce impacts to natural resources from fluid mineral exploration and development. The Standard Operating Procedures and Leasing Stipulations generally do not restate requirements that already exist in regulations or laws, including state laws. Regulations or laws may require conditions that are more stringent than those presented in this section. Chapter 6 of the *Analysis of the Management Situation for the Eastern Interior RMP* (BLM 2009a) includes a partial list of mandates and authorities pertaining to federal lands.

#### **A.1.1. Standard Operating Procedures**

Standard Operating Procedures apply to all actions, whether implemented by the BLM or authorized by the BLM and implemented by another individual, organization or agency on public land. These were based on the best information available during development of the Eastern Interior Resource Management Plan and Environmental Impact Statement.

The BLM will apply the Standard Operating Procedures to BLM actions and BLM-authorized activities including, but not limited to: Federal Land Policy and Management Act leases and permits; special recreation permits; oil and gas activities; renewable energy activities; mining plans of operation; and, authorizations for rights-of-way. For fluid mineral leasing activities, Standard Operating Procedures would apply in addition to the Standard Lease Terms and Leasing Stipulations. Only those Standard Operating Procedures concerning resources that are potentially affected by the action will be applied to authorized permits and authorizations. For example, Standard Operating Procedures protecting caribou habitat would not apply to projects that are not located in caribou habitat. They may be modified through site-specific analysis of subsequent authorizations, but still must meet the goals and objectives of the Approved RMP. Standard Operating Procedures will continue to evolve as better resource information is gained and/or changes in technology become available. Modifications to Standard Operating Procedures may be appropriate if other measures are taken to protect resources that would result in the same or reduced impact.

Standard Operating Procedures are considered during the site-specific analysis that occurs during activity level planning and if adopted, are applied as conditions of approval to land use authorizations and permits.

Standard Operating Procedures are not selected as a condition of the permitted activities if the applicant has included them as part of the proposal or has identified an alternative, such as adoption of an acceptable best management practice to meet stated resource management objectives. Applicants are encouraged to consider alternative methods, best management practices, and/or design features for BLM’s consideration during the permitting process. If an

applicant does not include alternatives for agency consideration, the Standard Operating Procedures identified will be incorporated into an approval for a proposed activity.

The Authorized Officer or their representative is responsible for ensuring that the intent of the Standard Operating Procedures presented in this Approved RMP are followed and that permittees comply with the conditions of their authorization. Non-compliance will be documented and a notice will be sent to the permittee, along with corrective actions and a time frame in which the actions are to be completed.

### **A.1.2. Fluid Mineral Leasing Stipulations**

Fluid Mineral Leasing Stipulations (Leasing Stipulations) are specific to fluid mineral activity, including exploration, development, and production. These Leasing Stipulations are included in a lease in addition to the Standard Lease Terms. Fluid minerals include oil and gas, geothermal, and coal bed natural gas. Leasing Stipulations constitute significant restrictions on the conduct of operations under a lease.

Additional site-specific Leasing Stipulations may be added, if determined necessary, through further analysis. Since no fluid leasing is assumed during the life of this plan, leasing may only occur following additional environmental analysis. Additional stipulations may be developed at that time.

Leasing Stipulations may be excepted, modified or waived by the Authorized Officer pursuant to 43 CFR 3101.1-4 and WO-IM-2008-032. The environmental analysis prepared for fluid mineral development (such as Applications for Permit to Drill or sundry notices) will address proposals to except, modify, or waive a Leasing Stipulation. To except, modify, or waive a stipulation, the environmental analysis would need to show that: (1) the circumstances or relative resource values in the area had changed following issuance of the lease; or (2) less restrictive requirements could be developed to protect the resource of concern; or (3) operations could be conducted without causing unacceptable impacts; or (4) the resource value of concern does not occur within the lease area. An exception exempts the holder of a lease from the Leasing Stipulation on a one-time basis. A modification changes the language or provisions of a Leasing Stipulation, either temporarily or for the term of the lease. A waiver permanently exempts the Leasing Stipulation.

Compliance with Leasing Stipulations is monitored by the Authorized Officer or their representative. Non-compliance may result in monetary fines or operation shut-down.

### **Standard Lease Terms**

All fluid mineral leases will include the Standard Lease Terms contained in BLM Form 3100-11, Offer to Lease and Lease for Oil and Gas, U.S. Department of the Interior, BLM, October 1992 or later addition. The Standard Lease Terms provide the lessee the right to use the leased land to explore for, drill for, extract, remove, and dispose of fluid mineral deposits located under the leased lands. The Standard Lease Terms also require that operations be conducted in a manner that minimizes impacts to the land, air, water, cultural, biological, and visual elements of the environment, as well as other land uses or users.

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**Table A-1. Fluid mineral leasing stipulations**

Goal	Stipulation	Areas where Stipulations Apply	Exception, Modification, Waiver
Prevent avoidable damage from proposed land uses to habitats supporting Special Status Species animals and plants, and their habitats.	<b>Stipulation 1:</b> The lease area may contain or be identified with Special Status Species or their habitats. BLM may require applicants to avoid or minimize impacts to these species pursuant to BLM policy and Endangered Species Act consultation.	Areas open to fluid mineral leasing	<b>Exception:</b> None <b>Modification:</b> None <b>Waiver:</b> None
When authorizing fluid leasable minerals actions ensure that goals to protect other resource values in the planning area are met to the extent possible.	<b>Stipulation 2:</b> Upon abandonment or expiration of the lease, all fluid mineral related facilities will be removed and sites rehabilitated as near to the original condition as practicable, subject to review of the AO.	Areas open to fluid mineral leasing	<b>Exception:</b> The AO determines that it is in the best interest of the public to retain some or all facilities. <b>Modification:</b> None <b>Waiver:</b> None
When authorizing fluid leasable minerals actions ensure that goals to protect other resource values in the planning area are met to the extent possible.	<b>Stipulation 3:</b> Exploratory drilling will be limited to temporary facilities such as ice pads, ice roads, ice airstrips, and temporary platforms.	Areas open to fluid mineral leasing	<b>Exception:</b> The AO may grant an exception if the lessee demonstrates that construction of permanent facilities such as gravel airstrips, storage pads, and connecting roads are environmentally preferable or that exploring from temporary facilities is not practical or economically feasible. <b>Modification:</b> None <b>Waiver:</b> None
Maintain and protect aquatic habitat to support populations of well-distributed native fish populations.	<b>Stipulation 4:</b> Drilling is prohibited in fish-bearing lake and rivers and streams within the active floodplain.	Fish bearing rivers, streams, and lakes	<b>Exception:</b> The AO may grant an exception if the lessee demonstrates that impacts would be minimal or there is no feasible or prudent alternative. <b>Modification:</b> None <b>Waiver:</b> None
Minimize impacts to wildlife species from BLM-authorized activities.	<b>Stipulation 5:</b> No exploration activities from May 10 through June 1 in Dall sheep habitats and from May 15 through July 15 in caribou calving/postcalving habitat. Construction of production facilities	Identified caribou calving/postcalving and Dall sheep habitats	<b>Exception:</b> The AO may grant an exception if the lessee demonstrates that calving caribou or Dall sheep are not currently using the area. <b>Modification:</b> Season may be shortened or extended based on actual occupancy of the area. <b>Waiver:</b> This stipulation may be waived if caribou

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Goal	Stipulation	Areas where Stipulations Apply	Exception, Modification, Waiver
	and production activities may occur (no work over rigs).		migratory patterns change and the areas are no longer used for calving.
Minimize impacts to wildlife species from BLM-authorized activities.	<b>Stipulation 6:</b> No exploration or development activities within 500 meters of active priority raptor nests from April 15 through August 15 (only March 15 through July 20 for gyrfalcon nests).	Areas open to fluid mineral leasing	<b>Exception:</b> The AO may grant an exception if the lessee demonstrates that impacts would be minimal or there is no feasible or prudent alternative. <b>Modification:</b> Season may be adjusted based on actual nest occupancy. <b>Waiver:</b> None
Minimize impacts to wildlife species from BLM-authorized activities.	<b>Stipulation 7:</b> No motorized ground-vehicle use or facility construction within a half mile of any known priority raptor nests from April 15 through August 15 (only March 15 through July 20 for gyrfalcon nests).	Areas open to fluid mineral leasing	<b>Exception:</b> The AO may grant an exception if the lessee demonstrates that impacts would be minimal or there is no feasible or prudent alternative. <b>Modification:</b> Season may be adjusted based on actual nest occupancy. <b>Waiver:</b> None

### **A.1.3. Standard Operating Procedures**

The following is a complete list of the Standard Operating Procedures (SOPs) that BLM will apply during implementation of the Approved RMP. These SOPs have been renumbered thus numbers do not exactly match the numbers in the Eastern Interior Proposed RMP/Final EIS.

#### **A.1.3.1. Cultural and Paleontology**

**SOP C-1** Mitigation measures will be considered for all actions that may potentially affect cultural resources. If the AO determines mitigation measures are necessary to protect and conserve known cultural resources, a mitigation plan will be approved by SHPO and implemented by the AO. Mitigation plans will be reviewed as part of Section 106 consultation for National Register of Historic Places eligible or listed properties. The extent and nature of recommended mitigation will be commensurate with the significance of the cultural resource involved and the anticipated extent of the damage. Costs for mitigation will be borne by the land use applicant.

**SOP C-2** If damage to known significant paleontological resources cannot be avoided, the applicant (or the BLM for internal actions) will perform scientific examination of the impacted significant paleontological resources followed by mitigation approved by the AO. This may include the professional collection and analysis of significant specimens by scientists.

#### **A.1.3.2. Fish and Aquatic Species**

**SOP FA-1** No low water crossings (fords) will be permitted in priority fish species spawning habitat, during times of active spawning and when immobile life stages of fish are present (eggs and alevins) unless it is determined that impacts would be negligible.

**SOP FA-2** New, replacement, and reconstructed stream crossing structures (such as bridges and culverts) will be designed to:

- Convey flood flows consistent with the purpose and period of use of the structure (e.g. seasonal or year-round) under natural conditions consistent with BLM manual 9112;
- Preserve or improve fish passage;
- Maintain channel integrity;
- Provide slope protection e.g. riprap) on both the inlet and outlet end of culverts and on approach embankments of bridges; and,
- Incorporate adjacent reclamation (such as willow cuttings, wattles, brush layering) on the disturbed areas up and downstream of the abutments.

**SOP FA-3** Application of pesticides and other toxicants will occur in a manner that does not measurably inhibit the attainment of desired conditions or adversely impacts priority aquatic species.

**SOP FA-4** All water intakes will be screened and designed to prevent fish intake and mortality.

**SOP FA-5** Streams altered by channeling, diversion, or damming will be restored to a condition that maintains or improves aquatic and riparian habitats to pre-disturbance levels.

**SOP FA-6** Baseline geomorphic and hydrologic data will be required prior to surface-disturbing activities with the potential to affect stream channel integrity; reduce riparian functioning

condition; or, reduce the Watershed Condition Rating. The BLM will be available to advise operators on the exact type of information and detail needed to meet this requirement.

### **A.1.3.3. Forestry**

**SOP Forest-1** Commercial timber sale authorizations will require the proper site preparation to ensure natural regeneration of timber stands.

**SOP Forest-2** For commercial timber sales and personal use timber permits the requirement for a buffer will be considered to prevent disturbance of priority fish species habitat, sedimentation into streams, impairment of visual resource qualities, or to protect outstandingly remarkable values of wild and scenic rivers. Buffer widths will be determined on a case-by-case basis.

**SOP Forest-3** For commercial timber sales and personal use timber permits the requirement for winter only operations will be considered in order to avoid construction of new roads and to reduce impacts to soils, vegetation, and riparian areas.

### **A.1.3.4. Hazardous Materials and Waste Management**

**SOP Hazmat-1** All solid wastes, including incinerated ash, will be removed by the permittee from public lands and disposed of within an Alaska Department of Environmental Conservation (ADEC) approved facility, unless otherwise specified. Solid waste combustibles may be incinerated in a contained and controlled manner, however, burn restrictions may apply during high-risk wildland fire seasons. Burial of solid waste is not authorized on public lands.

**SOP Hazmat-2** Pit privies must be at least 100 feet from any water body. The AO may require a larger separation distance in order to protect high-value resources. No septic system will be installed without AO approval. Gray water must be filtered before being released to the surface and must be discharged in a way that does not cause erosion. Gray water may not be released to any water body.

**SOP Hazmat-3** All hazardous materials and petroleum, oil, and lubricants (POLs) will be stored in containers that are compatible to the material being stored. Containers will be labeled with the responsible party's name, contents of the container, the date the product was purchased, and the date the container was filled.

**SOP Hazmat-4** Storage of POLs at any site will require secondary containment. The containment area must be constructed to hold at least 110 percent of the largest container, lined with an impermeable liner that is free of cracks or gaps, compatible with the contents stored, and sufficiently impervious to contain leaks, or spills. The containment area must be covered to eliminate the collection of rainwater within the containment area. The AO may also require a Spill Prevention and Contingency Plan.

**SOP Hazmat-5** If refueling cannot be avoided within the riparian zone or within 100 feet of a water body, a catch basin and POL-type absorbent pads will be utilized to collect any overflow.

**SOP Hazmat-6** Leaking equipment must have a drip basin placed under the leak area and the basin must be protected from the collection of rain water to ensure no release to the surrounding environment. When maintenance to equipment has the potential to release fluids, an impermeable liner must be utilized to ensure that spills are contained.

**SOP Hazmat-7** All spills will be contained and cleaned up upon discovery. Spills that are reportable to ADEC will also be reported to the AO in the same time frame.



#### **A.1.3.5. Mineral Materials**

**SOP MM-1** Use existing upland material sources that meet suitability and economic needs whenever possible. Sales or permits for in-stream gravel extraction within an active channel will not be allowed in priority fish species spawning habitat.

**SOP MM-2** When authorizing mineral material sale sites, avoid habitats critical to local fish or wildlife populations (such as fish spawning and overwintering, calving areas, or raptor nesting sites). Avoid key geomorphic features, such as the river cut banks and associated riparian zones; springs; active channels of small, single channel rivers; and, wetlands.

**SOP MM-3** When authorizing mineral material sale sites, avoid priority plant species and communities. If sales are authorized in vegetated areas all overburden, vegetation mats and debris will be saved and appropriately stored for use during site reclamation to facilitate vegetative recovery.

**SOP MM-4** When scraping gravel in active or inactive floodplains, maintain buffers that will constrain active channels to their original locations and configurations.

#### **A.1.3.6. Soils**

**SOP Soils-1** Stockpiled soil and overburden will be spread over mine tailings and stabilized to minimize erosion. The shape of contoured tailing and overburden should approximate the shape of surrounding terrain.

**SOP Soils-2** Roadways will be ditched on the uphill side. Culverts or low water crossings will be installed at suitable intervals. Spacing of drainage devices and water bars will be appropriate for the road gradient and soil erodibility of the site.

**SOP Soils-3** Design roads and trails for minimal disruption of natural drainage patterns.

**SOP Soils-4** Roads and trails should avoid areas with unstable or fragile soils.

**SOP Soils-5** Overland moves and heavy equipment use:

- Whenever possible, overland moves that are a part of permitted operations will occur during winter when frost and snow cover is sufficient to minimize vegetation and soil disturbance and compaction. The AO will determine the date when sufficient frost and snow cover exists and no overland moves should occur until these conditions are met.
- Design and locate winter trails and ice roads for overland moves to minimize compaction of soils and breakage, abrasion, compaction, or displacement of vegetation.
- Clearing of drifted snow is generally allowed, to the extent that vegetative ground cover is not disturbed.
- Offsets of winter trail/ice road locations may be required to avoid using the same route or track each subsequent year.
- When access is required in snow-free months, routes that utilize naturally hardened sites will be selected to avoid trail braiding and wetlands will be avoided. The permittee will employ vehicle types and methods that minimize vegetation and soil disturbance, such as use of air or water craft, utilizing existing roads or trails, or use of low ground pressure vehicles.

- The use of heavy machinery in saturated soil conditions will be limited to low ground pressure designated machinery.

**SOP Soils-6** At sites where stockpiled soil quantities are insufficient to distribute over the entire disturbed area, specific areas in each zone should be selected, to receive organic material. Use organic material from adjacent areas if practicable. At sites where organic material is not available, stockpiles of fine inorganic material may be used in place of the organics.

**SOP Soils-7** Prudent use of erosion control measures, including diversion terraces, riprap, matting, temporary sediment traps, and water bars will be employed as necessary to control soil erosion. The type and location of sediment control structure, including construction methods, will vary by site-specific characteristics.

**SOP Soils-8** Areas disturbed during project operation or construction will be restored to as near pre-project conditions as practical. Wetland topsoil will be selectively handled. Mulching, erosion control measures, and fertilization may be required to achieve acceptable stabilization of surface materials. Inter-seeding, secondary seeding, or staggered seeding may be required to accomplish revegetation objectives. Follow-up seeding or corrective erosion control measures may be required on areas of surface disturbance which experience reclamation failure. Corrective erosion control measures could include, but are not limited to, broadcasting woody debris, planting viable portions of live shrubs (sprigging), and transplanting live vegetation from adjacent areas.

**SOP Soils-9** The BLM recognizes that there may be more than one correct way to achieve successful reclamation of soil and water resources, and a variety of methods may be appropriate to the varying circumstances. The BLM will continue to allow applicants to use their own expertise in recommending and implementing construction and reclamation projects. These allowances still hold the applicant responsible for final reclamation standards of performance. The BLM will review the applicant's reclamation plan and if needed, incorporate conditions of approval to enhance success and mitigate impacts.

**SOP Soils-10** Reclamation of disturbed soils is expected to be accomplished as soon as possible after the disturbance occurs with efforts continuing until the site is stabilized.

**SOP Soils-11** Reduce disturbance of soils by minimizing footprint of surface-disturbing activities, consolidating access to minimize the number of routes, and requiring prompt implementation of methods to mitigate soil erosion.

**SOP Soils-12** Where practicable and feasible, avoid disturbance of the vegetative mat and permafrost soil areas.

**SOP Soils-13** Natural revegetation of disturbed sites is the generally preferred method for restoration/stabilization of disturbed soils. Where erosion is problematic or rapid establishment of plant cover is desired, utilize a combination of seeding, planting, and transplanting of adult plants or vegetation mats, and/or fertilizing as necessary to mitigate soil erosion.

**SOP Soils-14** When developing travel management plans, minimize impacts through appropriate restrictions on cross-country OHV use. Monitor soils for impacts that may be caused by OHVs.

**SOP Soils-15** For long-term storage of soil stockpiles provide protective cover such as organic mulch, herbaceous vegetation, jute matting, or other erosion-preventative fabric.

#### **A.1.3.7. Vegetation and Non-Native Species**

**SOP Veg-1** All vegetation treatments and revegetation of surface disturbance will require an approved site-specific plan designed to achieve desired conditions and prevent the introduction of non-native invasive plants (invasive plants). These plans should describe current vegetative conditions: including plant community composition, structure, cover, seral stages, soil descriptions, age class distribution if applicable, and presence of invasive plants, desired vegetative conditions (based on the ecological capability of the site), treatment methods, measures for preventing introduction and spread of invasive plants, and monitoring actions. Whenever possible, treatments will use native vegetation and seed. Non-native vegetation and seed may be used with specific approval from the AO, and in the following cases (1) where native species are not available in sufficient quantities; (2) where native species are incapable of maintaining or achieving the objectives; or, (3) where non-native species are essential to the functional integrity of the site. Seed must meet Alaska certification standards (11 AAC 34.020 Prohibited and Restricted Noxious Weeds) and any amendments to the existing seed laws or new seed legislation.

**SOP NIS-1** To eliminate, minimize, or limit the spread of noxious and non-native invasive plants, only feed and mulch (hay cubes, hay pellets, or straw, for example) certified as weed-free through the Alaska Weed-Free Forage certification program (or other programs with approval of the AO) will be authorized on BLM lands. Where Alaska certified sources are not available, locally produced forage and mulch may be used with approval from the AO. If no certified weed-free or local sources are available, other products may be used with the approval of the AO.

**SOP NIS-2** To eliminate, minimize, or limit the spread of noxious and non-native invasive plants, only gravel and material certified as weed-free through the Alaska Weed-Free Gravel certification program will be authorized on BLM lands. Where weed-free gravel and materials are not available other sources may be used, with the approval of the AO.

**SOP NIS-3** Fire management actions, including prescribed fire operations, wildland fire suppression and fire rehabilitation efforts, will protect burned and adjacent areas from the introduction and spread of non-native invasive plants. Protection may include the use of washing stations with a containment system.

**SOP NIS-5** All actions implemented or authorized by the BLM will include measures to prevent the introduction and spread of non-native invasive species, if applicable to the site. Operators shall prevent and control invasive and non-native plant and noxious weed introduction or spread. Operators will be responsible for control and/or eradication of new infestations of non-native plants or noxious weeds and are advised to conduct a pre-disturbance site assessment of the presence of non-native plants or noxious weeds.

#### **A.1.3.8. Water and Riparian**

**SOP Water-1** Where instream operations are authorized; streams must be diverted using an appropriately sized bypass channel that is stable and resistant to erosion.

**SOP Water-2** In mining operations and fluid mineral leasing operations, all process water and ground water seeping into an operating area must be treated appropriately (i.e., use of settling ponds) prior to re-entering the natural water system.

**SOP Water-3** Settling ponds will be cleaned out and maintained at appropriate intervals to comply with state and federal water quality standards. Fine sediment captured in the settling

ponds will be protected from washout and left in a stable condition at the end of each field season to prevent unnecessary or undue degradation to the environment during periods of non-operation.

**SOP Water-4** All permitted operations will be conducted in such a manner to not block any stream or drainage system, or inhibit fish passage.

**SOP Water-5** Structural and vegetative treatments in riparian and wetland areas will be compatible with the capability of the site, including the system's hydrologic regime, and will contribute to maintenance or restoration of proper functioning condition.

**SOP Water-6** Projects requiring the withdrawal of water will be designed to maintain sufficient quantities of surface water and contributing groundwater to support fish, wildlife, and other beneficial uses.

**SOP Water-7** State-designated stream crossings will be used where possible for vehicle travel. Stream crossings can be found on the Alaska Department of Fish and Game website under the General Permits Index-Authorized Vehicle Stream Crossings

**SOP Water-8** Rivers and streams will be crossed by vehicles in locations that minimize impacts to stream channels, stream banks, and riparian vegetation.

**SOP Water-9** When a stream must be crossed, the crossing will be as close to possible to a ninety degree angle to the stream. Stream crossings will be made at stable sections in the stream channel, which have low sensitivities to disturbance and low streambank erosion potential.

**SOP Water-10** Disturbed stream banks will be recontoured and revegetated (or other protective measures will be taken) to prevent soil erosion into adjacent waters and provide stream bank stability. Active stream bank revegetation or other stabilization techniques (e.g., ADF&G 2005) will be required for all erosion-prone areas (such as stream bank and near stream areas) and active seeding and/or fertilization will be required for sites with little to no organic content (i.e., essentially bare mineral soil).

**SOP Water-11** Streams altered by channeling or diversion will be restored to a condition that will allow for proper functioning of stream channels, riparian zones, wetlands and watersheds. Active streams will be returned to their natural watercourse or a new channel will be created that approximates the old natural channel.

**SOP Water-12** To the extent feasible and practicable, channeling, diversion, or damming that will alter the natural hydrological conditions will be avoided. This is not intended to preclude activities which by nature must occur within floodplain-riparian areas, such as placer mining.

**SOP Water-13** Structural and vegetative treatment in riparian and wetland areas will be compatible with the capability of the site, including the system's hydrologic regime, and will contribute to maintenance or restoration of proper functioning condition.

#### **A.1.3.9. Wetlands and Floodplains**

**SOP Wetland-1** Protect, restore, and maintain wetland-floodplain, ecosystems to achieve a healthy and proper functioning condition that assures physical and biological diversity, productivity, and sustainability.

**SOP Wetland-2** Coordinate, cooperate, and consult with federal, tribal, state, and local agencies, private landowners, and stakeholder organizations in order to foster a unified, science-based

adaptive management approach to wetland-floodplain management in a watershed/ecosystem context.

**SOP Wetland-3** Provide a unified framework for BLM's science-based watershed approach to management of wetland-floodplain systems consistent with federal and state assessment methods, including monitoring, sampling, and reporting protocols.

**SOP Wetland-4** Use educational and outreach programs to promote stewardship, conservation, and appreciation of wetland-floodplains.

**SOP Wetland-5** Wetland-floodplain sites vary in physical, chemical, and biological characteristics, resource conditions, and local use impacts. Therefore, the objectives and management designed for an area shall be tailored to the conditions, conflicts, capability and improvement potential, and land use considerations on a watershed-specific basis. Wetland-floodplain mitigation measures developed using an interdisciplinary approach should be achievable, specific, and measurable.

**SOP Wetland-6** Management actions should permit the natural functions of streams, including flood energy dissipation, bank building, stream-channel maintenance, filtration of sediment and other contaminants, water-storage, and aquifer recharge to operate without significant alteration. To accomplish these actions or functions, it is necessary to evaluate the interrelationships between wetland-floodplain systems and the hydrologic and geomorphic processes of the watershed.

**SOP Wetland-7** Structural and vegetative treatment in floodplains, riparian zones and wetland areas will be compatible with the ecological capability of the site, including the system's hydrologic regime, and will contribute to the maintenance or restoration of natural and proper functioning conditions.

**SOP Wetland-8** Avoid overland heavy equipment moves through wetlands in spring and summer. Stipulations and mitigating measures are provided on a case-by-case basis to ensure wetland conservation and practical management.

**SOP Wetland-9** Identify, encourage, and support research and studies needed to ensure that floodplain-wetland area management objectives can be properly defined and met. Incorporate research finding into the planning and management of floodplain-wetland ecosystems.

#### **A.1.3.10. Wildland Fire Management**

**SOP FM-1** The BLM will not be held responsible for protection of permittees' structures or their personal property from wildland fire. It is the responsibility of permittees and lessees to mitigate and minimize risk to their personal property and structures from wildland fire, following the conditions in their permit.

**SOP FM-2** Gas-powered equipment must be equipped with manufacturer approved and functional spark arrestors.

**SOP FM-3** To avoid the potential impacts to aquatic life, the application of fire chemicals including retardant will be avoided within 300 feet of waterbodies. Deviations are acceptable when life or property is threatened and fire chemicals reasonably expected to alleviate the threat. The AO may approve a deviation if potential damage to natural resources outweighs the impact to aquatic resources.

**SOP FM-4** To the extent practicable, select the location for incident bases, camps, helibases, and so on to avoid riparian areas.

#### **A.1.3.11. Wildlife**

**SOP Wild-1** Design pipelines and associated roads to allow the free movement of wildlife and the safe, unimpeded passage of the public while participating in traditional subsistence activities. The currently accepted design practices are: 1) Above-ground pipelines will be elevated a minimum of seven feet, measured from the ground to the bottom of the pipeline at vertical support members, to facilitate human and wildlife movement under the pipe; 2) In areas where facilities or terrain may funnel caribou movement, ramps over pipelines or buried pipelines may be required; and, 3) Where practicable, maintain a minimum distance of 500 feet between above-ground pipelines and roads.

**SOP Wild-2** Prior to development of large facilities, the AO may require development of an ecological land classification map of the development area. The map will integrate geomorphology, surface form, and vegetation at a scale, level of resolution, and level of positional accuracy adequate for detailed analyses of development alternatives and facility siting options. The map will be prepared in time to plan one summer season of ground-based wildlife or vegetation surveys, if deemed necessary by the AO, before approval of facility location and construction.

**SOP Wild-3** Whenever possible, operations that require vegetation removal will avoid the migratory bird nesting period of May 1 to July 15 (USFWS Advisory: Land Clearing Timing Guidance for Alaska Plan Ahead to Protect Nesting Birds. July 2009). If NEPA analysis reveals that this would unacceptably compromise project objectives or logistical feasibility, potential impacts must be identified, and mitigation applied that are appropriate to the magnitude and duration of expected effects. Assessments would focus on species of concern, priority habitats, and key risk factors. Permittees/project proponents will be reminded that it is their responsibility to comply with provisions of the Migratory Bird Treaty Act.

**SOP Wild-4** Employ industry accepted best management practices to prevent raptors and other birds from colliding with or being electrocuted by utility lines, alternative energy structures, towers, and poles (APLIC 2006, <http://www.aplic.org/>). If possible bury utility lines in important bird areas. Where raptors are likely to nest in human-made structures (such as cell phone towers) and such use could impede operation or maintenance of the structures or jeopardize the safety of the raptors; equip the structures with either (1) devices engineered to discourage raptors from building nests, or (2) nesting platforms that will safely accommodate raptor nests without interfering with structure performance.

**SOP Wild-5** Guy-wired apparatus, regardless of purpose, will be marked in accordance with the guidance provided by the USFWS Revised Guidelines for Communication Tower Design, Siting, Construction, Operation, Retrofitting, and Decommissioning, dated September 27, 2013, or a more current or contemporaneous version of that guidance.

**SOP Wild-6** Activities will not be authorized between May 15 and July 15 if the activity will interfere with caribou calving and postcalving activities (May 10 through June 1 for Dall sheep lambing). However, ongoing mineral production activities will be allowed throughout these time periods. In these areas and time periods, aircraft associated with activities that require BLM authorization will maintain an altitude of at least 1,500 feet above ground level (except for takeoffs and landings), unless doing so would endanger human life or violate safe flying

practices. These seasonal restrictions can be modified when caribou or Dall sheep do not occupy the area.

**SOP Wild-8** Within the Fortymile and White Mountains caribou calving and postcalving ranges (Map 84 PRMP), mineral exploration activities will not be authorized from May 15 through July 15 unless the AO determines that caribou no longer occupy the specific area of the proposed operations. This seasonal restriction can be modified based on actual caribou occupancy of area.

**SOP Wild-9** All reasonable precautions will be taken to avoid attracting wildlife to food and garbage. Garbage from all BLM-authorized activities will be removed and properly disposed to prevent habituation of wildlife or alteration of populations. The BLM may require food and garbage to be stored in bear-proof containers or by methods that make it unavailable to bears or other wildlife.

**SOP Wild-10** To prevent the entrapment of small animals, particularly birds, all hollow pipes or tubes that are 2 to 10" in diameter will be filled or capped prior to installation (unless fixed horizontally).

### **Priority Raptor SOPs**

Priority raptor species are peregrine falcon, gyrfalcon, bald eagle, and golden eagle. Nesting seasons are defined as: From April 15 through August 15 for bald eagles, golden eagles, and peregrine falcons; and, from March 15 through July 20 for gyrfalcons. Nesting season dates apply to SOP Wild-11 through SOP Wild-16. Exceptions to these raptor SOPs may be applied by the AO in situations where no practicable alternative exists; disturbance is adequately mitigated by site characteristics such as topography or vegetation, or by known tolerance of nesting birds to activities at the location; or where raptors establish nests near previously constructed facilities.

**SOP Wild-11** To minimize the direct loss of priority raptor foraging habitat, all reasonable and practicable efforts will be made to locate permanent facilities as far from priority raptor nests as practicable and to minimize habitat loss. Of particular concern for avoidance are ponds, lakes, streams, wetlands, and riparian habitats

**SOP Wild-12** To minimize disturbance to nesting priority raptors, aircraft authorized by the BLM are required to maintain an altitude of at least 1,500 feet above ground level when within one-half mile of priority raptor nesting sites during nesting season. This protection is not intended to restrict flights necessary to conduct wildlife surveys satisfying wildlife data collection requirements.

**SOP Wild-13** To reduce disturbance to nesting priority raptors, campsites authorized by the BLM, including short- and long-term camps and agency work camps, must be located at least 500 meters from any known priority raptor nest site during the nesting season.

**SOP Wild-14** Authorized human activity within 500 meters of priority raptor nest sites will be minimized during the nesting season. The cumulative number of authorized visits (defined as each day in which work is done within 500 meters of a nest site) to any nest site per nesting season, by all authorized users, must be limited to three visits per nest site.

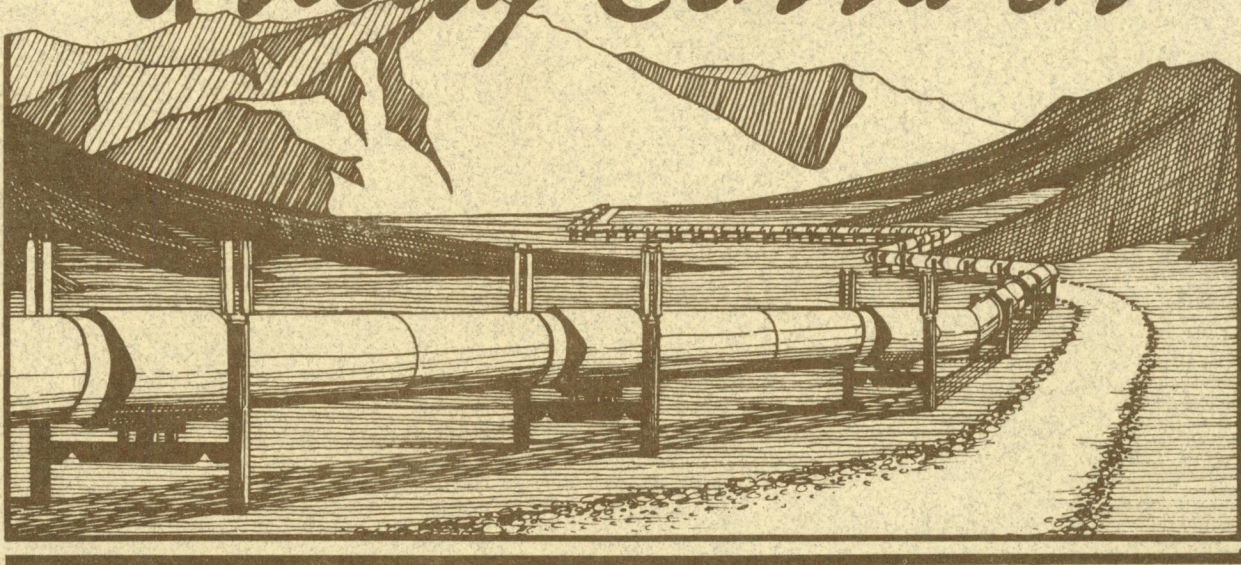
**SOP Wild-15** To reduce disturbance impacts to priority raptors, motorized ground-vehicle use must be minimized within one mile of any known priority raptor nest during the nesting season. Such use is prohibited within one-half mile of nests during the nesting season.

Eastern Interior, White Mountains  
*Record of Decision and Approved Resource Management Plan*

**SOP Wild-16** Construction within one-half mile of known priority raptor nests is prohibited during the nesting season. No facilities that will be used or accessed during the nesting period (including the area of associated human activity by facility users) can be constructed within one-half mile of known priority raptor nesting sites.

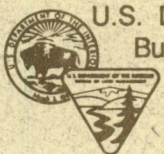


# Utility Corridor



## Proposed Resource Management Plan and Final

# Environmental Impact Statement



U.S. Department of the Interior  
Bureau of Land Management  
Arctic District Office, ALASKA

## Appendix L

### Summer and Winter Stipulations for Authorized Actions

#### Introduction

The following is a description of standard stipulations applied as appropriate on authorized activities within the study area. Application of these stipulations is part of the recommendations for the protection of the resource values as outlined in this Final RMP/EIS.

#### Summer Stipulations

1. The Bureau of Land Management (BLM), Arctic District Manager, or his delegate, is the Authorized Officer (AO).
2. A letter of non-objection will be required from the State of Alaska and/or the appropriate Native Corporations before entry onto any state or Native selected land.
3. The Permittee must notify BLM immediately of any changes or modifications in plans covering field operations.
4. The Permittee will conduct an environmental briefing of all employees, contractors, and subcontractors, including pilots, which will cover these stipulations. A copy of these stipulations shall be posted in a conspicuous place in the crew quarters.
5. No historic site, archeological site or paleontological resource shall be disturbed in any manner, nor shall any item be removed. Any site discovered during the course of field operations will be reported promptly to the Authorized Officer (AO) and in the completion report (Stipulation #14).
6. All operations must not impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).
7. The Permittee will be financially responsible for any fire caused by field operations which get out of control.
8. Harassment of peregrine falcons, as defined in Section 17.3 of Part 17, Title 50, CFR of the Endangered Species Act, and harassment of eagles, as defined in Section 22.3, Part 22, Title 50 CFR, will not be permitted.

Certain activities will be restricted, as described below, within specific radii of peregrine falcon nest sites during the time period specified:

- a. Within one mile of nest sites:
  - i) Maintain a minimum aircraft altitude of 1,500 feet above nest level from April 15 to August 31.
  - ii) All ground level activity is prohibited from April 15 through August 31.
- b. Within two miles of nest sites activities having high noise levels are prohibited from April 15 through August 31.

If peregrine falcons are encountered in cliff areas during permitted activities, leave the area and follow the restrictions listed above. Any site discovered during the course of field operations will be reported promptly to the AO and in the completion report (Stipulation #14). If the field party needs to revisit an area with a potential nest site, please contact the Arctic District Wildlife Biologist at 474-2315 for more information.

9. No feeding, chasing or buzzing by aircraft of any wildlife.

10. The Permittee shall protect all survey monuments, witness corners, and reference monuments against destruction, obliteration, or damage. Any damaged, destroyed, or obliterated monuments and corners shall be reestablished to the original exact location at the permittee's expense. A record of the reestablishment shall be submitted to the AO.
11. The Permittee shall hold the United States harmless against and from all demands, claims, or liabilities of any nature arising directly or indirectly from any operation on the land.
12. The following data will be submitted to the Division of Minerals (985), Mineral Assessment Branch, Alaska State Office, 222 W. 7th Ave., #13, Anchorage, Alaska 99513-7599:
  - a. A location map of all field sampling sites at a scale of 1:250,000 or larger.
  - b. Quality legible copies of all original observations and recordings, including descriptions of rock and hydrocarbon samples taken, keyed to the location map required in (a).
  - c. Results of all analyses conducted on rock and hydrocarbon samples, including, but not limited to, geochemical techniques, reservoir and source rock property determinations, and paleontologic and palynologic information.

Data required in (a) and (b) will be submitted within 30 days after the last day of permitted use. Data required in (c) will be submitted within 30 days of completion of analyses or within one year of completion of the permitted activity, whichever comes first. All data submitted which is clearly marked as proprietary or confidential will be kept confidential according to the standards and conditions set forth in BLM Manual Section 1273 (copies available upon request). All third party requests for access to such data will be referred to the Permittee.

There will be no publication of or public access to the data or derived interpretations or conclusions without the express written consent of the Permittee.

The Permittee will be reimbursed for reproduction of data at a rate consistent with prevailing local commercial rates for such services.

13. The Bureau of Land Management, through the AO, reserves the right to impose closure of any area to operators in periods when fire danger or other dangers to natural resources are severe.
14. Upon program completion or within 30 days of cessation of operations or the program, a final summary report shall be submitted to the District Manager, Arctic District Office, 1150 University Avenue, Fairbanks, Alaska 99709.

The data shall include:

- a. A description of all work performed.
  - b. Charts, maps or plats depicting the areas and blocks in which the exploration was conducted and specifically identifying the lines of geophysical traverses.
  - c. The dates on which the actual exploration was conducted.
  - d. A statement that all terms and conditions have been complied with, or that corrective measures shall be taken to rehabilitate the lands or other resources.
15. All fuel containers must be marked with the operator's name, date purchased and contents. No fuel storage or refueling of equipment shall be allowed within the flood plain of a river or lake.
  16. All refuse, fuel, food tins, human wastes and debris must be recovered from the public lands to approved collection sites. Garbage and human wastes may not be buried.

17. The foregoing provisions do not relieve the contractor or his subcontractor of any responsibilities or provisions required by any applicable laws or regulations.

### Winter - Seismic Stipulations

In the performance of any operations under a Notice of Intent or Permit for geophysical exploration in the Arctic District Area, the applicant known here as the "Permittee" shall comply with the following stipulations:

#### General

1. The BLM Arctic District Manager or his delegate is the Authorized Officer (AO) for this permitted activity.
2. Communication regarding sections 1 through 5 of this attachment shall be addressed to:

Arctic District Manager  
1150 University Avenue  
Fairbanks, Alaska 99709  
(907) 474-2302.

3. The Authorized Officer or his designated Field Representative may issue temporary suspension orders for any activity if operations are in non-compliance with these stipulations.
4. Requests to resume suspended activities shall be made directly to the Authorized Officer when the non-compliance has been corrected.
5. In matters of disagreement between the Authorized Officer and the Permittee, appeals may be made directly to the BLM State Director.
6. This permit is not valid for seismic exploration until the Authorized Officer receives detailed descriptions and plats of proposed shot lines (scale at least 1:250,000) and principal contacts, including field representatives, are identified by both parties.
7. As a condition of this permit, the Government of the United States of America reserves access to all geophysical data, processed geophysical information, reprocessed geophysical information, and interpreted geophysical information collected by the Permittee pursuant to this permit. The Division of Minerals, Chief Branch of Mineral Assessment, shall act on the Government's behalf in accordance with Section 6.
8. The Permittee may be requested by the Authorized Officer to furnish quarters and transportation for designated field representatives or observers to inspect operations.

#### Environmental

1. Permittee will conduct an environmental briefing for all employees, contractors, and subcontractors which will cover the stipulations attached to the permit.
2. All operations will be conducted in such a manner as not to cause damage or disturbance to any fish or wildlife and subsistence resources. This includes, but is not limited to, the following:
  - a. No seismic vehicle operations within one-half mile of any denning barren ground grizzly (in the upland area) or any denning polar bear (near the sea coast or in the lower reaches of major rivers or estuaries).
  - b. No chasing by vehicles or buzzing by aircraft of any wildlife. Particular attention will be given to not disturbing caribou.
  - c. Operators shall prohibit their employees, agents, contractors, subcontractors and their employees, while on duty or living at any camp or mobile camp, from feeding wild animals or birds or from

leaving garbage or other potentially edible items which would attract wild animals or birds. Garbage will be kept in covered containers while waiting incineration.

- d. Aircraft shall maintain 1,000 foot altitude (except for take off and landings) over designated caribou concentration areas (i.e., winter and summer ranges, insect relief areas, etc.) during the specific time period designated unless doing so would endanger human life or be an unsafe flying practice.
3. All operations shall be conducted with due regard for good resource management and in such a manner as not to block any stream or drainage system, to change the character or course of a stream, or to cause the pollution or siltation of any stream or lake.
4. All activities shall be conducted so as to avoid or minimize disturbance to vegetation.
5. Seismic operations are to begin only after the seasonal frost in the tundra and underlying mineral soils has reached a depth of 12 inches, and the average snow cover is a depth of 6 inches.
6. Seismic operations will cease when the spring melt of snow begins; approximately May 5 in the foothill areas exceeding 300 feet in elevation; approximately 15 May in the northern coastal areas. The cut-off date will be determined by the Authorized Officer.
7. To prevent surface disturbance, tracked vehicles will not execute tight turns by locking one track.
8. Cultural Resources:
  - a. The Antiquities Act of June 8, 1906, (34 Stat. 225; 16 U.S.C. 431-433) prohibits the appropriation, excavation, injury 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.
  - b. No historic site, archeological site or camp, either active or abandoned, shall be disturbed in any manner nor shall any item be removed. Should such sites be discovered during the course of field operations, the Authorized Officer will be promptly notified.
9. All operations must not impede rural residents from pursuing their traditional subsistence activities (ANILCA, PL 96-487).

#### Operational

1. Exploration activities will employ low ground pressure vehicles of the rolligon, ARDCO, Trackmaster, Nodwell or of a similar type. The limited use of tractors, equipped with wide tracks or "shoes," will be allowed to pull the camp and fuel trailers. Any exceptions to this stipulation will require the written approval of the Authorized Officer.
2. Crossing of waterway courses shall be made using a low angle approach in order not to disrupt the naturally occurring stream or lake banks.
  - a. Alteration of the banks of a watercourse is prohibited.
  - b. If snow ramps or snow bridges are utilized at watercourse crossings for bank protection, shall be substantially free of soil and/or debris. Snow bridges shall be removed or breached immediately after use or before spring breakup.
  - c. Equipment shall not enter open-water areas of watercourses.
  - d. To avoid additional freeze-down of deep water pools harboring overwintering fish, watercourses shall be crossed at shallow riffle areas from point bar to point bar whenever possible.

Compaction or removal of the insulating snow cover from the deep-water pool areas of rivers known to harbor overwintering fish shall be avoided.

3. No bulldozing of tundra areas, trails, or seismic lines will be allowed. This stipulation, however, does not prohibit the clearing of drifted snow along a trail or seismic line nor in a camp, to the extent that the tundra mat is not disturbed. Also, it does not prohibit the clearing of snow on a lake or river ice surface in order to prepare an aircraft runway.
4. Camps will be situated on gravel bars, sand, or other durable lands. Where leveling of trailers or modules is required and the surface has a vegetative mat, leveling will be accomplished with blocking rather than leveling with a bulldozer.
5. Camps will not be located on frozen lakes or on river ice. The location of camps on river sand or gravel bars is allowed and, where feasible, encouraged.
6. The contractor shall protect all survey monuments, witness corners and reference monuments against destruction, obliteration or damage. He shall, at his expense, re-establish damaged, destroyed or obliterated monuments and corners in their original exact position. A record of the re-establishment shall be submitted to the Authorized Officer.
7. Water Quality: all parties shall comply with applicable "Water Quality Standards" of the State of Alaska as approved by the Environmental Protection Agency.
  - a. Waste water shall receive treatment conforming to federal requirements for secondary treatment if Arctic-tested package treatment facilities are used.
  - b. If chemical recirculating sewage facilities are employed, they shall be kept separate from the gray wash and kitchen waste water. Gray wash water and kitchen waste water may be filtered to remove the solids and the liquid discharged to the land surface. All solids and sludges shall be incinerated.
8. Air Quality: emissions from equipment and burning materials shall be held within Federal and State air quality standards.
9. Solid Waste
  - a. A solid waste management plan must be approved by Alaska Department of Environmental Conservation (DEC) prior to initiating field work (Ref. PL 94-580). If approved by the DEC, all combustible solid waste, including cartons and used lubricating oils will be incinerated or returned to the base of operations for approved disposal. All non-combustible solid waste, including fuel drums, will be returned to the base of operations for approved disposal. There will be no burial of garbage or bulldozing of any area for the burial of anything.
  - b. Seismic lines shall be left clean of all foreign debris. This shall include, but is not limited to, wire, lathe, pin flags and reflectors.
10. Fuel Handling and Storage
  - a. A hazardous liquid spill control and contingency plan for each geophysical party will be submitted to the Authorized Officer prior to beginning operations (40 CFR 112).
  - b. Oil spills will be incinerated in approved receptacles but not on lake or river ice.
  - c. Although fuels may be off-loaded from aircraft on the ice, there will be no storage of fuels on lake or river ice, even on a temporary basis. This applies to any activity on any river or lake.
  - d. All fuel spills will be cleaned up immediately, taking precedence over all other matters, except the health and safety of personnel. Spills will be cleaned up utilizing absorbent pads or other approved methods. As soon as possible, but not later than 24 hours, notice of any such discharge as defined in Alaska Statute Title 18, Chapter 75, Article 2, will be given to:
    - i) The Authorized Officer in Fairbanks.
    - ii) Such other Federal and State officials as are required by law to be given such notice.

- e. Ample oil spill cleanup materials (absorbents) will be carried by each seismic crew and stored at all fueling points and vehicle maintenance areas.
- f. Storage and Handling
  - i) State and Federal safety standards for fuel handling will be followed.
  - ii) Drip basins or absorbent diapers will be placed under all non dry-disconnect-type fuel line couplings.
- 11. All fuel containers used, including barrels and propane tanks, must be marked with Permittee's name, fuel type, and purchase date (e.g., GSI, Hydraulic Fluid, 1983).
- 12. Field parties will keep daily records of seismic lines completed, fuel haul and camp move routes, and campsites utilized.
- 13. The foregoing provisions do not relieve the contractor or his subcontractors of any responsibilities or provisions required by any applicable laws or regulations.
- 14. A copy of these stipulations shall be posted in a conspicuous place in each camp site established for the purpose of geophysical exploration with NPR-A.
- 15. More than one Permittee may be approved to conduct geophysical activities in the same area within NPR-A or other public lands. In such a case, it is incumbent upon the Permittees to resolve any conflicts in their activities. The Authorized Officer will curtail all activities within certain areas if resolution cannot be achieved by the Permittees.

#### Notice of Completion

- 1. A final summary report shall be submitted to the Authorized Officer within 30 days of completion or cessation of operations. This report shall include:
  - a. Program completion date.
  - b. Field effort in crew weeks.
  - c. Line miles of surveys completed.
  - d. Summary of incidents or accidents (including reported oil spills).
  - e. Location map on 1:250,000 scale showing location of lines actually shot, campsites utilized, and routes used for fuel hauls and camp moves.
- 2. The Authorized Officer shall receive copies of Permittee's notification to the BLM Alaska Chief, Division of Minerals, in order to demonstrate satisfaction of permit stipulations 1.6 and Permit Attachment 1.

#### Bonding

Permittee must file with the Authorized Officer evidence of bonding. A rider to either a \$50,000 nationwide or \$25,000 state-wide bond shall pertain to the NPR-A and Arctic Resource Area seismic activities. This bonding requirement shall apply separately to each seismic train.

#### Geophysical Data

- 1. Inspection, selection, and submission of geophysical information and data:

- a. The Permittee shall notify the BLM Alaska Chief, Division of Mineral Assessment (CDM), immediately, in writing, of the acquisition, processing, reprocessing, or interpretation of any geophysical information or data collected under this permit.
  - b. All such data and information collected by the Permittee shall be available for inspection by the CDM. At any time within five years after receiving a notice of the acquisition, processing, reprocessing, or interpretation of any geophysical information and data, the CDM may select all or part of the geophysical information.
  - c. If the CDM decides to keep all or a portion of the geophysical information and data, he shall notify the Permittee, in writing, of his decision.
  - d. In the event that geophysical data, processed geophysical information, reprocessed geophysical information, or interpreted geophysical information is transferred from the Permittee to a third party, or from a third party to another third party, the transferor shall, in writing, so notify the CDM and shall require the receiving third party, in writing, to abide by the obligations of the Permittee as specified in this section as a condition precedent to the transfer of information or data.
  - e. Each submission of geophysical data, processed geophysical information, reprocessed geophysical information, and interpreted geophysical information, shall contain, unless otherwise specified by the CDM, the following:
    - i) An accurate and complete record of each geophysical survey conducted under the permit, including digital location data and final location maps of all survey stations.
    - ii) All seismic data developed under a permit presented in a format and of a quality suitable for processing.
    - iii) Processed geophysical information derived from seismic data with extraneous signals and interference removed, presented in a format and of a quality suitable for interpretive evaluation, reflecting state-of-the-art processing techniques.
    - iv) Other geophysical data, processed geophysical information, reprocessed geophysical information, and interpreted geophysical information obtained from, but not limited to, vibroseis logs, gravity and magnetic surveys, and special studies such as refraction and velocity surveys.
2. Reimbursement to Permittees:
- a. After the delivery of geophysical data, processed geophysical information, and reprocessed geophysical information selected by the CDM, and upon receipt of a request for reimbursement and a determination that the requested reimbursement is proper, the Permittee or third party shall be reimbursed for the cost of reproducing the selected information and data at the Permittee's or third party's lowest rate or at the lowest commercial rate established in the area, whichever is less.
  - b. The Permittee shall not be reimbursed for the cost of any interpretations performed or reproductions thereof submitted.
3. Disclosure of information and data to the public:
- a. The CDM may only make information and data submitted by a Permittee available in accordance with the requirements of and subject to the limitations of the Freedom of Information Act (5 USC 552) and the implementing regulations (43 CFR Part 2).
  - b. No information or data, determined by the CDM to be exempt from public disclosure, shall be provided to any affected State, or be made available to the executive of any affected local government or to the public, unless the Permittee and all persons to whom such Permittee has sold the information or data under promise of confidentiality agree to such an action.
4. Disclosure to independent contractors



- a. The CDM reserves the right to disclose any information or data acquired from a Permittee to an independent contractor or agent for the purpose of reproducing, processing, reprocessing or interpreting such information or data. The CDM shall notify the Permittee who provided the information or data of intent to disclose the information or data to such independent contractor or agent.
- b. Prior to any such disclosure, the contractor or agent shall be required to execute a written commitment not to transfer or to otherwise disclose any information or data to anyone without the expressed consent of the CDM. The contractor or agent shall be liable for any unauthorized use by or disclosure of information or data to third parties.

5. Communication:

All correspondence regarding the data requirements of this section shall be addressed to:

Division of Minerals  
Chief, Branch of Mineral Assessment  
6881 Abbott Loop Road  
Anchorage, AK 99507