THE STATE of ALASKA
GOVERNOR BILL WALKER

Department of Environmental Conservation

DIVISION OF SPILL PREVENTION AND RESPONSE
Contaminated Sites Program

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January 2, 2018

Esther Ashton, Tribal Administrator
Wrangell Cooperative Association
P.O. Box 2021
Wrangell, AK 99929

RE: Soil Disposal Options for the Wrangell Junkyard Cleanup

Dear Ms. Ashton:

Thank you for email of December 18, 2017, requesting additional information related to the proposed monofill. I have included your questions with our responses below.

1. Regarding the top and bottom liners:

a. Why do we need to have a permeable bottom liner? Our understanding is that it is related to freeze/thaw cycles, but we would appreciate more clarity.

DEC Response:
A monofill can be constructed with or without a liner. The DEC Solid Waste Program can waive the liner requirement based on certain factors that include: the contaminants in the material are stabilized with a product such as EcoBond; the site is underlain by bedrock; the groundwater is not used for drinking; and the depth to the shallowest aquifer is greater than 10 feet or the monofill is constructed two feet or more above the natural ground surface and a hydrologic and leachability assessment has been performed.

The permeable liner included in this design is an additional measure to limit the transmission of fine particles into groundwater under the site, but to allow small amounts of water to move through. However, most water is directed off of the monofill and down through the chimney drains throughout the perimeter of the repository.

b. Could bentonite be used between the two top layers in the event that a hole develops?

DEC Response:
Bentonite is an expanding clay that is typically used to seal leaks between joints, often in concrete foundations to seal joints or for leaking concrete structures like vaults and pools. It is designed to be used between two rigid structures, not layers of soil and liners.

Holes or other penetrations will be repaired as part of the liner manufacturer's specifications and as identified during inspections. However, the liner itself will be entirely covered by an erosion barrier, which is designed to limit punctures by animals, weather and other natural causes.

c. Could there be a leachate collection system installed in the bottom of the monofill? This would allow for testing of any leachate. What might be construction costs?

DEC Response:
The purpose of a leachate collection system is to drain and collect water that accumulates above an impermeable liner so that it can be treated. Since the EcoBond treated soil has stabilized the lead, any water that comes in contact with the soil does not need to be treated, and therefore no leachate system is required. To add such a system to this design would require an impermeable liner. The leachate collection system would then be constructed on top of the liner, consisting of a couple thousand feet of pipe to collect and channel the leachate to a structure for collection and sampling. This would require continuous inspections on a more frequent basis over the life of the monofill to ensure that the leachate collection system is operating properly and not allowing water to build up in the base of the monofill. Due to the more intensive maintenance requirements and costs, we sought to design and construct the monofill without an impermeable barrier requiring leachate collection.

Currently, a French drain system is in place that drains the floor of the pit. Water that runs off the top of the monofill will percolate through the chimney drains throughout the perimeter and travel through the two foot layer of clean rock underlying the permeable base liner under the monofill. This water, along with any residual water that may migrate through the monofill itself, can be sampled from the discharge point from the French drain, and groundwater can also be sampled from the existing well near the pit entrance.

Estimated costs for liner and leachate collection system:

30-mil impermeable liner	$ 75,000
Pipe	$ 50,000
Collection structure	$ 10,000
Total for construction:	**$ 135,000**

Estimated average annual monitoring and maintenance costs are unknown and would be dependent on the frequency and type of sampling and analysis, anticipating and repairing failures of the leachate collection system over time, the amount of water that would be generated and collected; and how it would be disposed.

2. Why can the soil not be incinerated or smelted? There would still be a product leftover, but considerably less than the current product.

DEC Response:
Incineration of contaminated wastes may only be done by a permitted hazardous waste incinerator, of which there are none in the state of Alaska. Incineration is designed for organic contaminants rather than inorganic heavy metals such as lead. Because of this, the lead would not be destroyed by incineration, but would result in a by-product that then must be recycled or disposed.

Smelting operations are what generate lead contamination at some industrial sites in the lower '48. In the early 1990s, a "flash" smelting system using a flame reactor process was studied to treat wastes containing metals such as lead, reducing the metals to recyclable oxides and the remaining material to slag. However, there is no evidence of an active facility currently operating in the U.S. As the process appears to be energy intensive requiring large fuel inputs, other alternatives such as stabilization likely proved more cost-effective in the long run.

3. We have the "90% Work Plan and Conceptual Design, Wrangell Junkyard Repository Site" written by Ecology and Environment. Is there a "100%"? Would we ask the EPA for that?

DEC Response:
The 100% Basis for Design and Design Package was completed in June of 2017. It was transmitted to the City and Borough of Wrangell on August 2, 2017 where it was posted to the website for the project here: http://www.wrangell.com/community/state-dec-final-phase-clean-former-byford-junkyard.

It is also available here:
http://dec.alaska.gov/spar/csp/RFPWebsiteDocuments/WrangellJunkyardRepository-BasisofDesignandDesignPackage.pdf.

4. Has there been any Fate and Transportation Modelling done for moving the soil to the monofill? If so, please send us those reports.

DEC Response:
The process surrounding the transport of the soil and pollution prevention measures in place for controlling waste streams is described in the USFS road transport plan (enclosed). Fate and transport modelling is designed to evaluate the behavior of contamination that has reached the environment. The transport of the treated polluted soil is more appropriately evaluated for establishing measures and practices to prevent contamination from ever occurring, and if it does occur, to have in place a plan to stop and mitigate the contamination.

5. What will the effects of EcoBond be if it were to enter a fresh water system? Is there potential that it could cause an algae bloom?

DEC Response:
According to representatives of MT2, Inc., the company that sells the EcoBond product, there have been many government approved applications in high profile riparian areas such as the Chesapeake Bay watershed, Long Island Sound, and in many wetland and groundwater exposed settings, all without adverse effects to water quality and the environment.

6. Please list monitoring procedures and frequency that will occur after the monofill is completed.

DEC Response:
Monitoring of the monofill will occur once a month for a period of five years. The monitoring will consist of inspecting the vegetative cover to verify that it is flourishing, identifying and repairing any damage to the surface of the monofill, revegetating if necessary, and on a less frequent basis such as quarterly or annually, performing groundwater monitoring for total lead. These results will be compared to the baseline results reported in the 2016 hydrologic and leachability assessment.

Once the five year monitoring period is complete and the cover is determined to be sufficiently vegetated, the monofill will be evaluated in consultation with the DEC Solid Waste Program for monitoring at a reduced frequency.

7. Will the state be conducting water samples from the surrounding area after the monofill is completed?

DEC Response:
The state will conduct an initial round of surface water sampling from the surrounding area immediately following the construction in order to verify that no contamination from material transport has impacted the watershed. Ongoing surface water monitoring will not be conducted unless lead concentrations from groundwater monitoring appear elevated above background levels.

8. If a problem is detected during post-construction monitoring, how long will it take the ADEC to act?

DEC Response:
If a problem is detected, ADEC will take immediate measures to address the problem as soon as possible. However, if re-vegetation is needed, this may only be feasibly performed during spring, summer or fall. Most remedial actions will require the department to issue a contract; however if the problem is severe, the department has the authority to issue emergency response action contracts on a rapid turnaround.

9. Does the state have an amount set aside to fix any problems that arise over the next 10 thousand years?

DEC Response:
ADEC is an agency of the executive branch within state government for which budgeting is currently only authorized by the legislature on an annual basis, although a two-year budget cycle is being explored. Therefore, costs will be set aside on an annual basis to address problems that may arise in a given year. If funding to address a problem is found to be insufficient in a given year, additional funding will be secured. As the site is owned by the state, the state is liable for ensuring the monofill is maintained into the future.

Please don't hesitate to contact me at (907) 465-5076 if you have any additional questions or need more information.

Sincerely,

Sally Schlichting
Unit Manager

Enclosure

cc: Lisa Von Bargen, Borough Manager, City and Borough of Wrangell
John Halverson, Contaminated Sites Program Manager

USDA United States Department of Agriculture | Forest Service | Alaska Region
Tongass National Forest
Wrangell Ranger District

P.O. Box 51
Wrangell, AK 99929-0051
Phone: (907) 874-2323
Fax: (907) 874-7595

File Code: 7730
Date: 8/22/2017

S. Daniel Strucher
NRC Alaska
425 Outer Springer Loop, Rd.
Palmer, Alaska 99645

Dear Mr. Strucher,

Enclosed find a road use permit for NRC's use of Forest Service Road 6259 on Wrangell Island. Please review it, sign page 2 of the permit, and return the signed permit back to this office.

Your proposed Road Use Activity Plan dated August 15, 2017 is accepted and part of this permit. It is included as an attachment. To clarify, between May 1st and October 1st, there will be no hauling of material on weekends or holidays in order to mitigate impacts to recreation users at Pats Lake and Pats Creek.

All road work performed by NRC on Road 6259 in lieu of payment must be done prior to completion of the project. Road work is described in your Road Use Activity plan. If you have any technical questions concerning road work to be performed, please contact Ron Schmohl, Civil Engineering Technician, at (907)874-7516 or rschmohl@fs.fed.us

Sincerely,

Robert J. Dalrymple

ROBERT J. DALRYMPLE
District Ranger

August 15, 2017

United States Department of Agriculture:
United States Forest Service
Attn: Bob Dalrymple
525 Bennett Street
PO Box 51
Wrangell, Alaska, 99929-0051

RE: Proposed Road Use Activity:
Soil Transportation along portion of NFS 6259
Tongass National Forest, Wrangell Island, Alaska

Dear Mr. Dalrymple:

This letter is intended to provide notification for the intent to utilize a portion of the National Forest Service Road identified as NFS 6259 (otherwise known as the Pat's Creek Road) for the purpose of transporting lead contaminated soil which has been stabilized and treated with a phosphate-based product called EcoBond from the Wrangell Junkyard site, Wrangell, Alaska, to a permanent repository at the Alaska Department of Natural Resources (DNR) Pit #2 located adjacent to NFS 6259/Pat's Creek Road. The material has been treated to render the lead non-leachable. Additional transportation of clean imported rock material for necessary site improvements and cover at the DNR Pit #2 will also be conducted as part of this project.

Proposed Hauling Activities

The Wrangell Junkyard site is located at approximately mile 4 of the Zimovia Highway, south of the City of Wrangell, Alaska. DNR Pit #2 is located adjacent to NFS 6259/Pat's Creek Road at Latitude 56.35281 North, Longitude 132.31198 West. The proposed transportation route (see attached Map #1) between the Wrangell Junkyard Site and DNR Pit #2 will require the use of an approximate 1.7 mile portion of NFS Road 6259.

The proposed transportation of treated soil will be completed using 10 cubic yard (CY) end dump trucks. A total of 18,500 CY of treated soil is currently stored at the Wrangell Junkyard site in a long-term containment stockpile. An estimated total of 1,850 – 1,875 truck round trips will be required to complete the transportation of this material to DNR Pit #2. All trucks will be fitted with liners and all loads will be covered during transport of this material.

Clean rock will also be transported from a local quarry (BW Enterprises quarry at 9.3 Mile Zimovia Highway) to the repository at DNR Pit #2 for construction of chimney drains, base and cover fill, and other necessary improvements associated with the project. Clean rock fill transportation will also be completed using 10 cubic yard CY end dump trucks. An estimated 10,000 to 20,000 CY of clean imported rock material (1,000 to 2,000 truck round trips) will be

required to complete this portion of the project effort. As all material used on the project is locally sourced, invasive plants species are not expected to be an issue. However, invasive species such as hawkweed have been identified in the Wrangell area. The rock from the BW Enterprises rock pit will be sprayed with commercially available herbicide prior to transport to the repository location. All trucks leaving the Byford lot hauling the treatd soils will have their wheels brushed prior to exiting the Site, as part of the SWPPP. This procedure will include inspection for any vegetation to prevent the transfer of plant species between sites.

NRC and BW Enterprises work hours are expected to be 0630 – 1830 Monday through Saturday during summer months, and 0700 – 1900 Monday through Saturday after September. Material hauling, however, will be carried out Monday through Friday excepting holidays from May 1 through October 1 and is expected to occur roughly 30 minutes after start time, and be completed no later than 1830 daily. Material hauling during the period of October 2 through April 30 will occur on all available days per week subject to weather and the work schedule. All drivers are aware of the recreational nature of public use in the area around Pat's Lake and will strive to limit conflict with other users. The expected hauling schedule may be adjusted due to weather conditions as needed to continue project progress. For example, if heavy rains are expected mid-week, but dry weather is predicted on the weekends, the haul schedule will be adjusted accordingly.

NRC plans to place additional signage along the haul route, warning the public of increased truck traffic, and haul schedules will also be posted on the informational sign boards that are located both at the rockpit entrance and the junction of Pat's Creek Road and Zimovia Highway.

Road Maintenance and Inspections

The 1.7 mile portion of NFS 6259 will be inspected and assessed prior to commencing the proposed soil transportation project. Photos have been taken to document the road condition prior to the project starting, including aerial photos. Road maintenance improvements to the road surface will be conducted prior to initiating the soil transportation effort. Improvements may include tuning of the road surface (blading and grading), and the addition of up to 250 cubic yards of D1 rock to the road surface. In addition, watering of the unimproved road surfaces will be conducted as necessary to control dust along the haul route(s).

Routine inspections will occur 2-3 times weekly and with maintenance of the road surface completed throughout the project as needed. This maintenance work (blading/grading, addition of D1 to road surface and culvert inspections/repairs) will be completed as necessary to maintain the road surface in good operating condition for the expected volume of truck traffic associated with the project. In addition, watering of the unimproved road surfaces will be conducted as necessary to control dust along the haul route(s). Road improvements will also be completed upon seasonal suspension of hauling activities in 2017 and at the completion of the transportation project in the spring/summer of 2018. A photo log will also be developed at the end of the road use. NRC Alaska anticipates that up to 1,000 cubic yards of D1 will be added to the 1.7 miles of road through the project duration. Typical road aggregate section is shown on Sheet 1.

While the haul restrictions will generally be based on ADOT criteria, with regards to weather and road conditions, the main criteria used to determine road use will be based on the weather. Due to the type of material being installed into the solid waste monofill, and that the material will need to meet compaction standards, excess moisture will affect the material to be placed in the repository. Material will not be hauled during high precipitation conditions that will affect compaction and placement; this is a greater controlling factor in our operations than adverse weather that may impact road conditions.

Routine inspections will also be conducted throughout the haul route from the Wrangell Junkyard Site and the repository at DNR Pit #2 to identify any potential spillage of treated soil materials during transportation. Any identified spillage will be immediately addressed. All loads will be lined, and all loads will be covered to prevent any material being spilled, and to prevent precipitation from reaching the material being hauled. Speed limits will be adhered to at all times.

As part of their Best Management Practices (BMPs) in place to protect Pat's Creek and Pat's Lake, NRC and BW Enterprises will place a gravel berm between Pat's Creek Road and the waterbodies in the areas where the road is in close proximity, as shown on the attached Sheet 1. Sheet 1 also shows the culverts that are located along the haul route on Pat's Creek Road, and where the road crosses Pat's Creek. Additionally, NRC will perform any necessary maintenance on the turnouts located along the road, to include removal or trimming vegetation to improve both access to the turnouts and driver sightlines.

Spill Kits will also be maintained at both the Wrangell Junkyard site and at the DNR #2 Pit to address any accidental fuel spills or releases which may result during this transportation project, in addition to the spill kits located in each vehicle. All spills will be reported as required by state regulations. A project specific Stormwater Pollution Prevention Plan (SWPPP) is in place (CGP NOI AKR10FQ51) for the project will be implemented to assure that the transportation project does not contribute to stormwater discharges into any receiving bodies of water along the haul route. SWPPP BMPs along the haul route will include dust control.

Public Safety Plan

NRC Alaska will have signage present at the junction of Zimovia Highway and Pat's Creek Road warning the public of truck traffic. Several other traffic signs warning of truck traffic will also be placed along the 1.7 miles of the gravel portion of Pat's Creek Road. Public information signs will also be placed at the junction of Zimovia Highway and Pat's Creek Road, and at the entrance to the rock pit with general project details and contact information, including SWPPP information. This information will include the hours of operation and the approximate numbers of trucks per day.

NRC Alaska plans to issue a radio and print media public service announcement within a week prior to beginning hauling operations. NRC and ADEC will also hold a pre-construction public meeting, prior to the hauling of the material to the repository. This meeting is scheduled for August 21, 2017.

Project Schedule

Transportation of clean rock for pit preparation is proposed to commence in approximately one week. Transportation of the treated soil and rock for chimney drains will not begin until approximately the last week of August. This activity will continue through the onset of freezing temperatures, which is anticipated to be in mid-October to early November of 2017, weather dependent. Transportation activities are expected to resume in the spring of 2018, about April or May. Substantial completion of this transportation project is anticipated to be sometime between May to July of 2018.

It is anticipated that between 30 to 40 round trips of truck traffic will be completed each day throughout the project effort on the 1.7 mile section of NFS 6259 between Zimovia Highway and DNR Pit #2. This includes both the hauling of imported rock material for construction and improvements and the transportation of the treated soil material. Hauling of material will not be conducted on Saturdays, Sundays, or holidays during the period of May 1 through October 1.

Please do not hesitate to contact NRC should you have any questions or require additional information regarding this project.

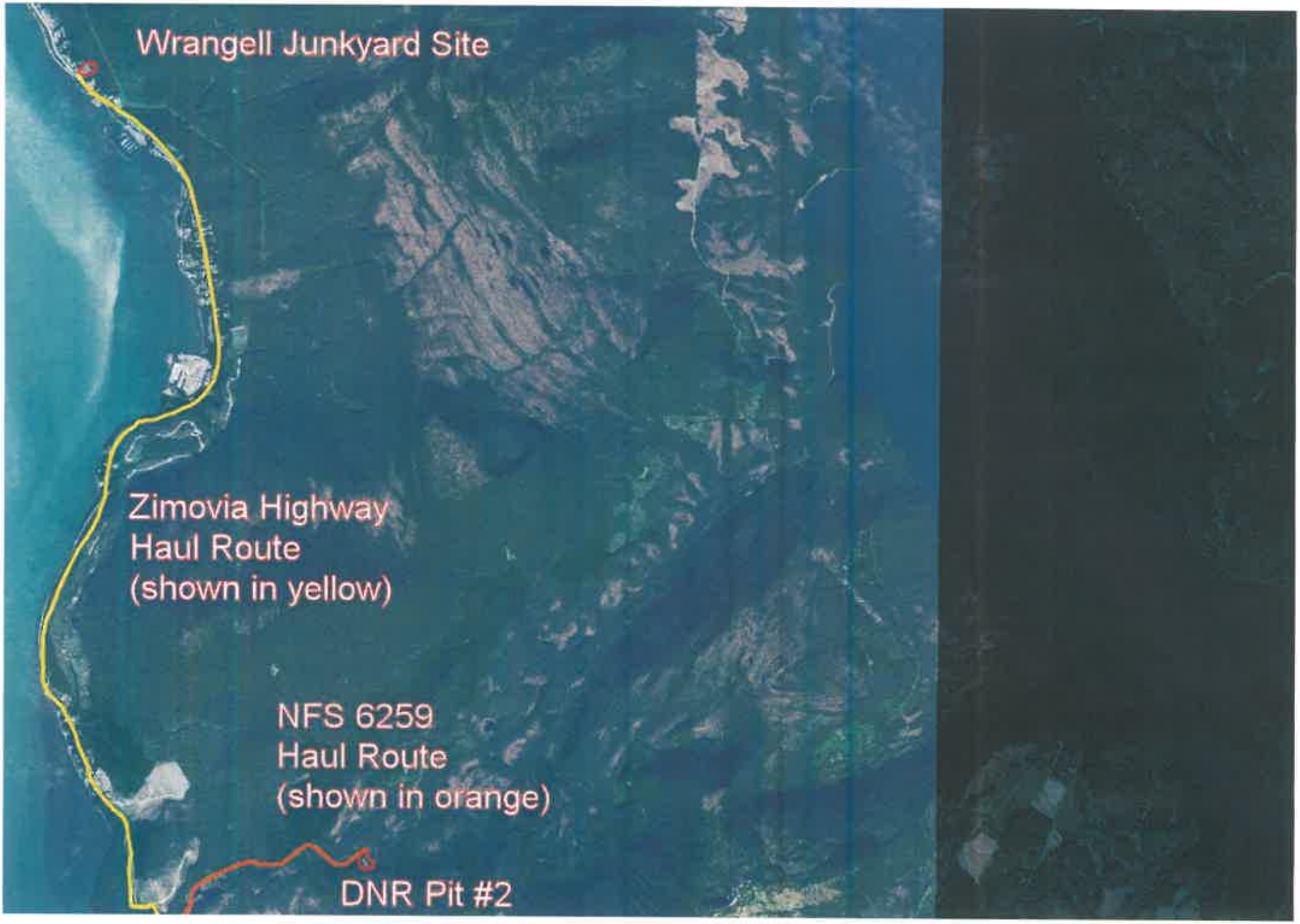
Sincerely,

S. Daniel Strucher
Sr. Project Manager
NRC

cc: Sally Schlichting, ADEC Contaminated Sites Program
John Halverson, ADEC Contaminated Sites Program
Ben White, ADNR Division of Mining Land and Water
Trevor Sande, R &M Engineering Ketchikan
Jason Ginter, Nortech
Shane O'Neill, NRC
Carol Rushmore, City and Borough of Wrangell

Attachments: Hauling Route Map #1
Pat's Creek Road Sheet #1
Pat's Creek Roapd Sheet #2

NRC Alaska • 425 Outer Springer Loop Rd • Palmer, Alaska 99645 • +1 907 258 1558
www.nrcc.com


Wrangell Junkyard Site
Zimovia Highway
Haul Route
(shown in yellow)
NFS 6259
Haul Route
(shown in orange)
DNR Pit #2


ul Route
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Pat Creek Rd
Pat Creek Rd
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Pat Creek Rd
DNR Pit #2
NFS 6259
Haul Route
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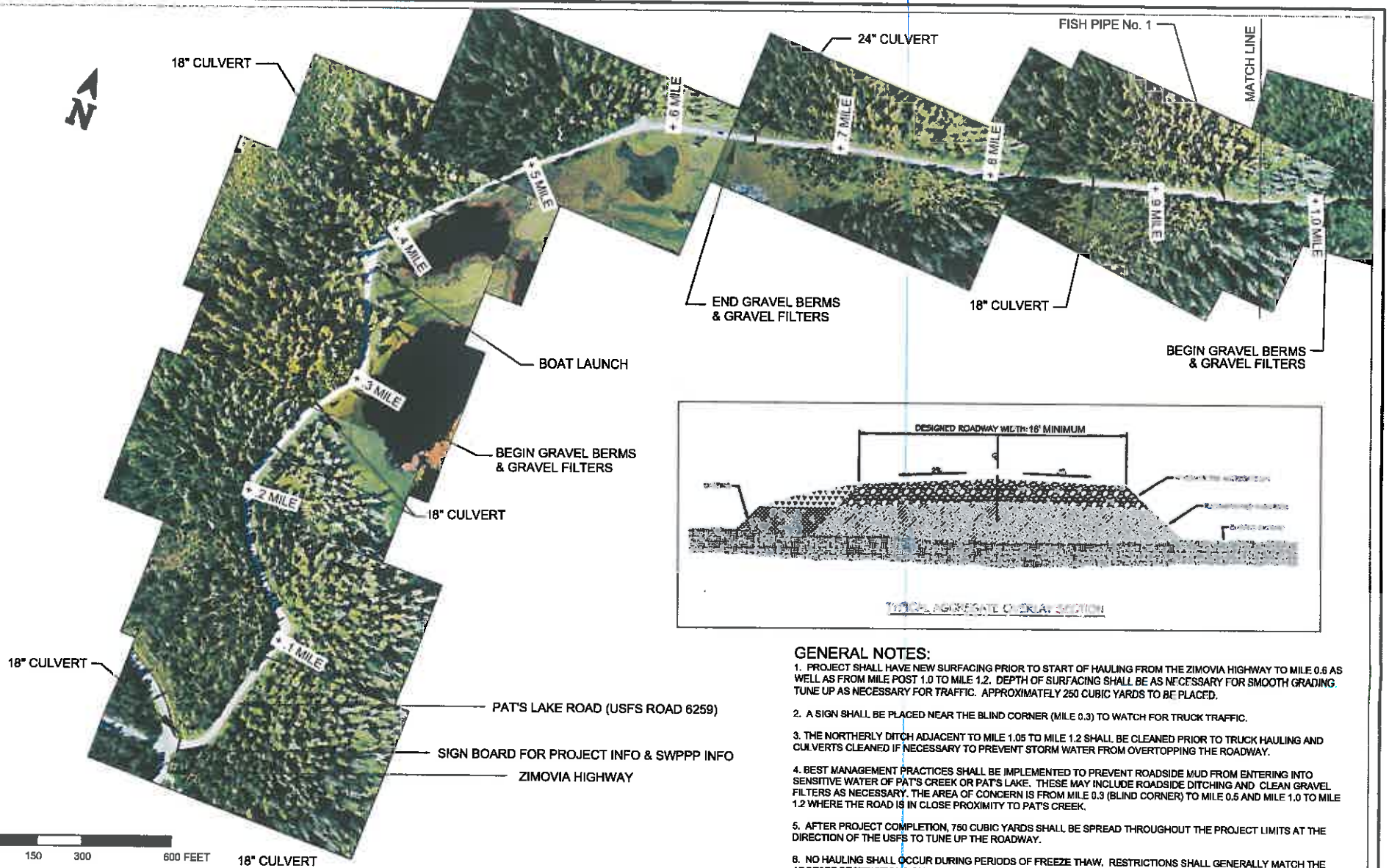


TYPICAL AGGREGATE OVERLAY SECTION

GENERAL NOTES:

1. PROJECT SHALL HAVE NEW SURFACING PRIOR TO START OF HAULING FROM THE ZIMOVIA HIGHWAY TO MILE 0.6 AS WELL AS FROM MILE POST 1.0 TO MILE 1.2. DEPTH OF SURFACING SHALL BE AS NECESSARY FOR SMOOTH GRADING TUNE UP AS NECESSARY FOR TRAFFIC. APPROXIMATELY 250 CUBIC YARDS TO BE PLACED.

2. A SIGN SHALL BE PLACED NEAR THE BLIND CORNER (MILE 0.3) TO WATCH FOR TRUCK TRAFFIC.

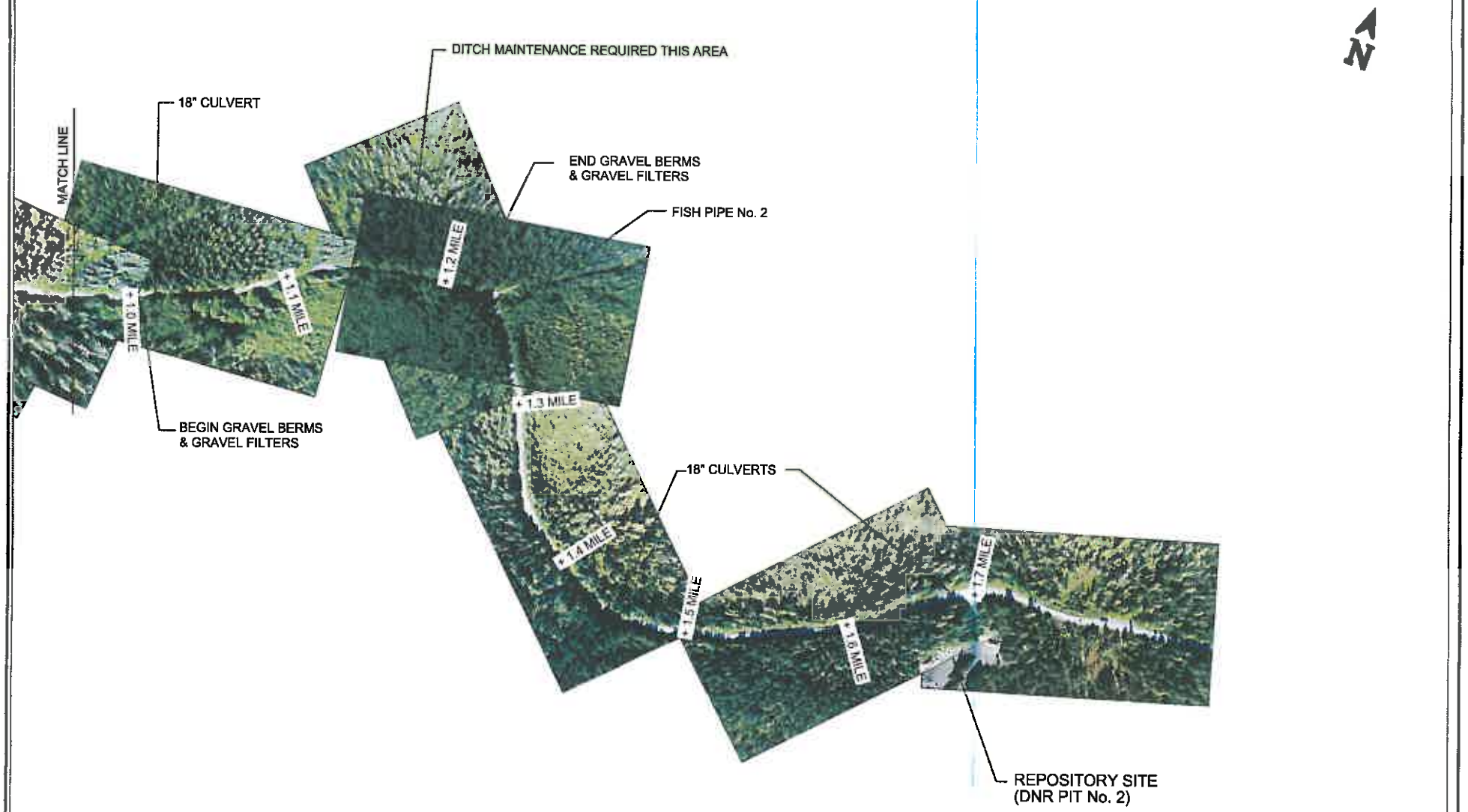
3. THE NORTHERLY DITCH ADJACENT TO MILE 1.05 TO MILE 1.2 SHALL BE CLEANED PRIOR TO TRUCK HAULING AND CULVERTS CLEANED IF NECESSARY TO PREVENT STORM WATER FROM OVERTOPPING THE ROADWAY.

4. BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED TO PREVENT ROADSIDE MUD FROM ENTERING INTO SENSITIVE WATER OF PAT'S CREEK OR PAT'S LAKE. THESE MAY INCLUDE ROADSIDE DITCHING AND CLEAN GRAVEL FILTERS AS NECESSARY. THE AREA OF CONCERN IS FROM MILE 0.3 (BLIND CORNER) TO MILE 0.5 AND MILE 1.0 TO MILE 1.2 WHERE THE ROAD IS IN CLOSE PROXIMITY TO PAT'S CREEK.

5. AFTER PROJECT COMPLETION, 750 CUBIC YARDS SHALL BE SPREAD THROUGHOUT THE PROJECT LIMITS AT THE DIRECTION OF THE USFS TO TUNE UP THE ROADWAY.

6. NO HAULING SHALL OCCUR DURING PERIODS OF FREEZE THAW. RESTRICTIONS SHALL GENERALLY MATCH THE ADOT&PF RESTRICTIONS ON ZIMOVIA HIGHWAY.

Drawn: TS	Approved: TS		ADEC CONTAMINATED SITE PROGRAM	WRANGELL JUNKYARD REPOSITORY USFS ROAD MAINTENANCE PLAN	ROAD PLAN VIEW
Checked: JP	Scale: AS SHOWN	Date: 8/9/17			Sheet No. 1
	Project No. 172349				



Client: ADEC CONTAMINATED SITE PROGRAM	WRANGELL JUNKYARD REPOSITORY USFS ROAD MAINTENANCE PLAN	Sheet Description: ROAD PLAN VIEW	Sheet No. 2

Road Use Permit

R10-FS 7700-41 (6/94)

U.S. Department of Agriculture - Forest Service **ROAD USE PERMIT** (Re: FSM 7730)	Authority: Acts of October 13, 1964 and October 21, 1976 (16 U.S.C. 532-38 and 43 U.S.C. 1761-71)

NRC Alaska (Name) of **425 Outer Springer Loop Rd., Palmer, AK 99645** (Address & Zip Code)

(hereafter called the permittee) is hereby granted use of the following road(s) or road segments, and/or related transportation facilities: **Road 6259 MP 0.0 to 1.7** on the **Wrangell Ranger District, Tongass National Forest,** subject to the provisions of this permit including clauses 1 through 20, on page(s) 1 through 5 for the purpose of hauling rock and soil.

The exercise of any of the privileges granted in this permit constitutes acceptance of all the conditions of the permit.

1. **ROAD USE PERMIT FEES.** The rate for sharing under this permit is **$10.38 / Dump Truck Load.** Permittee's share of investment will be met as provided for in Clause 2. This rate is a form of investment sharing where the permittee shares in the original costs of the road based upon the gross vehicle weight hauled and the miles of road used.

Rate for sharing maintenance is shown in Clause 8.

2-1. **WORK REQUIRED TO ACCOMMODATE PERMITTED USE.** In accordance with this use, the permittee shall perform the work described below and in accordance with plans and specifications attached hereto: **This clause is not applicable, it refers to work required before haul can safely commence.**

WORK PERFORMANCE SCHEDULE. (Construction of required improvements or reconstruction will be completed within **NA** months and before hauling commences.)* (Work shall be performed in accordance with the attached schedule. In no case will haul be allowed to exceed the value of completed work.)* Credit will be allowed in the total of $ **NA**, which is the engineering estimate for the cost of the work, to be credited to the share to be borne by this permitted use. In the event that permitted use will exceed the value of required work performed, the difference between the value of permitted use and work performed will be deposited in cash as provided in clause 2-3, or will be incorporated in Cooperative Work under clause 2.2..

2-2. **COOPERATIVE WORK.** Although not required to accommodate the use herein permitted, it is desirable to the Forest Service and the permittee to have certain construction or reconstruction work accomplished coincident to use of the road.

The permittee shall perform the work described below in accordance with plans and specifications attached hereto. Refer to the attached Road Use Plan, it includes road work to be performed by the permittee in lieu of payment.

Upon satisfactory performance, credit will be allowed in the total of **$47,453** to the share to be borne by the permittee. This figure is the sum of investment sharing for the road ($40,224) plus the Surface Rock Replacement cost ($7,229)

2-3. **ROAD USE FEE.** In consideration for this use, the permittee shall deposit with the Forest Service, the sum of $ NA (and thereafter in individual deposits, equivalent to estimated charges before next payment is made, as called for by the Forest Service in advance of current road use).* When preferred by a permittee, a payment guarantee may be furnished in lieu of advance deposits. **This clause is not applicable when the permittee opts to perform work in lieu of payment.**

This permit is accepted subject to all of its terms and conditions.

ACCEPTED	S. DANIEL STRUCHER Permitee (Name and Signature)	Date 8/29/17
APPROVED	Issuing Officer (Name, Title, and Signature)	Date

PAYMENT GUARANTEE. Notwithstanding the provisions of clause 1, if the permittee furnishes and maintains an acceptable payment bond in a penal sum of not less than $ NA guaranteeing payments for road use up to this amount, or in lieu thereof deposits in a Federal depository, through the Regional Fiscal Agent, and maintains therein negotiable securities of the United States having a market value in like sum and agreement authorizing the bond approving officer to sell or collect such securities if payment is not made within NA ( ) days of request therefor, the Forest Service shall permit road use in advance of cash payment up to the penal sum of such bond, or market value at time of deposit of negotiable securities; provided that regardless of penal sum of such payment bond, or the value of such deposited securities, the permittee shall pay cash within NA ( ) days of request therefor, for all performed road use. If any payment is not received within NA ( ) days of request therefor, the Forest Service may suspend all hauling under this permit until payments due are received, and may take such action as is necessary to collect such payments from the payment guarantee surety, or by sale or collection of securities guaranteeing payments. In the event the permittee fails to make payment and collection is obtained from the surety, or from the sale or collection of the deposited securities, the Forest Service may thereafter require the permittee to make payments in advance of road use.

3. **USE PLANS.** Prior to **April 1** each year this permit is in effect, permittee shall notify the in writing of the approximate time when such use will commence, the anticipated duration of such use, the names and addresses of permittee's contractors or agents who will use the road on behalf of permittee, the estimated extent of use, and such other information relative to permittee's anticipated use as the Forest Service may from time to time reasonably request. If and when during the year there is any significant change with respect to the information so supplied by permittee, the permittee will notify the **Wrangell Ranger District** promptly in writing of such change. Plans and changes will be approved by the **District Ranger** before use may commence.

4. **COMPLIANCE WITH LAWS AND REGULATIONS.** The Permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county and municipal laws, ordinances or regulations which are applicable to the area or operations covered by this permit.

5. **USE NONEXCLUSIVE.** The privileges granted in this permit to use this road are not exclusive. The Forest Service may use this road and authorize others to use it at any and all times. The permittee shall use said road in such manner as will not unreasonably or unnecessarily interfere with the use thereof by other authorized persons, including Forest Service.

6. **RULES GOVERNING USE.** The permittee, its agents, employees, contractors or employees of contractors, shall comply with all reasonable rules prescribed by the Forest Service for control and safety in the use of this road and to avoid undue damage to the road. Such rules will include:

(1) Closing the road or restricting its use when, due to weather conditions or the making of alterations or repairs, unrestricted use would in Forest Service judgement, cause excessive damage, or create hazardous conditions;

(2) Closing the road during periods when, in Forest Service judgement, there is extraordinary fire danger;

(3) Traffic controls, which in Forest Service judgement, are required for safe and effective use of the road by authorized users thereof;

(4) Prohibiting the operation on this road of any vehicles or equipment having cleats or other tracks which will injure the surface thereof;

(5) Prohibiting the operation of all vehicles of a width in excess of 14' and a gross weight of vehicles and load in excess of 52 tons for 2-axle vehicle, 72 tons for 3-axle vehicle, or 80 tons for a 5-axle vehicle. For tracked vehicles the average ground pressure shall be less than 2000 pounds per square feet.

(6) Regulating the number of vehicles so as to prevent undue congestion of this road.

(7) Prohibiting the use of an "active ingredient" as defined in Section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), in violation of said act on the Land described in this permit.

7. **INSURANCE.** Permittee or his contractors and assigns shall be required to carry public liability and property damage insurance for the operation of vehicles in the amounts established by applicable state laws, cooperative agreements, or easements issued on the subject road or roads. In any event, the permittee must carry liability insurance and property damage insurance of not less than $250,000 for injury or death to one person, $500,000 for injury or death to two or more persons, and $250,000 for damage to property. The permittee itself shall be responsible for furnishing to the proof of satisfactory insurance when said insurance is to be furnished by other than the permittee. Proof of satisfactory insurance may be required by the **Wrangell Ranger District** prior to hauling over the road(s) and will be for the duration of the permit and such insurance policy shall bear an endorsement requiring the issuing company to give 10 days prior written notice to the **Wrangell Ranger District** of cancellation or material change.

8. **MAINTENANCE.** The permittee shall bear the expense of maintenance proportionate to his use.

Maintenance shall be performed in accordance with Forest Service specifications or requirements for maintenance as hereinafter listed, or as may be mutually agreed upon from time to time and shall consist of (1) current maintenance as necessary to preserve, repair, and protect the roadbed, surface and all structures and appurtenances, and (2) resurfacing equivalent in extent to the wear and loss of surfacing caused by operations authorized by this permit.

8a. **MAINTENANCE AND RESURFACING REQUIREMENTS AND SPECIFICATIONS.** (See attached maintenance specifications.

9. **PERFORMANCE BOND.** In the event the permittee is to perform its proportionate share of road maintenance, road resurfacing, or betterment, as determined and within time periods established by the Forest Supervisor, the Forest Service may require as a further guarantee of the faithful performance of such work that the permittee furnish and maintain a surety bond satisfactory to the Forest Service in the sum of twenty five thousand dollars ($25,000), or in lieu of a surety bond , deposit into a Federal depository, as directed by the Forest Service, and maintain therein cash in the sum of twenty five thousand dollars ($25,000), or negotiable securities of the United States having market value at time of deposit of not less than twenty five thousand dollars ($25,000). As soon as security for the performance of road maintenance (and betterment) requirements or the settlement of claims incident thereto is completed, unencumbered cash guarantees or negotiable securities deposited in lieu of surety bond will be returned to the permittee.

10. **FIRE PREVENTION AND SUPPRESSION.** The permittee shall take all reasonable precautions to prevent and suppress Forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a permit from the Forest Service.

11. **DAMAGES.** The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and promptly upon demand shall pay the United Sates for any damage resulting from negligence, or from violation of the terms of this permit or of any law or regulation applicable to the National Forests, by the permittee, or by his agents, contractors, or employees of the permitee acting within the scope of their agency, contract, or employment.

12. **OFFICIALS NOT TO BENEFIT.** No Member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

13. **OUTSTANDING RIGHTS.** This permit is subject to all outstanding rights.

14. **SUSPENSION.** Upon the failure of the permittee, its agents, employees or contractors to comply with any of the requirements of this permit, the officer issuing the permit may suspend operations in pursuance of this permit.

15. **TERMINATION.** This permit shall terminate on **December 31, 2018** unless extended in writing by the Forest Service. It may be terminated upon breach of any conditions herein.

16. **CLAUSE CONTROL.** In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or any provisions thereof, the following clauses will control.

17. **SAFETY.** Unless otherwise agreed in writing, when Permittee's Operations are in progress adjacent to or on Forest Service controlled roads and trails open to public travel, Permittee shall provide the use with adequate warning of hazardous or potentially hazardous conditions associated with Permittee's Operation. A specific traffic control plan for each individual project shall be agreed to by Permittee and Forest Service prior to commencing operations. Devices shall be appropriate to current conditions and shall be covered or removed when not needed. Flaggers and devices shall be as specified in the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), and in specifications attached hereto.

18. **DRIVER'S COPY.** Drivers of all vehicles hauling soil or rock shall have a copy of page 1 of this agreement in their possession. This copy will be presented, on request, to any Forest Officer.

19. **SNOW REMOVAL.** Snow removal shall be done in a manner to preserve and protect the roads, to the extent necessary to ensure safe and efficient transportation of materials, and to prevent excessive erosion damage to roads, streams, and adjacent lands. Permittee shall:

(1) Remove snow from the entire road surface width including turnouts.

(2) Remove snow slides, earth slides, fallen timber, and boulders that obstruct normal road surface width.

(3) Remove snow, ice, and debris from culverts so that the drainage system will function efficiently at all times.

(4) Perform all items of snow removal currently to ensure safe, efficient transportation. Work shall be done in accordance with the following minimum standards of performance:

(5) Deposit all debris, except snow and ice, removed from the road surface and ditches at agreed locations and away from stream channels.

(6) Not undercut roadbanks nor remove gravel or other selected surfacing material off the roadway surface.

(7) Assure that ditches and culverts are kept functional during and following roadway use.

(8) Not leave snow berms on the road surface. Berms on the shoulder of road shall be removed and/or drainage holes shall be opened and maintained. Drainage holes shall be spaced as required to obtain satisfactory surface drainage without discharge on erodible fills.

(9) Not use dozers to plow snow on system roads without written approval of the Forest Service.

(10) Leave a minimum of 2-inches of snow depth to protect the roadway.

(11) Restore any damage resulting from the snow removal in a timely manner.