

# **Attachment 1**

## **Stipulations for Exploration Drilling on National Forest System Lands**

### **Cultural Resources**

1. Any heritage resource sites located prior to prospecting activities will be avoided. Protection measures will be developed by the Forest Archaeologist, through collaboration with the State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO), to alleviate any adverse effects to heritage resource properties that may be caused during exploration. Expense and implementation of protection measures will be the responsibility of the permittee.
2. In areas where heritage resource surveys have not been completed, no earth-disturbing activities shall occur prior to completion of a survey.
3. If heritage resources are discovered during the implementation of exploration activities, the project shall halt and the Forest Archaeologist shall be notified.

### **Wetlands (as defined by ONF ELTP), Floodplains, and Streams**

4. Wetlands are sites dominated by poorly or very poorly drained soils as defined by and depicted by Ecological Landtype Phase (ELTP) mapping. A Forest Service Official will determine if any other site-specific analysis is needed for wetland determination, such as a soils percolation test.
5. No dredging or permanent placement of fill will be permitted within a wetland.
6. If temporary fill is needed in a wetland, filter fabric will be used as a base, and necessary state and federal permits will be obtained. Fill material and fabric would be removed upon completion of drilling.
7. No fuel will be stored in wetlands or floodplains.
8. No sump pits will be allowed in wetlands or floodplains.
9. When drafting water, use upland or hardened sites such as roads, or areas adjacent to water sources in order to avoid impacting wetlands, floodplains, streams and ponds, wherever possible.
10. Prohibit drilling, sump construction and storage of fuel or equipment within 100 feet of rivers, perennial or intermittent streams, ponds, seeps or springs, unless approved by the Forest Hydrologist.
11. Streams will not be dammed or dredged for drafting purposes in order to maintain water flow and avoid instream erosion and sedimentation. Drafting shall not noticeably alter stream discharge.

### **Wildlife and Plants**

12. Threatened, Endangered or Sensitive plant and animal protection needs will be handled on a site by site and species by species basis. Approved recovery plans and conservation approaches will be followed, including species protection guidelines in the 2006 Ottawa Land and Resource Management Plan (2006 Forest Plan).
13. Endangered Species Act consultation shall be conducted by the Forest Biologist, when appropriate, prior to commencement of prospecting activities.
14. Any Threatened, Endangered or Regional Forester's Sensitive plant and animal sites which are documented prior to the prospecting activities will be avoided. In

areas where Threatened, Endangered or Sensitive plant and animal surveys have not been completed, prospecting activities shall not occur prior to completion of surveys. Surveys may include field checks, database queries or other methods as appropriate.

### **Roads and Drilling Pad Construction**

15. The Forest Service Official will approve the location and standards for road construction or reconstruction. Roads constructed or opened for prospecting purposes will be stabilized and maintained during use and closed after activities are completed, as directed by a Forest Service Official. Closing roads after terminating activities may include: returning the road to its original grade, removing waterway crossings, replacing all road closures and erosion control devices, and installing erosion control structures as necessary.
16. Road closure may include pulling logs and debris onto the road surface within the first 100 feet of a berm to discourage illegal Off-Highway Vehicle (OHV) use, as directed by a Forest Service Official.
17. Approaches onto existing roads will be designed and constructed to prevent drainage problems. Culverts may be needed.
18. Standards for road construction, reconstruction and use may include the following:
  - Temporarily close access roads when there is evidence of excessive damage to the road.
  - Roads, culverts and bridges will be designed to allow aquatic organism passage in perennial streams, unless otherwise prescribed.
  - Sediment-capturing structures will be constructed along roads near lakes and streams where needed to prevent road sediment from entering the water.
  - Vegetation, mulch, riprap and retaining walls will be used as needed and/or as required by a Forest Service Official. Use clean, weed-seed free gravel and other fill materials where feasible.
19. Each drilling pad will be approved by a Forest Service Official prior to soil-disturbing activities. Where possible, sites will be confined to areas of previous disturbance. Retain shade and native vegetation in and around prospecting activity to the maximum extent possible to suppress non-native invasive plants and prevent their establishment and growth.
20. No drill sites or roads shall be permitted on slopes greater than 35%.

### **Operations**

21. Ground-disturbing activities shall take place only during specific ELTP recommended seasons of operations.
22. Absorbent mats or other absorbent materials will remain under the drill rig and other equipment, in case of oil or hydraulic leaks during the operations or be available for on-site refueling and servicing of all the machinery used in the operation. Additional absorbent materials, such as a standard spill kit, shall be on-site as directed by the Forest Service Official.

23. Any spills or releases of oils, fuels, or other toxic or hazardous materials must be reported and remediated per applicable State and Federal Laws.
24. Drilling bits, etc. shall be cleaned prior to arriving on the Forest in order to avoid cross-contamination of aquifers.
25. All residues created from prospecting activities, such as slash, shall be removed from water bodies, trails and road clearing limits, except where requested to be placed for road closure. Additional residue shall be treated as required by a Forest Service Official.
26. All garbage generated shall be removed.
27. All stakes used to mark gridlines or other locations shall be removed after they are no longer needed.
28. Removal of trees five inches in diameter or greater will be kept to a minimum. Trees to be cut shall be designated and marked in advance by a Forest Service Official.
29. A Forest Service Official will approve areas to be cleared of woody vegetation. All woody vegetation shall be cut parallel with the ground surface to prevent sharp points and as close to the ground as possible.
30. Schedule drilling near recreation sites to avoid visitor high-use periods, where applicable.
31. When the Burning Index (BI) is greater than 16 (fire danger is very high or extreme), a Forest Service Official may request that operations temporarily cease.
32. Appropriate signing may be permitted as long as first approved by a Forest Service Official.

### **Revegetation and Invasive Species**

33. Drafting equipment shall be cleaned prior to arriving at the Forest. Drafting equipment shall be cleaned prior to use in a new waterbody in order to avoid transporting aquatic invasive species. Cleaning the drafting equipment may include bleaching, drying five days in the sun or high-pressure spray.
34. There will be no back-flushing water from the draft tank back into water source to avoid cross-contamination of aquatic invasive species. If there is a need to empty the draft tank, it may be permitted in an upland area.
35. The permittee's designated representative shall check with the Forest Botanist or Forest Service Official for known locations of priority non-native and invasive terrestrial and aquatic infestations to avoid or minimize all types of activity in these infested areas, or restrict activities to those periods when spread of invasive species is least likely.
36. Use reasonable measures to make sure each piece of equipment that will work off an existing road is visually free of soil, seeds, vegetative matter or other debris that could contain or hold seed, eggs or other propagules (pieces that could start a new infestation) prior to arriving at the Forest. Reasonable measures shall not require the disassembly of equipment components or use of any specialized inspection tools. Equipment shall be considered free of soil, seeds, and other such debris when a visual inspection does not disclose such material.
37. The permittee's designated representative must advise a Forest Service Official of measures taken to clean equipment and arrange for Forest Service inspection prior

- to such equipment being placed in service. Forest Service shall have two days, excluding weekends and federal holidays, to inspect equipment after it has been made available for inspection. After inspection or after two days, prospecting activities may proceed.
38. If the permittee desires to clean equipment on National Forest System land, such as at the end of a project or prior to moving to a new site that is free of invasive species of concern, the designated representative and Forest Service shall agree on locations for the cleaning and control of off-site impacts, if any.
  39. Minimize soil disturbance to the maximum extent practical, consistent with prospecting objectives. Re-establish vegetation as determined by a Forest Service Official. Use weed-seed free mulch where reasonably available.
  40. Follow 2006 Forest Plan guidelines for revegetation: Freshly disturbed soil areas may be left to revegetate naturally or as follows under direction of a Forest Service Official:
    - Seed where non-native invasive species are expected to be primary colonizers
    - If non-native colonization potential is low, avoid seeding to favor natural regeneration of native herbs and shrubs.
    - Any seeding should use a native seed mix or a non-native, non-persistent seed mix appropriate to the site, as approved by the Forest Botanist.