

Exhibit 40

- C. The standard timber line posts shall have no diameter less than three inches (3.0") nor greater than six and one-half inches (6.5") and shall be five feet-six inches (5.0'-6.0") in length.

3.5 **STAYS**

- A. Stays shall be used only on barbed wire fence unless specifically designated otherwise. Unless otherwise directed, all fence stays shall be wire. Wire fence stays shall be two inches (2.0") longer than the distance between the top and bottom wires unless otherwise directed. When wood fence stays are specified, they shall be either two inch (2.0") nominal round or two inch by two inch (2.0" x 2.0") nominal square obtained by ripping rough sawn two inch by four inch (2.0" x 4.0") lumber. Stays shall be of sufficient length to place the bottom on the ground with the top of the stay approximately two inches (2.0") above the top wire. Each wire shall be attached to wood stays using one and one-half inch (1.5"), nine (9) gauge, bright finish barbed shank staples. Alternate staples may be used with specific approval of the Engineer. Wood fence stays shall not require treatment.
- B. Two (2) wood fence stays per panel shall be used in deep snow drifting areas when specifically designated in the plans or by the Engineer.

4.0 **CONSTRUCTION REQUIREMENTS**

- A. The new wire fence shall be constructed with good workmanship in accordance with these specifications and with the drawings.
- B. New fencing shall be four (4) wire consisting of three (3) strands of 12.5 gauge barbed wire and one (1) strand smooth wire (on bottom).
- C. If wooden fence posts are used, a minimum of one (1) steel fence post shall be installed at intervals not to exceed 350 feet along all new fence.
- D. Wire fence gates shall be constructed where indicated on the drawings and in accordance with the typical section.
- E. Maximum spacing between brace panels is 1,320 feet.

5.0 **MEASUREMENT AND PAYMENT**

5.1 **SPECIAL CONSIDERATIONS**

The Contractor's attention is specifically directed to the following:

- A. The final quantities for the major categorizations of materials may vary from the quantities shown on the Official Bid Schedule (Section C). The quantities estimated are based on information gathered and interpreted from surface investigations.
- B. The boundaries of materials, along with the volume are estimates and intended to serve as a guide in outlining the scope of work and evaluating the bids.

5.2 **NEW WIRE FENCE**

- A. The installed new wire fence will be measured by the linear foot to the nearest foot along the slope of the fence. Measurement will be from the outside to outside of end posts for each continuous run. Measurements include brace panels, end panels and gates. Installation of deadmen, as required to properly brace or anchor fence posts, will be subsidiary to the fence measurement. No separate count or measurement will be made for end panels, brace panels or gates, the costs for this work shall be included in the unit bid price per linear foot of fence.

5.3 **PAY ITEMS**

Pay Item	Pay Unit
P-1 New Wire Fence	Linear Foot

END OF SECTION P

A P P E N D I X 1

WYOMING CONSTRUCTION 2008 PREVALING WAGE DETERMINATIONS

APPENDIX 1. WYOMING HEAVY HIGHWAY PREVAILING WAGES 2008

Code No.	Craft	Statewide (All Counties)				Statewide excluding Laramie and Natrona Counties				Laramie County				Natrona County			
		Basic Hourly Rate	Method	Hourly Fringe Benefit	Method	Basic Hourly Rate	Method	Hourly Fringe Benefit	Method	Basic Hourly Rate	Method	Hourly Fringe Benefit	Method	Basic Hourly Rate	Method	Hourly Fringe Benefit	Method
101	Laborers: Group 1	\$14.26	3	\$0.00	1	\$14.43	3	\$0.00	1	\$11.30	2	\$1.87	3	\$15.10	2	\$0.00	1
125	Laborers: Group 2	\$15.10	3	\$2.75	3	\$15.68	3	\$4.65	3	\$13.36	3	\$0.00	1	\$13.63	3	\$2.14	3
148	Powderman and blaster	\$14.05	4	\$0.48	4	\$14.85	4	\$0.72	4	\$13.70	4	\$0.65	4	\$13.76	4	\$0.06	4
152	Miner (Driller), Machineman, Timberman, Truck Drivers: Group 1	\$15.72	4	\$1.48	4	\$16.97	4	\$1.50	4	\$14.06	4	\$2.14	4	\$17.16	4	\$0.16	4
201	Truck Drivers: Group 2	\$14.01	3	\$2.16	3	\$14.06	3	\$2.08	3	\$11.00	1	\$5.91	1	\$14.94	3	\$0.00	1
203	Truck Drivers: Group 3	\$17.30	3	\$0.00	1	\$19.98	2	\$0.00	1	\$12.38	4	\$5.91	4	\$15.72	3	\$4.04	3
205	Truck Drivers: Group 3	\$17.31	3	\$3.84	3	\$17.83	3	\$3.63	3	\$13.75	1	\$5.91	1	\$16.44	3	\$3.60	3
301	Power Equipment Operators: Group 1	\$16.57	4	\$5.52	4	\$16.57	4	\$5.52	4	\$16.04	3	\$1.66	3	\$17.08	3	\$2.43	3
304	Power Equipment Operators: Group 2	\$17.90	4	\$5.97	4	\$17.90	4	\$5.97	4	\$17.25	1	\$5.91	1	\$18.33	2	\$3.01	3
333	Power Equipment Operators: Group 3	\$20.12	4	\$6.71	4	\$20.12	4	\$6.71	4	\$21.00	1	\$5.91	1	\$19.00	2	\$3.80	1
311	Power Equipment Operators: Group 4	\$21.75	4	\$7.25	4	\$21.75	4	\$7.25	4	\$21.12	4	\$7.04	4	\$19.20	4	\$6.40	4
401	Structure Worker (Carpenter)	\$20.00	3	\$3.52	3	\$19.55	2	\$2.93	3	\$16.30	3	\$1.78	3	\$21.08	3	\$4.02	3
501	Concrete Finisher	\$16.46	3	\$3.31	3	\$17.37	3	\$2.83	3	\$15.00	1	\$6.46	1	\$15.61	3	\$2.65	3
601	Ironworker	\$15.75	1	\$0.00	1	\$29.76	4	\$3.52	4	\$26.38	4	\$11.41	4	\$15.75	1	\$0.00	1
701	Painter (brush & spray)	\$17.82	4	\$3.14	4	\$17.82	4	\$3.14	4	\$14.20	4	\$0.81	4	\$14.73	4	\$0.83	4
901	Lineman (line side of meter)	\$31.18	3	\$8.59	3	\$33.62	1	\$8.93	1	\$33.46	1	\$8.92	1	\$19.12	1	\$7.26	1
902	Groundman	\$24.75	1	\$3.85	1	\$24.75	1	\$3.85	1	\$26.64	4	\$7.94	4	\$30.37	4	\$9.05	4
903	Equipment Operator	\$25.86	4	\$12.70	4	\$25.86	4	\$12.70	4	\$19.43	4	\$6.11	4	\$22.14	4	\$6.95	4
904	Licensed Inside Wireman (load side of meter)	\$25.70	1	\$8.62	1	\$25.70	1	\$8.62	1	\$34.70	4	\$8.57	4	\$39.57	4	\$9.78	4

Notes:

- Methods:**
- 1 Majority.** If 50% of workers or more within a labor group earn the same wage/fringe benefit, this becomes the prevailing wage/fringe benefit for the labor group in the respective district. If two different wages/benefits each account for 50% for a labor group within a district, a weighted average is performed.
 - 2 Significant Minority.** If 30% of workers or more within a labor group earn the same wage, this becomes the prevailing wage for the labor group in the respective district. If two different wages each account for 30% for a labor group within a district, a weighted average is performed.
 - 3 Weighted Average.** If no significant minority exists for a wage/fringe benefit, the prevailing wage/fringe benefit is calculated as $\frac{[(\text{Total Hourly Wage or Fringe Benefit}) \times (\text{Number of Workers})] + [(\text{Total Wages Or Benefits Paid}) \times (\text{Hours Worked})]}{2}$.
 - 4 Moving Average Wage.** If no data is received by the survey for a particular classification or if a lower skilled group has a higher wage rate than a higher skilled group in the classification of laborers, equipment operators, and/or truck drivers, a moving average wage adjustment is applied according to rules and regulations of the Department of Employment.



APPENDIX 2

AML CONTRACT FORMS

**ENCLOSURE 1
CERTIFICATION**

I hereby certify I am the duly authorized representative of the firm of _____
whose address is _____, that neither I nor the firm I represent:

- a. has employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above firm) to solicit or secure this Contract;
 - b. has paid or agreed to pay, to any firms, organization or person (other than a bona fide employee working solely for me or the above firm) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out this Contract;
 - c. has given or offered to any officer, employee, or agent of the State of Wyoming or the Office of Surface Mining, any gratuities, favors, or anything of monetary value with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of this Contract;
- and that:
- d. pursuant to 30 CFR 874.16 or 875.20, this firm is eligible under 30 CFR 773.15(b)(1) to receive a permit or conditional permit to conduct surface coal mining operations;
 - e. this firm is authorized by the Secretary of State of the State of Wyoming to do business in the State of Wyoming;
 - f. any individual providing professional engineering or land surveying services under this Contract has a certificate of registration as required by Wyo. Stat. § 33-29-124; and
 - g. any corporation providing professional engineering or land surveying services under this Contract has a certificate of authorization as required by WYO. STAT. § 33-29-134.

I acknowledge that this certificate is furnished to the Wyoming Department of Environmental Quality, Abandoned Mine Land Division and may be furnished upon request to the federal grantor agency for this Contract. This certificate is subject to applicable Wyoming State and Federal Laws, both criminal and civil.

Printed Name

Date

Signature

Title

The foregoing instrument was acknowledged before me by _____ this _____ day
of _____, 20_____.

Witness my hand and official seal:

Notary Public

ENCLOSURE 2

U.S. Department of the Interior

Office of Surface Mining Reclamation and Enforcement

**Certifications Regarding Debarment Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions - See Appendix A of Subpart D of 43 CFR Part 12.

Certification Regarding Debarment, Suspension, overed Transalneligibility and Voluntary Exclusion-Lower Tier Cctions-See Appendix B of Subpart D of 43 CFR Part 12.

Certification Regarding Drug-Free Workplace Requirements - See Appendix C of Subpart D of 43 CFR Part 12.

Certification Regarding Lobbying - See 43 CFR 18.

Signature on this form provides compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Office of Surface Mining Reclamation and Enforcement determines to award the covered transaction.

PART A:	Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions
----------------	--

_____ *CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.*

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement; or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
2. The prospective primary participant agrees by submitting this proposal that it will include the clauses under Part B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction, without modification, in all lower tier covered transaction and in all solicitations for lower tier covered transactions.
3. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

_____ CHECK IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

_____ CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

1. The grantee certifies that it will or continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about -
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant office on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Action of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency;
 - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs(a), (b), (c), (d), (e) and (f).
2. The grantee shall provide below the site(s) of the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

PART D: Certification Regarding Lobbying

CHECK IF THIS CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress and office or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

This form consolidates DI-1953, DI-1954, DI-1955, DI-1956 AND DI-1963

EXTRA WORK ORDER NO. _____

AML PROJECT NO. 17J

AML Project No.: 17J AML Project Title: Carney Mine - Subsidence Mitigation

CONTRACTOR: _____ ENGINEER: PHC Reclamation, Inc.

AML Project Officer: Mr. Jack Smith Sheet _____ of _____

1. Upon execution of this order, CONTRACTOR is authorized to commence work described in Attachment A, "Extra Work Order - Scope of Work".
2. CONTRACTOR will be reimbursed at the unit rates described in Attachment B, "Extra Work Order - Unit Rates". If this Extra Work Order (EWO) results in the creation of new pay items or changes in the contract pay items, Attachment B, "Extra Work Order - Unit Rates" shall contain a description of how these payment items were established, that the rates are reasonable and why the change in work is necessary.
3. AML Project Officer and ENGINEER find in accordance with G-1J.(3)(a):

YES NO CONDITION

- | | | |
|---|---|---|
| — | — | This EWO is essential for the effective and timely completion of the Project. |
| — | — | This EWO is an intrinsic component of existing authorized Contract Work and is necessary to complete the Contract. |
| — | — | 1. This EWO is not outside construction limits or Project boundaries. |
| — | — | 2. This EWO is not beyond the general Scope of Work of the Project. |
| — | — | 3. This EWO does not involve a value incentive change. |
| — | — | This EWO is an AML eligible and allowable cost. |
| — | — | There are sufficient Project monies available to cover the proposed Work. |
| — | — | The change in the Contract Price is less than \$7,500.00. |
| — | — | The sum of this EWO and all previous EWO's under this Contract is less than five percent (5%) of the original total Contract Price. |
| — | — | This EWO will not increase the Contract Time. |

EXTRA WORK ORDER NO.

AML PROJECT NO. 17J

These changes result in the following adjustment of Contract Price:	
Original Contract Price	\$
Contract Price prior to this EWO	\$
Total amount of previous EWO's	\$
Net (Increase)(Decrease) to Contract Price Resulting from this EWO	\$
Net increase in Contract Price resulting from previous EWO's	\$
Revised Contract Price	\$

We hereby understand and agree to the terms and conditions set forth in this instrument and have found that this Extra Work Order can be authorized under the terms of the Contract.

By: _____

CONTRACTOR SIGNATURE_____
DATE

By: _____

ENGINEER SIGNATURE_____
DATE

BY: _____

AML PROJECT OFFICER_____
DATE**DISTRIBUTION DATES:****CONTRACTOR**

ENGINEER

AML PROJECT OFFICER

ATTACHMENT A

EXTRA WORK ORDER - SCOPE OF WORK

ATTACHMENT B

EXTRA WORK ORDER - UNIT RATES

FIELD ORDER NO.

AML's Project No. and Name: AML 17J, Northeast Wyoming Coal Reclamation - Kleenburn

CONTRACTOR:

Contract No.:

Contract Date:

In accordance with Section G-1J, "Changes in the Work", CONTRACTOR is directed to make the following changes:

ENGINEER'S SIGNATURE

Date _____, 20____

Field Order received and acknowledged by CONTRACTOR:

CONTRACTOR'S SIGNATURE

Date _____, 20____

Field Order received and acknowledged by AML:

AML PROJECT OFFICER

Date _____, 20____

NOTICE TO PROCEED

TO: _____

DATE: _____

PROJECT: _____

You are hereby notified to commence WORK in accordance with the Contract dated _____, 20____, on or before _____, 20____, and you are to complete the WORK within _____ consecutive calendar days thereafter. The date of completion of all WORK is therefore _____, 20____.

AML: _____

Title: *AML Project Manager*

RECEIPT OF NOTICE TO PROCEED

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by _____, this _____ day of _____, 20____.

By: _____

Title: _____

CHANGE ORDER NO. _____
AML PROJECT NO. 17J

(THIS FORM, CONSISTING OF PAGES CO-PAGE 1 AND CO-PAGE 2 AND ANY ATTACHMENTS, MUST BE TYPED)

Contractor:	
Contract No:	Contract Date:
Addressed To: _____ Contractor Name	
You are directed to make the changes noted below in the subject Contract:	
_____ AML Administrator	_____ DEQ Director
Dated: _____	Dated: _____
NATURE OF CHANGES:	
List of Enclosures:	

CHANGE ORDER NO. _____
AML PROJECT NO. 17J

THESE CHANGES RESULT IN THE FOLLOWING ADJUSTMENT OF THE CONTRACT PRICE OR CONTRACT TIME:

Contract Price prior to this Change Order	\$
Net (Increase) (Decrease) to Contract Price resulting from this Change Order	\$
Revised Contract Price	\$
Contract Time prior to this Change Order	days
Net (Increase) (Decrease) resulting from this Change Order	days
Revised Contract Time	days

All terms and conditions of the original contract, including sovereign immunity, shall, unless explicitly delineated in this or other change orders or amendments, remain as they were in the original contract.

The Above Changes are Approved:

By: _____
ENGINEER

Dated: _____

The Above Changes are Accepted:

By: _____
CONTRACTOR

Title: _____

Dated: _____

The Above Changes are Recommended for Approval:

By: _____
AML PROJECT OFFICER

Dated: _____

CERTIFICATE OF SUBSTANTIAL COMPLETION

AML Project Name: AML 17J, Carney Mine - Subsidence Mitigation

CONTRACTOR:

Contract No.:

Contract Date:

This Certificate of Substantial Completion applies to all Work Under the Contract Documents or to the following specified parts thereof:

To

AML

And to

CONTRACTOR

The Work to which this Certificate applies has been inspected by authorized representatives of AML, CONTRACTOR and ENGINEER, and that Work is hereby declared to be substantially complete in accordance with the Contract Documents on

Date of Substantial Completion

A tentative list of items to be completed or corrected is attached hereto. This list may not be all-inclusive, and the failure to include an item on this list does not alter the responsibility of CONTRACTOR to complete all the Work in accordance with the Contract Documents. When this Certificate applies to a specified part of the Work the items in the tentative list shall be completed or corrected by CONTRACTOR within ____ days of the above date of Substantial Completion and within the Contract Time.

The date of Substantial Completion is the date upon which all guarantees and warranties begin, except as follows:

CERTIFICATE OF SUBSTANTIAL COMPLETION

The responsibilities between AML and CONTRACTOR for security, operation, safety, maintenance, heat, utilities and insurance shall be as follows:

RESPONSIBILITIES:

AML

CONTRACTOR

The following documents are attached to and made a part of this Certificate:

Executed by ENGINEER on _____, 20____.

BY: _____
ENGINEER SIGNATURE

The CONTRACTOR accepts this Certificate of Substantial Completion on _____, 20____.

BY: _____
CONTRACTOR SIGNATURE

**ACCEPTANCE OF WORK
AML PROJECT No. 17J**

This AML Project, involving _____ has been completed by the Contractor.

The property owner () reviewed the work or () did not review the work. The undersigned
property owner:

☐ Finds the Work acceptable.

☐ Finds the Work is not acceptable because:

1. _____
2. _____
3. _____

Property
Owner:

Address:

Phone No.:

By:

Signature

Date:

APPENDIX 3

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

STORMWATER POLLUTION PREVENTION PLAN

AML PROJECT 17J

CARNEY MINE

SUBSIDENCE MITIGATION

SHERIDAN COUNTY, WYOMING

March 31, 2009

PREPARED BY: PHC RECLAMATION, INC

7300 YELLOWSTONE ROAD, SUITE 5

CHEYENNE, WY 82009



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1.0 SITE DESCRIPTION / NATURE OF CONSTRUCTION ACTIVITY

The Wyoming Department of Environmental Quality (WDEQ) Abandoned Mine Land Division (AML) Project 17J, Carney Mine - Subsidence Mitigation, involves the reclamation of an abandoned underground coal mine located in the NW¼NE¼ and NE¼NW¼ of Section 20 and SE¼SW¼ of Section 17, T57N, R84W, of Sheridan County, Wyoming (Figure 1). The Carney Mine is located approximately seven (7) miles north of Sheridan, Wyoming, off Interstate 90. The project area is located on lands owned by Padlock Ranch.

1.1 CONSTRUCTION ACTIVITY DESCRIPTION

A series of shallow subsidence sinkholes and two (2) deep subsidence sinkholes have developed along the surface as a result of roof failure above the old Carney Mine underground workings. The area is a designated "Walk-In" hunting area and is extensively used by the public. In addition, the nearby historic cemetery is frequently visited by the public. The sinkholes pose falling and entrapment hazards to the public and livestock.

There are two (2) existing access roads to the site - both are gated. Hazard mitigation activities will include clearing and grubbing, topsoil removal and stockpiling, sinkhole over-excavation and backfilling, grading, secondary access road reclamation, and revegetation. The disturbed vegetation will be replaced with native grasses. Stormwater pollution prevention measures will be installed prior to implementation of these activities.

1.2 SEQUENCE OF MAJOR ACTIVITIES

The order of activities will be as follows:

1. Clear and grub for sediment fence installation at locations shown on Figure 1.
2. Install sediment fence..
3. Strip and stockpile topsoil for construction staging area.
4. Strip and stockpile topsoil from within the area of mass grading disturbance.
5. Over-excavate and backfill open sinkholes.
6. Perform mass grading of shallow subsidence area.



7. Permanently stabilize disturbed areas by revegetation.

1.3 SITE DISTURBANCE AREA

The total proposed disturbance area is approximately 45 acres.

1.4 NAME OF RECEIVING WATERS

The Carney Mine site is located just north of the Tongue River. Sheridan County Road 345 intersects all southern and eastern flowing runoff. U.S. Interstate 90 intersects all western and northern flowing runoff. Off-site runoff is eventually transported to the Tongue River via existing road right-of-way ditches and a series of culverts.

1.5 EXISTING SITE VEGETATION

The site is located along rangeland. The site is covered with natural soils that were not impacted by past mining activities. The soils generally consist of sand and gravel, and silty to clayey sands. With the exception of the southern facing slopes located adjacent to Sheridan County Road 345, the terrain of the site is relatively flat. The area is well vegetated with native grass species.

1.6 OTHER POTENTIAL POLLUTION SOURCES

Fuel for equipment, lube oil, and fertilizer will be stored in the designated construction staging area periodically during the project. Storage locations will be bermed to contain potential spills as indicated in the technical specifications.

2.0 BEST MANAGEMENT PRACTICES

Site soil disturbing activities will include: clearing and grubbing, installation of sediment controls, re-grading and preparation to provide final planting and seeding. Best Management Practice (BMP) details are shown on Figure 2.

2.1 EROSION, WASTE, AND SEDIMENT CONTROLS

2.1.1 TEMPORARY STABILIZATION

Topsoil will be stockpiled within the construction site. The topsoil shall be stockpiled in a manner to minimize wind



and water erosion and unnecessary compaction. Sediment fence will be constructed down gradient of the topsoil stockpiles. Topsoil stockpiles shall be seeded with 20 pounds (PLS) per acre of oats if the stockpile is to remain for more than six (6) months.

2.1.2 PERMANENT STABILIZATION

All areas disturbed during construction activities shall be permanently stabilized by the revegetation activities indicated in Section, M - Revegetation portion of the Contract Technical Specifications. Revegetation activities consist of agricultural pre-ripping, agricultural disking, pitting, and seeding.

Native grass seed mixtures and those species requested by the land owner, Padlock Ranch, will be used to revegetate the disturbed portions of the site. The following is the specified seed mix for this project:

Common Name	Scientific Name	Variety	Required LBS. PLS / Acre
Indian Ricegrass	<i>Oryzopsis hymenoides</i>	Nespar	6.0
Western Wheatgrass	<i>Agropyron smithii</i>	Rosana	6.0
Streambank Wheatgrass	<i>Agropyron riparian</i>	Sodar	4.0
Basin Wildrye	<i>Elymus cinereus</i>	Magnar	6.0
Green Needlegrass	<i>Stipa viridula</i>	Lodorm	4.0
Four Wing Saltbush	<i>Atriplex canescens</i>		3.0
Blue Grama	<i>Bouteloua gracilis</i>		6.0
Falcata Alfalfa	<i>Medicago sativa</i>		1.0
Alkali Sacaton	<i>Sporobolus airoides</i>		1.0
White Prairie Clover			1.0
TOTAL			38.0

2.1.3 STRUCTURAL PRACTICES

Sediment fence will be installed at the locations shown on Figure 2 according to AML Project 17J Plans and Specifications, Section N - Erosion Control. The sediment fence will prevent sediments resulting from construction activities from leaving disturbed portions of the site. All of the site's runoff can be considered overland flow. Sediment fence will be placed perpendicular to this overland flow direction. Areas of existing native vegetation surrounding the work areas at the site will also help control sediment in stormwater runoff.



2.2 STORMWATER MANAGEMENT

Stormwater control will be provided by using site grading of the disturbed areas and installation of sediment fence. All disturbed areas will be seeded with a permanent seed mixture.

3.0 OTHER CONTROLS

3.1 WASTE DISPOSAL

Non-hazardous wastes generated by the contractor during reclamation activities will be collected in containers supplied by the contractor and shipped off site. No hazardous wastes are anticipated as part of this project.

3.2 HAZARDOUS WASTE

No hazardous wastes are expected to be generated during this project. In the event they are produced, all hazardous waste materials will be stored and/or disposed of in the manner specified by local or State regulations or by the manufacturer. No hazardous waste will be disposed of in the construction area.

3.3 SANITARY WASTES

The contractor will be required to provide temporary sanitary facilities for the collection and off site transport and disposal of sanitary wastes. All sanitary wastes will be disposed of according to local, state, and federal regulations.

3.4 OFF SITE VEHICLE TRACKING

There are maintained access roads present on site. These roads will be maintained to help reduce vehicle tracking of sediments.

3.5 SPILL PREVENTION AND RESPONSE PROCEDURES

If the possibility of a spill exists, on-site personnel will be informed of the threat and required to take preventative measures. All refueling will be performed within the designated construction staging area and will be located at a safe distance from waters of the State and must be approved by the Engineer before initiation of construction. An earthen



berm will be constructed around a storage area set aside for bulk storage of petroleum products and any other chemicals.

3.6 DUST CONTROL

Dust resulting from construction activities will be controlled using a water truck as necessary for the duration of the project.

3.7 VELOCITY DISSIPATION DEVICES

Sediment fence will also be used during construction to dissipate runoff velocities. Disturbed areas will be graded to match adjacent topography.

4.0 TIMING OF CONTROLS / MEASURES

Erosion control measures will be installed prior to topsoil stripping or other site activities in each work area. After grading is complete in an area, that area will be stabilized in accordance with AML Project 17J Plans and Specifications, Section M - Revegetation. After all disturbed areas are permanently stabilized, the temporary erosion controls and trapped sediments will be removed.

Post-construction controls will consist of regular monitoring of the Site by the Owner after the conclusion of construction to identify new erosion, if any, and implementing remedial erosion control measures; such as additional seeding or installation of additional temporary erosion control structures.

5.0 MAINTENANCE / INSPECTION PROCEDURES

5.1 INSPECTION AND MAINTENANCE

The contractor will designate one individual to act as the Construction Stormwater Manager. That person will be responsible for ensuring the procedures outlined below are followed to maintain erosion and sediment controls. The Construction Stormwater Manager will be responsible for all maintenance and repair activities and for completing the



inspection and maintenance reports.

1. All required erosion and sediment control measures will be installed and in good working order before clearing and grubbing of work areas will be allowed.
2. Clearing and grubbing of work areas will not precede actual reclamation activities by more than 2 days.
3. All control measures will be inspected at least once per week and following any storm event that produces precipitation in excess of 0.5 inches.
4. A maintenance inspection report will be completed after each inspection. A copy of the report form to be used is provided in this report in Appendix A.
5. All erosion and sediment control measures will be maintained in good working order. If a repair is necessary, it will be initiated within 24 hours of discovery.
6. Sediment will be removed from sediment fence when it has reached one third of the exposed height of the fence.
7. Earth berms and roads will be inspected for breaches and promptly repaired.
8. Permanent seeding and planting will be inspected for bare spots, washouts, and overall success.
9. Deficiencies of erosion or sediment control measures will be reported to the owner so that the problem can be corrected and this SWPPP can be amended. SWPPP revisions (if applicable) must be completed within 7 calendar days following the inspection.

5.2 PLAN RETENTION AND EMPLOYEE TRAINING

A copy of the SWPPP will remain in the on-site construction office during construction activity. The plan will be easy to access for any on-site personnel and made available to the following people upon request:

- Interested members of the public
- Local government officials
- Any federal, state, or local agency

The permit does not require that free copies are supplied to interested members of the public, only that they have the



chance to view the plan and photocopy it at their own expense. All employees will be informed of the importance of erosion and sediment control, BMP maintenance, spill response, materials management, and general good housekeeping.

5.3 STORMWATER POLLUTION AND PREVENTION PLAN (SWPPP) UPDATES AND AMENDMENT REQUIREMENTS

This SWPPP shall be amended, at a minimum, whenever:

- Changes are made in the design, operation, or maintenance of BMPs
- Changes are made in the design of the construction project, which could adversely affect the stormwater discharge quality
- Deficiencies in the SWPPP or any BMP are indicated during inspections
- The SWPPP is determined to be ineffective in controlling excessive erosion or sedimentation

6.0 NON-STORMWATER DISCHARGES

It is not anticipated that non-stormwater discharges will occur from the site during site reclamation.

7.0 SPILL PREVENTION

7.1 INVENTORY OF MATERIALS

The following materials are expected to be on site during construction:

1. Fuels and petroleum products used by equipment
2. Fertilizers

7.2 MATERIAL MANAGEMENT PRACTICES

The following practices will be observed to reduce the risk of spills or other exposure of materials and substances to



stormwater runoff.

Good Housekeeping Practices

1. Store all materials in a neat and orderly fashion in their appropriate containers. Store materials under cover to the greatest extent practicable.
2. Store no more product than is required to do the job.
3. Products should be kept in their original containers with the original labels intact.
4. Do not mix materials unless recommended by the manufacturer.
5. Whenever possible, all of a product should be used before disposing of the container.
6. Follow all of the manufacturer's recommendations for use and disposal.

Hazardous Products

1. Products will be kept in their original containers unless containers are not resealable.
2. Original labels will be maintained on the original containers.
3. Material Safety Data Sheets will be maintained on site.
4. All applicable local, state, and federal regulations, as well as the manufacturer's recommendations regarding disposal of hazardous products will be followed.

Petroleum Products

1. Petroleum products will be stored in tightly sealed and labeled containers.
2. All vehicles and equipment will be monitored for leaks and receive preventative maintenance to minimize the chance of leaks.
3. Leaks will be promptly repaired.

Fertilizers



1. Fertilizers will be stored under appropriate cover.
2. Fertilizers will be applied according to the requirements of the specifications and during acceptable weather.
3. The contents of any partially used bags will be transferred to a sealable plastic container and properly labeled.

Spill Control Practices

In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be observed for spill prevention and cleanup:

1. The contractor will designate one individual to act as the Spill Prevention and Cleanup Coordinator. This individual will be responsible for enforcing these guidelines and training appropriate personnel in spill prevention and cleanup procedures.
2. Manufacturers' recommended methods for spill cleanup will be conspicuously posted. Site personnel will be notified of the procedures and the location of information and cleanup supplies.
3. The contractor will provide and maintain materials and equipment necessary for spill cleanup, on site in the material storage area.
4. All spills will be cleaned up immediately after discovery.
5. Spill areas will be ventilated, if necessary, and personnel will wear appropriate protective equipment.
6. Spills of hazardous materials will be reported to the appropriate governmental agency or agencies, according to all applicable regulations.

8.0 RETENTION OF RECORDS

According to the WYPDES general permit, the following records must be retained for a minimum period of three (3) years from the date that a Notice of Termination (NOT) is submitted. For activities that are not required to submit a NOT, records will be retained for a minimum period of three (3) years from the date that either: final stabilization is achieved on all portions of the site that is the responsibility of the permittee; or another permitted operator assumes control according to overall areas of the site that have not been formally stabilized. Records include:

1. A copy of the SWPPP



2. All reports and actions required by this permit, including a copy of the construction site notice
3. All data used to complete the NOI for coverage under this general permit

9.0 CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date



FIGURE





PROJECT: AML PROJECT 171, CARNEY MINE
SUBSIDENCE MITIGATION
SHERIDAN COUNTY, WYOMING
CLIENT: WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
ABANDONED MINE LANDS DIVISION

REVISIONS:
02/28/09
02/28/09

SCALE:
1"=500'

DRAWN BY:
CBE/MLH



LOCATION/
OWNSHIP
MAP

SHEET NO.
3

NO.	SURFACE LAND OWNER NAME
1	STATE OF WYOMING
2	PADDOCK RANCH COMPANY
3	CHASE, JANE C
4	KEWITT SONS CO. FETTER MINING DIVISION
5	BIG HORN COAL COMPANY
6	SHERRILL INVESTMENTS LLC
7	DIVERSIFIED RESOURCES LLC
8	SHERIDAN COUNTY RECREATION BOARD
9	SHERRILL INVESTMENTS LLC
10	SHERRILL INVESTMENTS LLC
11	SHERRILL INVESTMENTS LLC
12	SHERRILL INVESTMENTS LLC
13	BOCKEL, JOHN R
14	SHERRILL INVESTMENTS LLC
15	PRESTON, JAMES C & PENNY
16	CARROLL, P. SEAN & KELLE A
17	BOCKEL, TONY J & LILLIAN E
18	BOCKEL, TONY J & LILLIAN E
19	BOCKEL, TONY J & LILLIAN E
20	BOCKEL, TONY J & LILLIAN E
21	BOCKEL, TONY J & LILLIAN E
22	BOCKEL, TONY J & LILLIAN E
23	BOCKEL, TONY J & LILLIAN E
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31	BOCKEL, TONY J & LILLIAN E
32	BOCKEL, TONY J & LILLIAN E
33	BOCKEL, TONY J & LILLIAN E
34	BOCKEL, TONY J & LILLIAN E
35	BOCKEL, TONY J & LILLIAN E
36	BOCKEL, TONY J & LILLIAN E
37	BOCKEL, TONY J & LILLIAN E

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LEGEND

Major Roads

- Major Road (20+ Feet Right of Way)
- Major Road (10-20 Feet Right of Way)
- Major Road (5-10 Feet Right of Way)
- Major Road (3-5 Feet Right of Way)
- Major Road (1-3 Feet Right of Way)
- Major Road (0-1 Feet Right of Way)

Other Features

- Proposed 50' Fence
- Proposed 100' Fence
- Proposed 150' Fence
- Proposed 200' Fence
- Proposed 250' Fence
- Proposed 300' Fence
- Proposed 350' Fence
- Proposed 400' Fence
- Proposed 450' Fence
- Proposed 500' Fence
- Proposed 550' Fence
- Proposed 600' Fence
- Proposed 650' Fence
- Proposed 700' Fence
- Proposed 750' Fence
- Proposed 800' Fence
- Proposed 850' Fence
- Proposed 900' Fence
- Proposed 950' Fence
- Proposed 1000' Fence

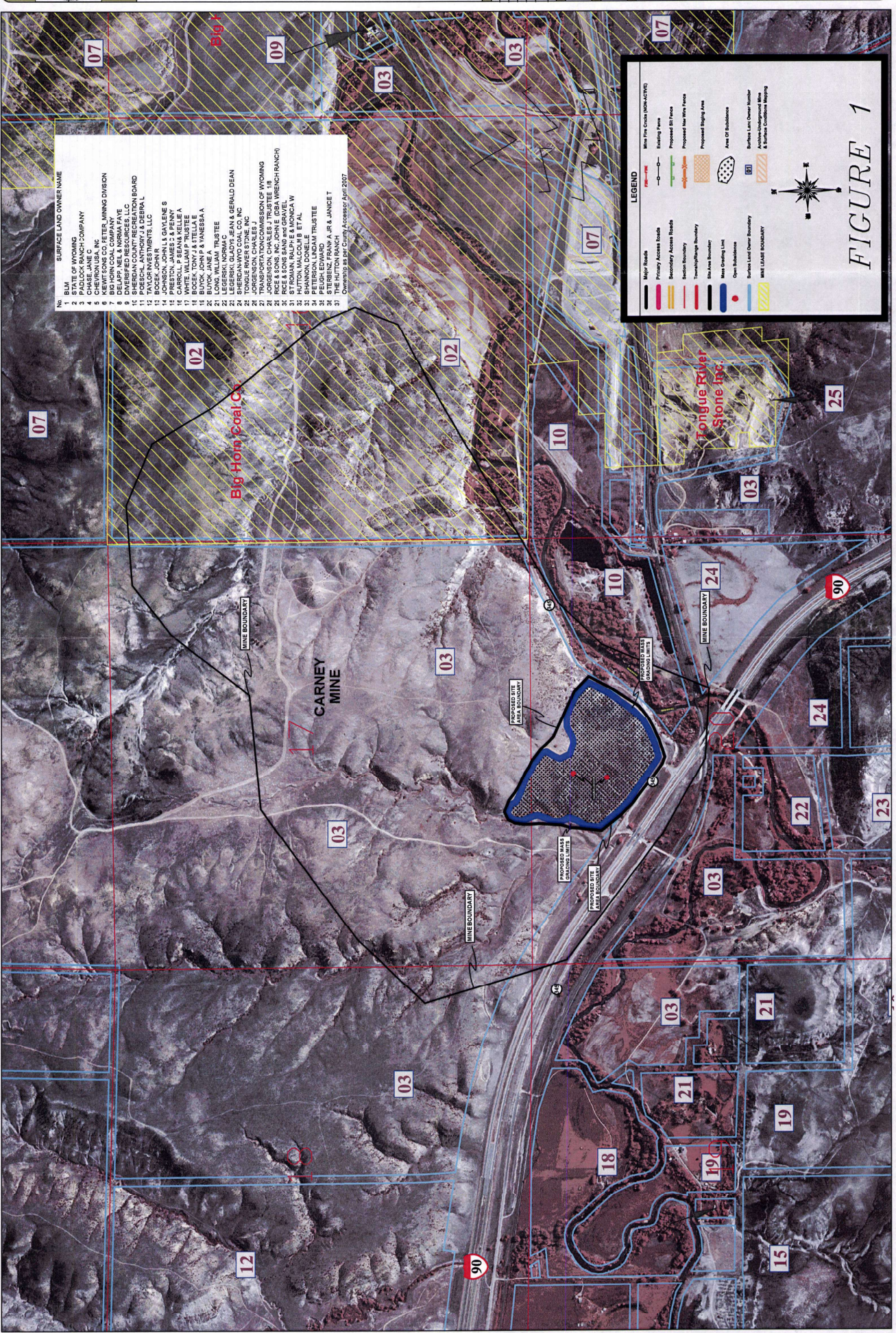
Other Features

- Area Of Subdivision
- Surface Land Owner Number
- Adjacent Subdivided Area
- Adjacent Subdivided Area
- Adjacent Subdivided Area

Other Features

- Area Of Subdivision
- Surface Land Owner Number
- Adjacent Subdivided Area
- Adjacent Subdivided Area
- Adjacent Subdivided Area

FIGURE 1





PROJECT: AML PROJECT 171, CARNEY MINE
SUBSIDENCE MITIGATION
SHERIDAN COUNTY, WYOMING
CLIENT: WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
ABANDONED MINE LANDS DIVISION

REVISIONS:
03/17/2009

SCALE:
1" = 100'
DRAWN BY:
MIF

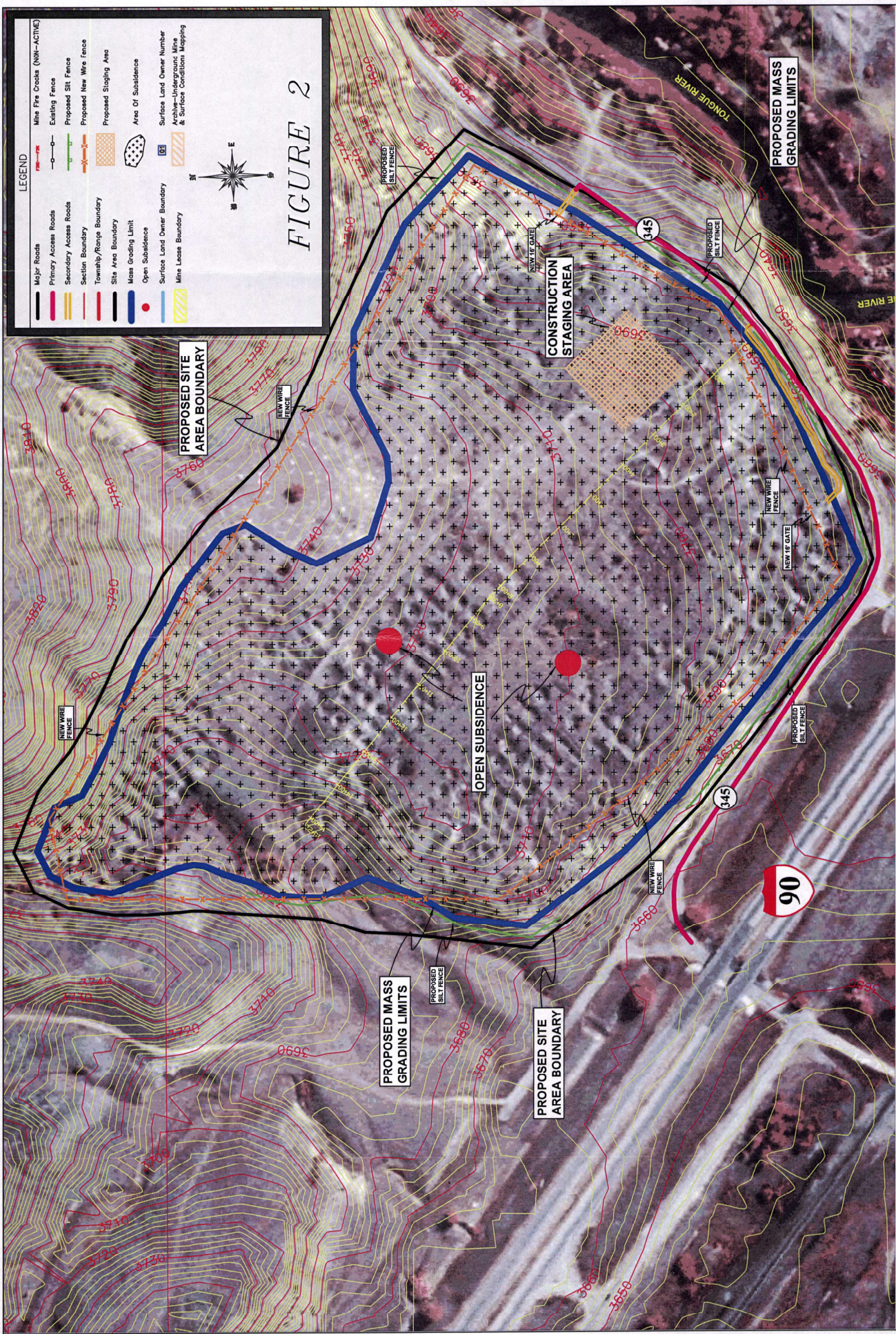


PROPOSED MASS
GRAVING
LOCATION
-CARNEY MINE
SHEET NO.
64

LEGEND

Major Roads	Mine Fire Cords (MIN-ACTIVE)
Primary Access Roads	Existing Fence
Secondary Access Roads	Proposed Silt Fence
Section Boundary	Proposed New Wire Fence
Township/Range Boundary	Proposed Staging Area
Site Area Boundary	Area Of Subsidence
Mass Grading Limit	Surface Land Owner Number
Open Subsidence	Archie-Underground Mine & Surface Conditions Mapping
Mine Lease Boundary	

FIGURE 2



APPENDIX A

SWPPP INSPECTION FORM AND MAINTENANCE FORM



**STORM WATER POLLUTION PREVENTION PLAN
INSPECTION FORM AND MAINTENANCE FORM
AML 17J, CARNEY MINE
SINKHOLE MITIGATION**

DATE: _____

INSPECTOR: _____

DAYS SINCE LAST RAINFALL: _____

AMOUNT OF LAST RAINFALL: _____ INCHES

Storm Water Pollution Plan	Yes	No	N/A	Comments
Is a copy of the signed SWPPP at the facility?				
Does the Facility's SWPPP address the minimum requirement?				
Are amendments to the SWPPP clearly documented?				
Is the current SWPPP complete?				
Storm Water Protection				
Are sediment fences placed in areas of potential storm water runoff?				
Are sediment fences being adequately maintained?				
Are outfalls free of erosion?				
Do implemented BMPs appear effective in controlling erosion?				
Vehicle / Equipment				
Are vehicle/equipment leaks properly managed?				
Are vehicle maintenance activities conducted off-site?				
Were vehicle/equipment storage areas inspected?				
Waste Management				
Are containers for temporary storage of solid waste being adequately contained?				
Is construction debris removed regularly?				
Are hazardous materials, if any, being properly handled and disposed of?				
Are current BMP's for waste management adequate?				
Spill Control				
Are there procedures for spill response and cleanup?				
Are used absorbent materials removed and disposed of in a timely manner?				
Are current spill BMP's adequate?				

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

AUTHORIZED SIGNATURE: _____