

the qualified archeologist will determine appropriate actions to prevent the loss of significant cultural or scientific materials.

#### **4.9 Federal Lands Within the Permit Area**

No mining or reclamation activities proposed will be on federal lands within this permit area. A Right of Way application has been submitted to the Bureau of Reclamation for approximately 450 feet of access road that will be located in the permit area. The access road will be constructed in the same manner as previously proposed in this Mine Plan. Once the Right of Way application has been approved, it will be submitted and included into this permit application.

The federal surface ownership within the permit area can be found in Appendix A on Exhibit A-1, Surface and Mineral Ownership Keyhole State Project.

### **5.0 PUBLIC NUISANCE AND SAFETY**

#### **5.1 Procedures to Avoid Public Nuisance and Endangerment**

Mining activities will not result in a public nuisance or endangerment to public safety, human or animal life, or property. BHB has been conducting ongoing bentonite mining operations in the area since the 1950's and has no knowledge of any instances where it's mining activities have resulted in a public nuisance or an endangerment to the public, human life, or property. This is primarily due to the rural setting and the remoteness of the site, coupled with the small size and scope of the mining operation. The closest incorporated community or subdivision to the permit area is the town of Pine Haven, Wyoming, located approximately two and 1/2 miles from the northwestern portion of the permit area.

The development of mining activities on the permit area will not change the number of workers needed to mine the permit area as a crew is already mining BHB Permit to Mine 745 and License to Mine 621-L7 located in the same area. The numbers of vehicles entering and exiting the mine site, as well as the amount of machinery operating on the site will be the same as it is for Permit to Mine 745 and License to Mine 621-L7.

Access to the active mining areas can be restricted through signage in the area. Where deemed necessary by BHB, fences may be constructed above highwalls in order to protect the public, wildlife or livestock from the dangers of a fall. No conflicts with grazing are expected to result in conjunction with the development of mining activities.