

**MEXICAN TANK QUARRY COMMUNITY USE SITE
OPERATING PLAN AND CONTRACT STIPULATIONS**

INDEMNIFICATION OF UNITED STATES

The Purchaser will indemnify the United States against any liability for damage to life or property arising from the occupancy or use of National Forest System lands under this contract.

OPERATING PLAN

- a. Operations must adhere to the approved operations addressed in the operating plan of the contract and the stipulations of this document. All operations are limited to the areas as identified in the operating plan and map. No new surface disturbance is permissible under this permit.
- b. All operations will be limited to the Mexican Tank Quarry located at Section 31 Township 19 North Range 2 East Gila and Salt River Meridian and rock processing and storage areas to the west of the quarry. The site can be access by County Road 71, Forest Road (FR) 9119A, and the quarry access route.
- c. The permittee will carry on all mining operations in a good and workmanlike manner and in compliance with all Federal and State laws and the regulations of the Secretary of Agriculture, having due regard for the health and safety. For safety, please avoid removing foundation rock under around the two abandoned quarry buildings (see map).
- d. The user will permit at all times inspections of the all work and equipment pertaining to operations, by any duly authorized representative of the Forest Service.
- e. Use of heavy equipment is not permissible under this permit.
- f. The permittee will maintain a clean, neat, orderly, and safe work environment.
- g. The permittee may not camp within the permit area.
- h. Trash, sewage and debris generated at the operation will be removed from National Forest System (NFS) land and disposed of at a public waste facility.
- i. Removal of material from the site is limited to hand picking previously excavated and exposed, or pelletized sandstone. Material is to be removed in a logical sequence to avoid hazards created by unstable material.
- j. Material removed under this permit must be transported off NFS lands on a daily basis. Stockpiling material is not permitted.
- k. The permit area is a nonexclusive community use site; therefore, the permittee may not assert claim to available mineral material.
- l. Overland travel is not permissible under this contract. Motorized vehicle use is limited to authorized roads as displayed in the current Prescott National Forest Motor Vehicle Use Map and the quarry access. Parking for conducting operations is permissible at the parking area as identified on the map.
- m. On a daily basis, all refuse, equipment, supplies, and vehicles must be removed from NFS lands. Once operations are completed, the permittee must remove all refuse, equipment, supplies and vehicles from NFS lands. Tracks from wheel barrows or other similar equipment will be cleared.

ACCOUNTABILITY

- a. Material removed from NFS lands under this permit is for personal use. Therefore, it may not be sold for profit, and no part of the material may be used as payment for the services of an agent in obtaining or processing the material.
- a. A copy of this permit must be carried on every shipment of mineral material leaving the quarry, and be kept on site at the quarry throughout operations.
- b. Permit Termination, Revocation, and Suspension

General. For purposes of this permit, "termination", "revocation", and "suspension" refer to the cessation of uses and privileges under the permit.

"Termination" refers to the cessation of the permit under its own terms without the necessity for any decision or action by the authorized officer. Termination occurs automatically when, by the terms of the permit, a fixed or agreed upon condition, event, or time occurs. For example, the permit terminates at expiration. Terminations are not appealable.

"Revocation" refers to an action by the authorized officer to end the permit because of noncompliance with any of the prescribed terms, or for reasons in the public interest. Revocations are appealable.

"Suspension" refers to a revocation which is **temporary** and the privileges may be restored upon the occurrence of prescribed actions or conditions. Suspensions are appealable.

Revocation or Suspension. The Forest Service may suspend or revoke this permit in whole or part for:

- 1. Noncompliance with Federal, State, or local laws and regulations.
- 2. Noncompliance with the terms and conditions of this permit.
- 3. Reasons in the public interest.
- 4. Abandonment or other failure of the holder to otherwise exercise the privileges granted.

RESOURCE PROTECTION AND AREA MAINTENANCE

- a. The permittee will take reasonable precautions to protect in place, all public land survey monuments, mining claim monuments, private property corners and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges authorized by this contract, depending on the type of the monument destroyed, the Purchaser will see that they are re-established or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of Public Land of the United States", (2) the specifications of the County Surveyor, or (3) the specifications of the Forest Service.
- b. Operations under the permit may not occur when the access roads are wet. This will ensure that the road base remain relatively smooth and reduce rill and rut development.
- c. This contract does not authorize house trailers or residence quarters on the permit area or any other NFS land.
- d. No fences, gates or other structures will be erected on the permit area or any other NFS land.
- e. Storage of fuel, oil or other hazardous materials such as explosives is not permissible under this permit.

- f. Disposing of any hazardous materials, pollutants or other foreign substances on NFS land is prohibited.
- g. Vehicles that are known to leak hydraulic fluids, coolant, fuel, and other vehicle fluids, must be underlain with absorbent mats or other similar devices to capture leaks. This measure is necessary to prevent soil contamination. In the event that soil is contaminated, please contact the Forest Service for remediation guidance.
- h. The permittee will take all reasonable measures to prevent or suppress fires in the permit area. All internal combustion engines will be equipped with an approved spark arrestor.
- i. No trees are to be cut down, removed, killed or destroyed.
- j. Operations are not permitted to occur within drainages.

HERITAGE AND PALEONTOLOGICAL RESOURCES

- a. If previously undiscovered heritage resources (historic or prehistoric) are exposed or disturbed as a result of operations authorized under this permit, the permittee will leave such discoveries intact, cease operations in the area so affected, and immediately notify the Forest Service. The permittee will not proceed until they are notified by the Forest Service in writing that all provisions or recovery of heritage resources are met. The permittee will ensure that these heritage resources are avoided by all activities.
- b. The Forest Service retains the right to suspend or terminate any operations upon the discovery of any previously unknown cultural resource site or the discovery of any threatened, endangered or sensitive species.
- c. Pursuant to the Paleontological Resources Preservation Act (PRPA), under P.L. 111-11, Title VI, Subtitle D, paleontological resources* are managed and protected by the Forest Service. Any and all vertebrate fossil discoveries made during quarry operations will be brought to the attention of the Forest Service.

In the event that paleontological resources containing significant properties ** are exposed or disturbed as a result of operations, the permittee will leave such discoveries intact, cease operations in the area so affected, and immediately notify the Forest Service. The permittee will not proceed with operations in the area until they are notified by the Forest Service in writing that all provisions or recovery of paleontological resources are met. Paleontological resources that do not contain significant properties should be carefully excavated and stockpiled at a designated area in the quarry for subsequent evaluation by the Forest Service. Following this evaluation, the noticeably inferior resources (those that cannot be used for paleontological research or educational purposes) may be returned for sale as a mineral material.

Failure to adhere to this stipulation is in noncompliance with this contract and the PRPA statute of 2009.

*A paleontological resource is defined as any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth (P.L. 111-11, Title VI, Subtitle D SEC.6301 (4)).

**A significant property is defined as a paleontological resource containing more than 100 different types of fossils or appears to have extraordinary properties.

PERMIT TRANSFER

This permit is **not transferable**.

ROAD MAINTENANCE

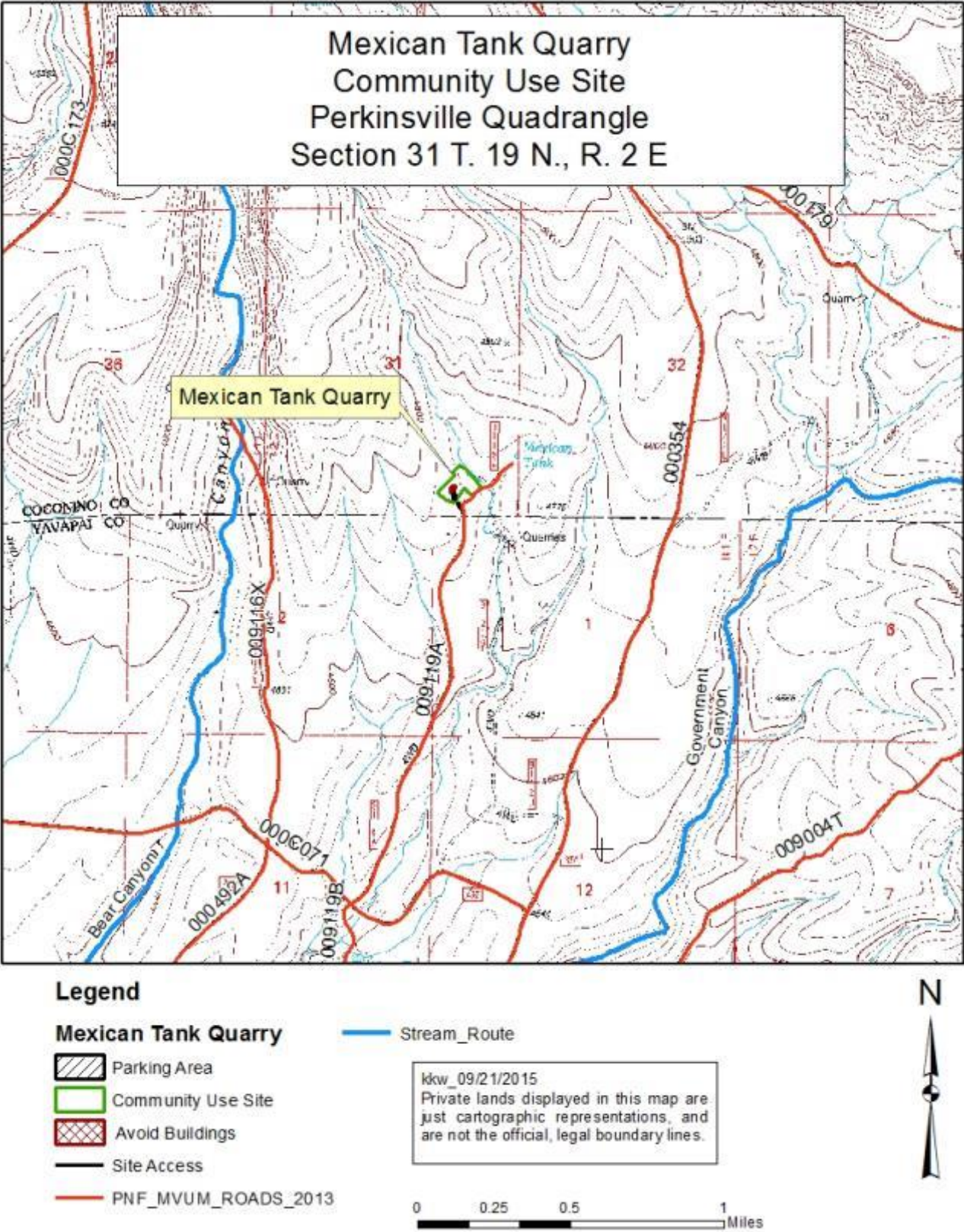
- a. Road maintenance is not permissible under this permit.

- b. No new roads will be constructed and old roads will not be reopened without prior approval from the Forest Service.
- c. Changes in width, alignment, template or clearing of roads used in connection with this permit are not permissible.

MISCELLANEOUS

- a. No signs or advertising devices will be erected on the area covered by this contract or highways leading thereto.
- b. The Forest Service has unrestricted use of roads utilized under the authority of this permit for all purposes deemed necessary or desirable in connection with the protection, administration, management and utilization of Federal lands or resources, and will have the right to extend rights and privileges for use of roads thereon to States and local subdivisions thereof, and to other users including members of the general public.
- c. This permit will not be exclusive. The Forest Service reserves the right to use or permit others to use any part of the permit area for any purpose, providing such use does not interfere with the rights and privileges hereby authorized.
- d. Notwithstanding the expiration or any renewal of this contract or its earlier relinquishment, abandonment, or other termination, the provision of this contract to the extent applicable, will continue in effect and will be binding on the holder, successors, or assigns, until they have fully performed their respective obligations and liabilities accruing before or on account of the expirations or prior termination of the permit.

Site Location Map:



Site Operating Area Map:

