| Revised: 5/12/2021<br>310 Form 270 and Instructions may be downloaded from:<br>http://dnrc.mt.gov/licenses-and-permits/stream-permitting | **CD/AGENCY USE ONLY** Application # _____ Date Received 1/19/22<br>Date Accepted Initials Date FW: to FWP 1/19/22 |
|---|---|

***This space is for all Department of Transportation and SPA 124 permits (government projects).***

Project Name _____

Control Number _____ Contract Letting Date _____

MEPA/NEPA Compliance ☐Yes ☐No If yes, #C5 of this application does not apply.

# JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS & OTHER WATER BODIES

**This is a standardized application to apply for one or all local, state, or federal permits listed below.**

- Refer to instructions to determine which permits apply and submit a signed application to each applicable agency.
- Incomplete applications will result in the delay of the application process.
- The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.
- **Other laws may apply.**

| | PERMIT | AGENCY | FILL OUT SECTIONS | FEE |
|---|---|---|---|---|
| ✓ | 310 Permit | Local Conservation District | A - E and G | Inquire locally |
| | SPA 124 Permit | Department of Fish, Wildlife and Parks | A - E and G | No fee |
| | 318 Authorization<br>401 Certification | Department of Environmental Quality | A - E and G | $250 (318);<br>$400 - $20,000 (401) |
| | Navigable Rivers Land Use License, Lease, or Easement | Department of Natural Resources and Conservation,<br>Trust Lands Management Division | A - E and G | $50, plus additional fee |
| | Section 404 Permit, Section 10 Permit | U. S. Army Corps of Engineers (USACE) | A - G<br>F1-8 | Varies ($0 - $100) |
| | Floodplain Permit | Local Floodplain Administrator | A - F | Varies by city/county ($25 - $500+) |

## A. APPLICANT INFORMATION

**APPLICANT NAME** (person responsible for project): Meldon L. Peterson - AuMCo

Has the landowner consented to this project? ☒ Yes ☐ No

Mailing Address: 1212 NW Curtis St Seal Rock, OR 97376

Physical Address: Same

Cellphone: 503-709-6988 Home Phone: 541-563-4479 E-Mail: mrmoon126@aol.com

**LANDOWNER NAME** (if different from applicant): U.S.F.S. Libby Ranger District

Mailing Address: 12557 Hwy 37 Libby, MT 59923

Physical Address: Same

Cellphone: _____ Home Phone: 406-293-7773 E-Mail: _____

**CONTRACTOR/COMPANY NAME (if applicable):** N/A

**PRIMARY CONTACT NAME:** _____

Mailing Address: _____

Physical Address: _____

Cellphone: _____ Home Phone: _____ E-Mail: _____

## B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location Libby Creek
   Project Address/Location: See map Nearest Town: Libby, Montana
   County: Lincoln Geocode: _____
   _____1/4 of the _____1/4 of, Section 17/18 Township 28N Range 30W
   Latitude 48.1878 Longitude -115.5049 Refer to section B1 in the instructions.

2. Is the proposed activity within **SAGE GROUSE** areas designated as general, connected, or core habitat?
   Yes ☐ No ☒ Attach consultation letter if required. Refer to section B2 in the instructions.

3. Is this a **STATE NAVIGABLE WATERWAY**? The state owns beds of certain navigable waterways.
   Yes ☐ No ☒ If yes, send a copy of this application to the appropriate DNRC land office. Refer to section B3 in the instructions.

4. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands. What vegetation is present? Refer to section B4 in the instructions.
   Rock, Gravel, Bedrock, slope - slight, Rocky
   unruly vegetation trees (cottonwood) fern, brush
   no structures, natural habitat

## C. PROPOSED PROJECT OR ACTIVITY INFORMATION

1. **TYPE OF PROJECT** (check all that apply) Refer to section C1 in the instructions.

☐ **Agricultural and Irrigation Projects:** Diversions, Headgates, Flumes, Riparian fencing, Ditches, etc.

☐ **Buildings/Structures:** Accessory Structures, Manufactured Homes, Residential or Commercial Buildings, etc.

☐ **Channel/Bank Projects:** Stabilization, Restoration, Alteration, Dredging, Fish Habitat, Vegetation or Tree Removal, or any other work that modifies existing channels or banks.

☐ **Crossings/Roads:** Bridge, Culvert, Fords, Road Work, Temporary Access, or any project that crosses over or under a stream or channel.

☒ **Mining Projects:** All mining related activity, including; Placer Mining, Aggregate Mining, etc.

☐ **Recreation related Projects:** Boat Ramps, Docks, Marinas, etc.

☐ **Other Projects:** Cistern, Debris Removal, Excavation/Pit/Pond, Placement of Fill, drilling or directional boring, Utilities, Wetland Alteration. Other project type not listed here _____

2. **IS THIS APPLICATION FOR** an annual maintenance permit? ☒ Yes ? ☒ No
   (If yes attach annual plan of operation to this application) – Refer to section C2 in the instructions.
   Attached

3. **WHY IS THIS PROJECT NECESSARY? STATE THE PURPOSE OR GOAL** of the proposed project. Refer to section C3 in the instructions.
   mining placer gold

4. **PROVIDE A BRIEF DESCRIPTION** of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions.
   streambed gravels are sluiced
   using suction dredges no more
   than 4" diameter hose

5. **WHAT OTHER ALTERNATIVES were considered to accomplish the stated purpose of the project?** Why was the proposed alternative selected? Refer to section C5 in the instructions.

manual shoveling and panning, impossible to reach the placer gold at deeper creek depths gold is heavy so goes to deeper crevases of the creek

6. **NATURAL RESOURCE BENEFITS OR POTENTIAL IMPACTS. Please complete the information below to the best of your ability.**

* Explain any temporary or permanent changes in erosion, sedimentation, turbidity, or increases of potential contaminants. What will be done to minimize those impacts? we actually remove lead and old mercury from the streambed leaving gravels cleaner than prior to dredging

- Will the project cause temporary or permanent impacts to fish and/or aquatic habitat? What will be done to protect the fisheries? No, in fact studies have shown possible enhancement to their environment (removing contaminants)

- What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat?

Our operation has no impact on these areas

- What efforts will be made to decrease flooding potential upstream and downstream of project?

No impact on flooding - no change to creek or banks.

- Explain potential temporary or permanent changes to the water flow or to the bed and banks of the waterbody. What will be done to minimize those changes?

No changes made to water flow, creek bed, or banks, all returned to or maintained as was.

- How will existing vegetation be protected and its removal minimized? Explain how the site will be revegetated. Include weed control plans.

This operation has no effect or disturbance of vegetation on creek banks.

## D. CONSTRUCTION DETAILS

1. **PROPOSED CONSTRUCTION DATES**. Include a project timeline. Start date July 15th
Finish date Sept 1st How long will it take to complete the project? _____
Is any portion of the work already completed? ☐ Yes ☒ No (If yes, describe previously completed work.)
Refer to section D1 in the instructions. this is an ongoing dredging operation that has occured annually since 1979 - and encompasses 4 mining claims (consecutive)

2. **PROJECT DIMENSIONS.** Describe length and width of the project. Refer to section D2 in the instructions.

3. **EQUIPMENT**. List all equipment that will be used for this project. How will the equipment be used on the bank and/or in the water? Note: All equipment used in the water must be clean, drained and dry. Refer to section D3 in the instructions. floating dredges process stream bed gravels 4" & 3" intake hoses are used - Equiptment is check @ water craft ✓ station each year and only used in Libby Creek

Will equipment from out of state be used? YES ☐ NO ☒ UNKNOWN ☐
Will the equipment cross west over the continental divide to the project site? YES ☐ NO ☒ UNKNOWN ☐
Will equipment enter the Flathead Basin? YES ☐ NO ☒ UNKNOWN ☐

4. **MATERIALS**. Provide the total quantity and source of materials proposed to be used or removed. Note: This may be modified during the permitting process therefore it is **recommended you do not purchase materials until all permits are issued.** List soil/fill type, cubic yards and source, culvert size, rip-rap size, any other materials to be used or removed on the project. Refer to section D4 in the instructions.

| Cubic yards/Linear feet | Size and Type | Source |
|---|---|---|
| no new materials are introduced, only sluiced through dredge in same spot of creek. | | |

## E. REQUIRED ATTACHMENTS

1. **PLANS AND/OR DRAWINGS** of the proposed project. **Include**:
   - Plan/Aerial view ✓
   - an elevation or cross section view ✓
   - dimensions of the project (height, width, depth in feet) ✓
   - location of storage or stockpile materials dimensions and location of fill or excavation sites none
   - drainage facilities N/A
   - location of existing/proposed structures, such as buildings, utilities, roads, or bridges N/A
   - an arrow indicating north
   - Site photos

2. **ATTACH A VICINITY MAP OR A SKETCH** which includes: The water body where the project is located, roads, tributaries, other landmarks. Place an "X" on the project location. Provide written directions to the site. This is a plan view (looking at the project from above). ✓

3. **ATTACH ANNUAL PLAN OF OPERATION if requesting a Maintenance 310 Permit.** ✓

4. **ATTACH AQUATIC RESOURCE MAP.** Document the location and boundary of all waters of the U.S. in the project vicinity, including wetlands and other special aquatic sites. Show the location of the ordinary high-water mark of streams or waterbodies. **if requesting a Section 404 or Section 10 Permit.** Ordinary high-water mark delineation included on plan or drawings and/or a separate wetland delineation.

# Directions to AuMCo dredging site on Libby Creek.

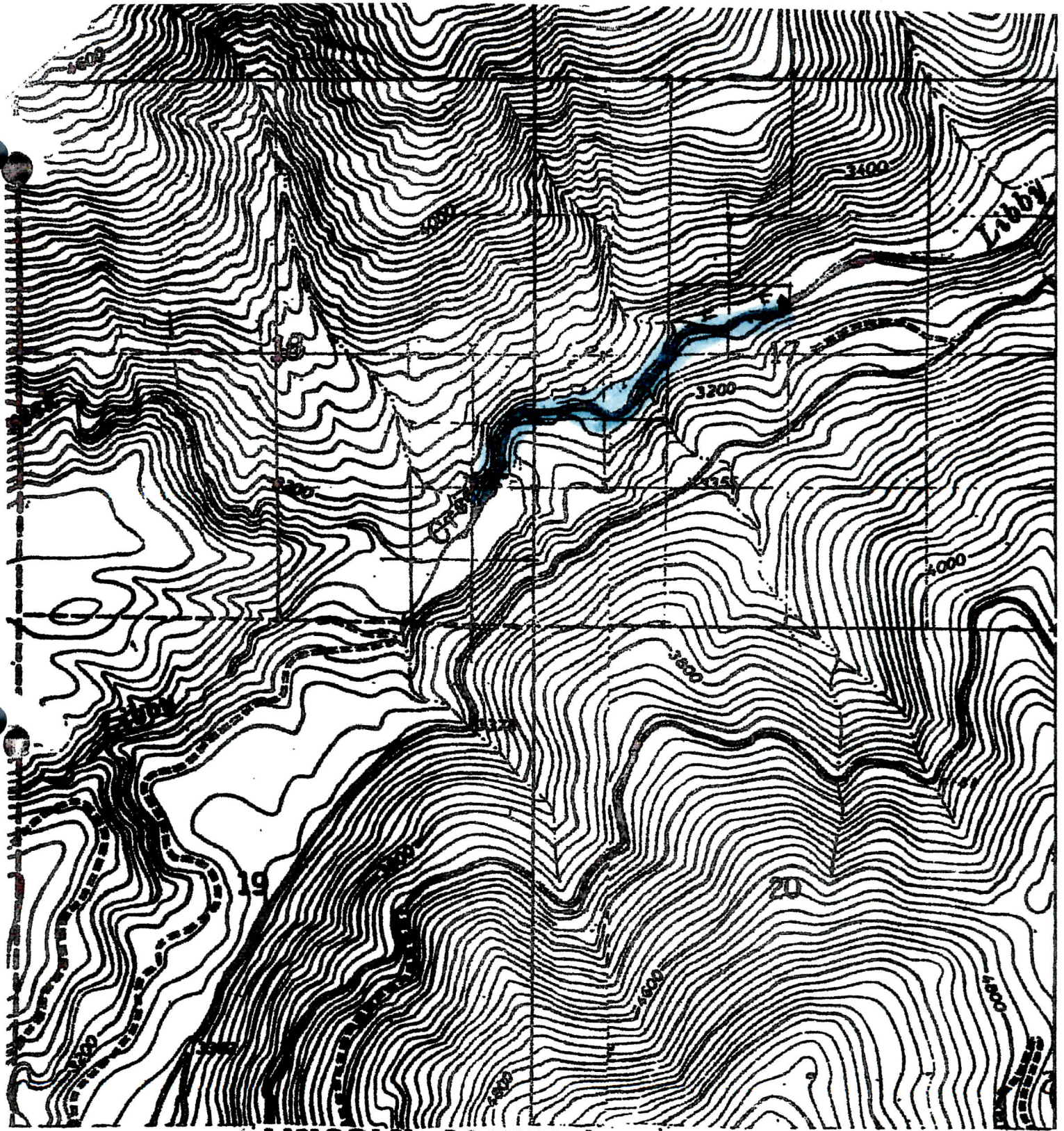
Proceed South from Libby on Hwy. #2 for 8 miles.

Turn onto the Bear Creek Road and proceed for 8 miles.

Turn left onto road 6199 and keep right at each fork.

At approximately milepost 3 there is a locked gate. The USFS controls the key.

Proceed approximately 2 miles beyond gate. There will be evidence of traffic veering right off of 6199 onto the Old Libby Creek Road (abandoned in 1948). A right turn goes to the head end of the claim. A left turn leads to the downstream end of the claim just beyond the remains of the first cabin.




LINCOLN COUNTY T-28N, R-30W

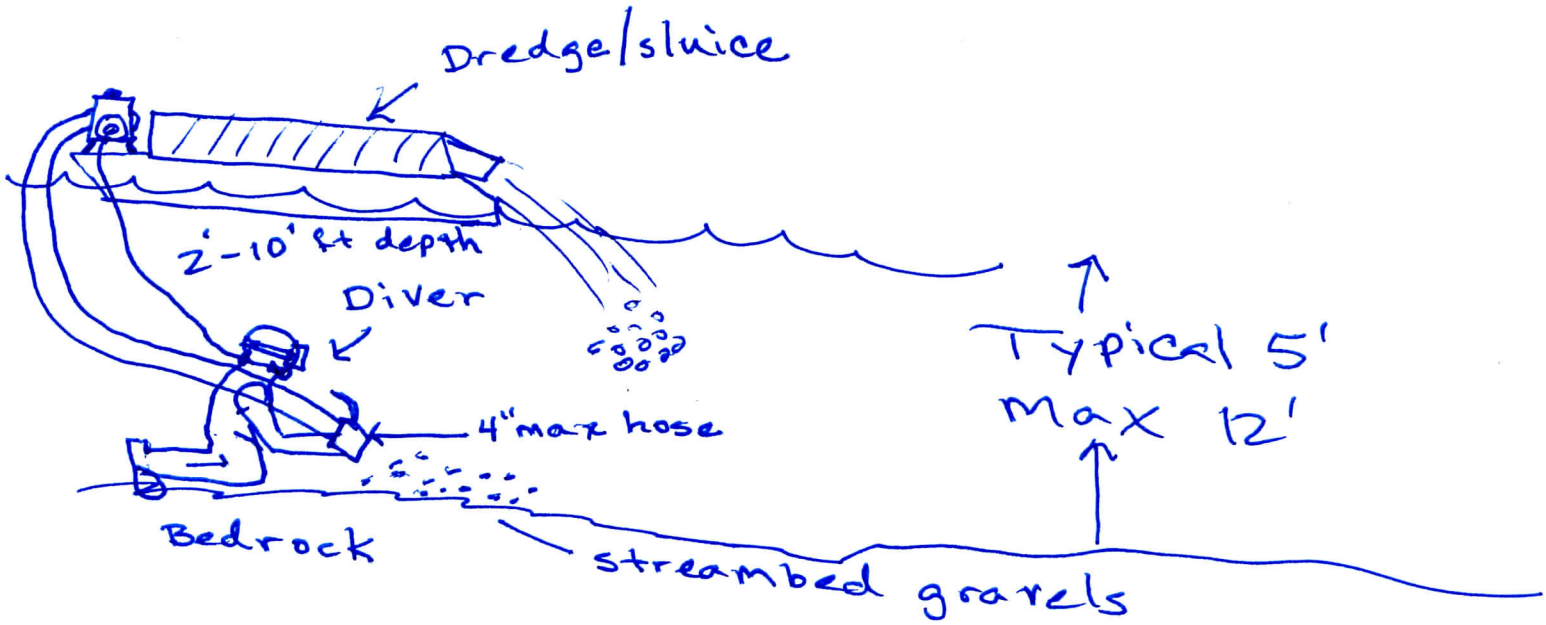
1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

.1 .5 0 1 KILOMETER

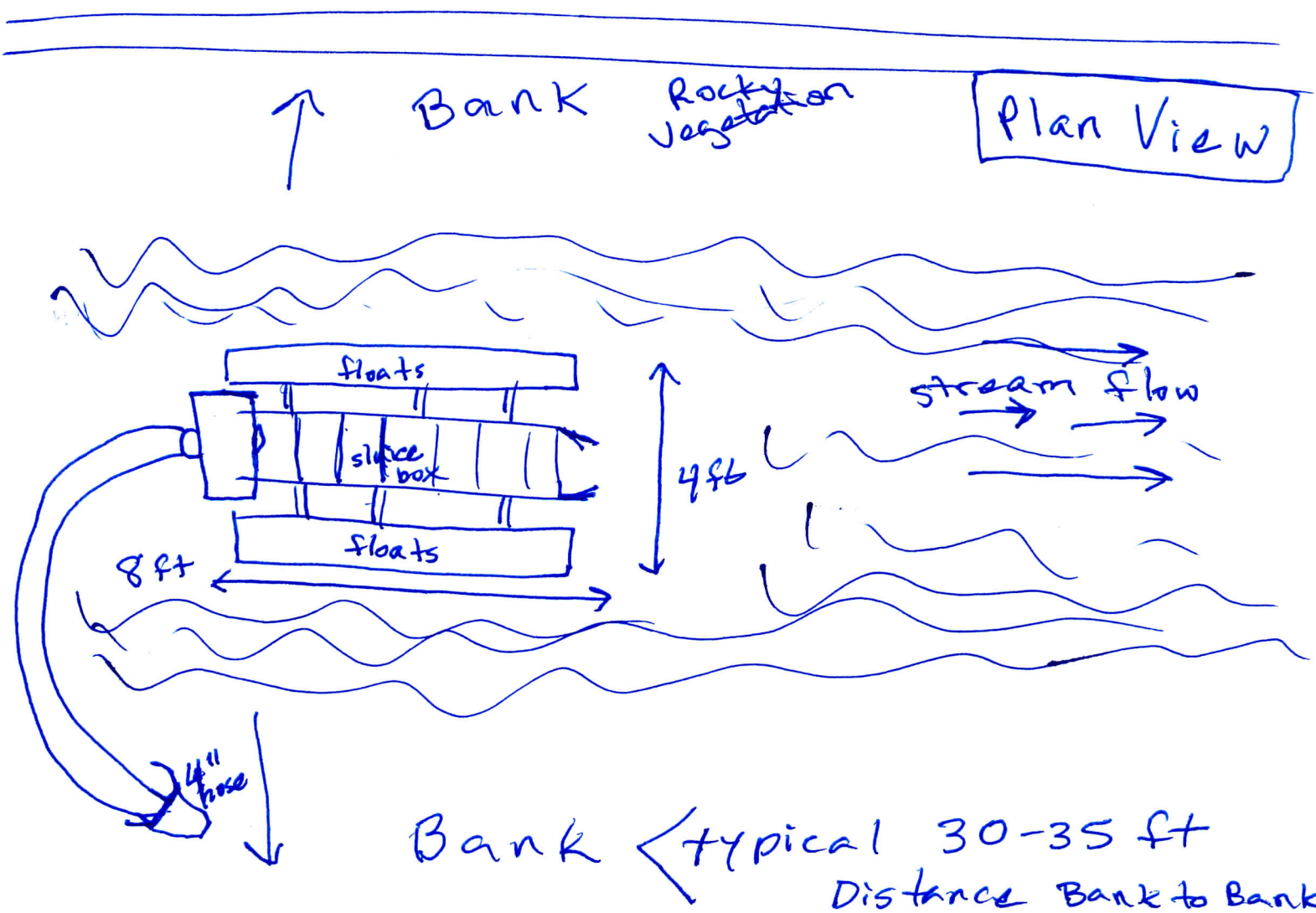
N

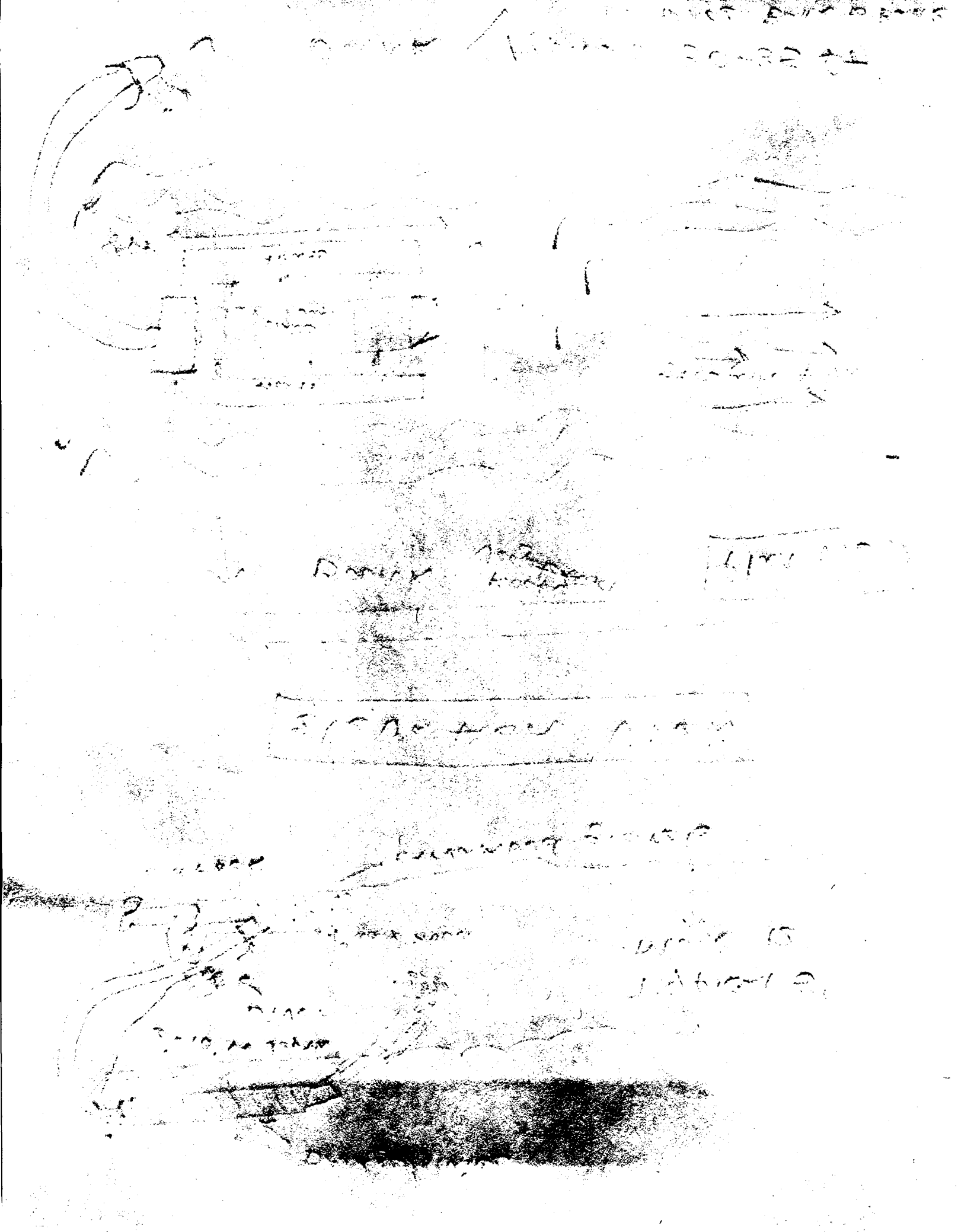
W E

CONTOUR INTERVAL 40 FEET
DATUM IS MEAN SEA LEVEL




Elevation View





## G. SIGNATURES/AUTHORIZATIONS

Some agencies require original signatures. **After completing the form**, make the required number of copies and **then sign each copy.** Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized. Refer to section G in the instructions.

APPLICANT (Person responsible for project):
Print Name: Meldon L Peterson AuMCo

Meldon L Peterson 01/7/2022
Signature of Applicant Date

LANDOWNER:
Print Name: U.S.F.S. Libby Ranger District

_____
Signature of Landowner Date

*CONTRACTOR'S PRIMARY CONTACT (if applicable):
Print Name: _____

_____
Signature of Contractor/Agent Date
*Contact agency to determine if contractor signature is required.

**USDA - FOREST SERVICE**
**KOOTENAI NATIONAL FOREST**
**LIBBY RANGER DISTRICT**

**LIBBY, MONTANA 59923**
**(406) 293-7773**

# PLAN OF OPERATION ADDENDUM
**For**

**AuMCo SUCTION DREDGING**

**MELDON PETERSON**
**1212 N.W. Curtis St.**
**Seal Rock, OR 97376**

This Plan of Operations, including all provisions made herein, meeting requirements under 36 CFR 228.4, are approved and mutually agreed upon by the UNITED STATES OF AMERICA, acting through the USDA - FOREST SERVICE, KOOTENAI NATIONAL FOREST, LIBBY RANGER DISTRICT and MELDON PETERSON, Owner/Operator for AuMCo Suction Dredging.

Upon satisfactory compliance with the terms of this Plan of Operations, your reclamation bond will be returned to you. No refund will be made until compliance with these measures has been satisfactorily completed.

U.S.D.A. FOREST SERVICE

NATHAN GASSMANN — Date: 6/1/2021
District Ranger

MELDON PETERSON — Date: 05/20/2021
Claim Owner / Operator

## A. DESCRIPTION OF OPERATION

This is an addendum to the proposed Plan of Operations originally submitted by Meldon Peterson on June 6, 1998. Project description specifies use of a suction dredge on his mining claim in the Libby Creek drainage. In order to facilitate exploration, Mel Peterson and a small group of up to 5 additional individuals may camp on the claim on three occasions for a maximum or 3 days each to facilitate work on the claim.

### 1. Claim Identification and Location

All operations taking place under this addendum to the plan will occur on AUMCO #1,2,3 mining claims located in Section 17 and 18 of T28N, R30W, Principle Montana Meridian and as identified on a map submitted with the Plan of Operations.

### 2. Purpose

This Plan is for processing of gravels in Libby Creek using up to a 4" intake diameter suction dredge. Standard suction dredging guidelines will be followed for dredging, sluicing, and high banking.

### 3. Operator

Meldon Peterson (hereinafter called the "operator"), has the authority to enter into this agreement with the Forest Service relating to this operation.

## B. OPERATING PLAN REQUIREMENTS AND TERMINATION

Only activities specified in this addendum to the Plan of Operations are authorized; any and all subsequent relocations, alteration, revision, additions, and construction, shall require advance notification and approval of the Forest Service and advance modification of this plan.

This Plan of Operations will terminate on **September 15, 2021**. The operator will remove all material and equipment from National Forest land, not authorized by this Operating Plan within one week after completing operations for the year. If the Plan of Operations does not change, the claimant and/or operator may request in writing to the District Ranger that an extension of time be granted under the existing approved Plan of Operations.

### 1. Pollution

The operator shall take reasonable precautions to prevent pollution or deterioration of lands or waters which may result from the exercise of the privileges extended by this permit. In particular, the operator shall at all times comply with applicable local, State, and Federal air quality standards, water quality standards, and standards for the disposal and treatment of solid waste. The operator is responsible for obtaining all necessary permits

and licenses from other State, County, and Federal agencies. Failure of the operator to so comply may result in termination or suspension of this authorization.

## 2. Notices

When operations are in progress, the operator shall have a representative named in writing, readily available to the area of operation and authorized to receive notices in regard to performance under the plan.

Notices by either party shall be in writing to the other party's designated representative.

## 3. Fire Regulations

The operator will meet State and Federal fire requirements. A copy of the Forest Fire Regulations applicable to all operations on forested lands within Montana is attached.

During the fire season, as determined by the authorized officer, the holder shall furnish and maintain in serviceable condition a fire-tool box, and fire tools to be used only for the suppression of forest fires. Trucks and tractors will carry a shovel and fire extinguisher, while the tool box at the site will contain the following tools: shovel, pulaski, bucket.

## 4. Spark Arrester and Engine Mufflers

A muffler or spark arrester satisfactory to the Forest Service shall be maintained on the exhausts of all trucks and tractors or other internal combustion engines used in connection with this plan.

## 5. Archaeological-Paleontological Discoveries

If previously undiscovered cultural resources (historic or artifacts) are exposed as a result of operations under an approved plan, the operator shall leave such discoveries intact and immediately notify the District Ranger. The operator shall not proceed until he or she is notified by the District Ranger that he/she has complied with the provision for mitigating unforeseen impacts as required by 36 CFR 228.4 (e).

## 6. Implied Permission

Nothing in this plan shall be construed to imply permission to build or maintain any structure not specifically named on the face of this plan, or approved by the authorized officer in the form of a new plan or plan amendment.

**The operator will obtain all applicable permits for activities from the local, state, and federal authorities.**

## 7. Risk and Hazards

Avalanches, rising waters, high winds, falling limbs or trees, and other hazards are natural phenomena in the forest that present risks which the operator assumes. The operator has the responsibility of inspecting his site, lot, right-of-way, and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and, after securing permission from the Forest Service, removing such hazards.

The operator will remove only trees authorized by the Forest Service for project activity. All authorized trees will be marked by the Forest Service prior to cutting. Trees will be sawed off and will not be pushed over by equipment. Cut trees may be purchased by the operator as saw logs.

## 8. Aesthetics

The operator will protect the scenic aesthetic values of the area under this permit, and the adjacent land, as far as possible with the authorized use, during construction, operation, and maintenance of the improvements.

## 9. Area Maintenance

The area will be maintained to present a clean, neat and orderly appearance. Trash, debris, nonfunctional machinery, improvements, etc., will be disposed of promptly. The operator shall pack out or otherwise remove from National Forest land all refuse resulting from operations under this plan. All non-burnable garbage and refuse will be disposed of off-site at a sanitary landfill. Garbage will be removed from the site on a daily basis.

All human waste will be disposed of in a pit at least eight inches deep and 200 feet away from any open water source or stream channel.

## 10. Food Storage and Sanitation Special Order F14-083-L-11

For the purpose of minimizing adverse interactions between humans, bears and other wildlife, and provide for visitor safety, the following restrictions are in effect on the Kootenai National Forest. Under this order, the following requirements are in effect March 1 through December 1 annually:

- Human, pet, and livestock food (except baled or cubed hay without additives), and refuse shall be acceptably possessed or acceptably stored in a bear-resistant manner.
- Camping or sleeping areas shall be established at least ½ mile from a known animal carcass that is on the ground.
- Any harvested animal carcass shall be acceptably possessed or stored when within ½ mile of a camping or sleeping area or within 200 yards of a National Forest System Trail (unless the carcass is being field dressed,

transported, being prepared for eating, or being prepared for acceptable storage).

- The responsible party shall report the death and location of livestock to a Forest Service official within 24 hours of discovery. In remote areas, where it is not possible to meet the 24 hour timeframe, the report should be made within 48 hours.
- Burnable attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.

These restrictions are in addition to the general prohibitions in 36 CFR Part 261, Subpart A. This Order supersedes any previous Order prohibiting or restricting the same or similar acts.

## 11. Claim Ownership

Approval of this Plan of Operation does not constitute certification or recognition of ownership to any person named herein. When another party asserts a title interest in the area covered by this plan, it will be the sole responsibility of the concerned parties to resolve such conflict before proceeding with claim development.

## 12. Design Features

1) All in-stream sluicing and dredging activities will be conducted only between **July 15 through September 1** to avoid impacts to spawning fish, and as required by MPDES.
2) Prior to dredging, the operator will lightly disturb (by wading or overturning surface material) to encourage fish to move elsewhere. This would reduce the potential for fish to be impacted by dredging operations.
3) The operator will not use mercury, cyanide or any other hazardous or refined substances without advance approval from the Forest Service. Any mercury recovered during the dredging process will be collected by the operator and will not be returned to the stream.
4) The operator will obtain all necessary permits for suction dredging/sluicing activities, from the local, state, and federal authorities possibly including but not limited to: Montana Pollutant Discharge Elimination System (MPDES), 124 SPA (Stream Protection Act), 310 (Natural Streambed and Land Preservation Act)
5) The **operator will not dredge/sluice or otherwise disturb the stream banks**. The operator will not dredge/sluice in channels that could potentially result in the undermining of the adjacent stream bank.
6) The operator will refuel and conduct all engine maintenance on land, will not spill or drip any fuel or oil in the stream channel, and will have absorbent cloth on site for any accidental fuel spill. Such cloth will be of an adequate size to handle the volume of fuel and oil being handled on site.

Motor oil or gas will be taken offsite and disposed of properly in an approved facility. **Motor oil or gas will not be stored within 100 feet of any stream channel.**

7) Dredge equipment will be in good mechanical condition and free of leaks.

8) Dredge pump will be placed in a leak proof pan on a stable platform and operated in a manner that avoids accidental tip-over.

9) Store fuel, oil, or any other hazardous substances in leak and animal proof containers in locations that minimize opportunities for accidental spillage and entry to the stream.

10) Remove fuel and oil from the claim when the site is unoccupied.

11) The operator will return the dredged/sluiced area to the original grade each at the end of the season when operating in shallow areas (less then 1 foot of water). **The operator will not fill natural pools in the stream, which are critical fish habitat. Operators will maintain fish escape routes with adequate flow of water into and out of dredging area to allow for fish passage (minimum of 6 inches deep).** Operators will disperse tailings so as not to attract spawning fish during operations.

12) **The operator will not remove or disturb any in-stream woody material** or any potential large woody material from stream banks. Boulders greater than 12" will be retained in stream and will be placed back into the stream where they are found by the end of the operating season by the operator. Operator will not damage the structural integrity of bedrock in the stream channel.

13) The operator will conduct activities during daylight hours only (dawn to dusk) to protect migrating fish.

14) The operator will visually monitor the stream 500 feet downstream from the area of activity after the first half hour of continuous operation. If a noticeable cloudiness or muddiness occurs (turbidity), the operation will immediately cease or decrease until no turbidity change is noticed.

15) The operator will not move bottom material in the stream channel to the extent that a deep and fast portion of the stream channel is not maintained.

16) The operator will not disturb or mine any water diversion structure.

17) The operator will not use any other powered equipment, such as backhoes or tractors for conducting operations.

18) If using sluice or high banker, the operator will, where possible, run effluent from the sluice/high banker through a settling pond or over a gravel bar along the edge of the channel to reduce the amount of suspended sediment returned to the active water channel.

19) Dredge piles must be dispersed and individual dredge holes or gravel collection areas backfilled to the approximate original contour with dredged material and

previously displaced rocks by the end of the annual operating season.

20) Suction dredge and other instream equipment must be treated for aquatic invasive species (AIS) prior to immersing in stream. The cleaning shall consist of removing **all** dirt, animal, and plant parts from the equipment that may carry AIS and/or noxious weed seeds. Take suction dredge to approved decontaminating site, or refer to the publication *Decontaminating Firefighting Equipment to Reduce the Spread of Aquatic Invasive Species,* Pages 5-8 (Exhibit F).

The operator will keep a record of the number of hours and days spent suction dredging, and will report this information to the Authorized Officer at the end of the operating season (see attached form).

## 13. Noncompliance

Operator's failure to comply with the approved plan invalidates the plan and will result in the suspension of all or part of the operation.

## 14. Plan Revision

The Plan of Operation may be amended at any time subject to the approval of the Forest Service. Proposed revisions must be in writing and must reference the applicable section of the current approved plan. Where appropriate, the map will also be amended.

## 15. Reclamation Plan, Surface Restoration

The operator will not conduct any surface disturbing activities other than specified in the proposed Plan of Operations. In the event that incidental disturbance to the surface occurs, the disturbed area will, in a timely manner, be contoured, and revegetated using Kootenai National Forest seed mix to return stability, minimize erosion, and limit sedimentation.

## 16. Access

The operator will cease activities during wet periods (rain-snow) where project activities are causing excessive ground disturbance or excessive damage to roads.

The operator will not construct a road or conduct any road maintenance without advance written approval by the Forest Service. The operator will place deadfall and brush, cut from existing access road(s), completely off the roadbed and away from any drainage structures, such as culverts and drain ditches.

The operator will not conduct any clearing of riparian vegetation without prior Forest Service authorization.

The operator will obtain a permit from the Libby Ranger District for all access on closed roads. The operator will lock the gate(s) closed following each entrance/exit. During permitted access, the operator will post a sign on the gate closure stating "The vehicle behind this gate has been authorized on a daily basis".

The operator will not hunt, cut firewood or participate in any other recreation activity while having permitted access.

The gated access road (#6199) is being managed as a closed road. Operators will keep a log of the number of days that motorized activities occur behind the access gate. Operators will submit access log by October 31st of each year to the authorized officer on the district. This information will be used to assure present and future compliance with the "restricted road" definition for management activities.

## 17. Noxious Weeds

All digging equipment and off-road vehicles used in this operation will be power washed and inspected by the Forest Service prior to being transported on to NFS lands. The operator is responsible for notifying the Forest Service when the equipment is ready for inspection.

All disturbed sites will be seeded with Montana-certified weed-free grass ground cover as soon as practical after disturbance in order to provide site protection until native species are established.

The operator is required to control any new weed species found to invade the area. Spraying, if determined necessary by the Authorized Officer, will be done according to Forest Service specification and will be applied by a certified operator.

## 18. Water Rights

This approved plan of operations does not confer any water rights on the operator. The operator is responsible for meeting all requirements of state law regarding water use, and for paying all expenses related to water use, including the expense of acquiring any necessary state water rights.

Any water right for water use issued pursuant to state law for water use associated with this approved plan of operations must be consistent with the terms of this plan of operations and shall terminate when the plan of operations terminates.

At no time shall any water used pursuant to this approved plan of operations be transferred off National Forest System lands or be used for purposes not related to mining.

The authorization of any facility to divert, impound, store, or convey water under this approved plan of operations is granted only to allow water use in connection with the

mining activities authorized by this approved plan of operations. When the use of water in connection with this approved plan of operations ceases, the authorization to use that associated water facility also ceases.

Any change in beneficial use or place of use of water authorized under this approved plan of operations shall cause the authorization for that water use to terminate unless prior written approval from the authorized officer is obtained.
The operator hereby waives and releases the United States from any and all claims for compensation for water rights that are forfeited, terminated, abandoned, limited, or changed as a result of Forest Service regulatory actions associated with this approved plan of operations.

The term "water rights" as used in this approved plan of operations includes all authorizations, such as certificates, reservations, or permits, for water use issued under state, local or other law.