

APPENDIX A
LIST OF STIPULATIONS ATTACHED TO 2001 EIS
THAT AFFECT EXPLORATION ADIT DEVELOPMENT

APPENDIX A

Rock Creek Project - 2003 Record of Decision Stipulations

Note: RC Resources Inc.=RCR; KNF=Kootenai NF; DEQ=MT Dept. of Environmental Quality

ROD Id#	Who	Requirement	Comments	Evaluation Adit Application Response Location
8	RCR	The evaluation adit support facilities will be located on a site away from Rock Creek near the footprint of the proposed tailings paste facility as described in the Alternative V description in Chapter 2 of the FEIS.	RCR's support facilities location is slightly different than that indicated in the FEIS. The agencies concur that the submitted change is within the scope of the EIS.	Page 2-6, Figure 7; Page 2-8 to 9, Section 2.2.4.1; Page 2-15, Figure 8; Exhibit 1
8	RCR	A temporary wastewater treatment facility will be included at this site during evaluation adit construction with a temporary pipeline to the discharge point. These facilities will be decommissioned and structures removed once the mill site and the wastewater treatment plant are operational.	The wastewater treatment plant would be located at the Support Facilities area. The agencies concur that the submitted change is within the scope of the EIS.	Page 2-14 to 16, Section 2.5.3; Page 2-15, Figure 8; Exhibit 1; Appendix J
9	RCR	The water treatment system will include a semi-passive biotreatment and reverse osmosis system as described in the FEIS and Sterling's Water Management Plan for Alternative V.	RCR's water treatment facility design differs from the conceptual design in the FEIS. The current process includes bio-treatment, ultra-filtration/RO, and Ion-Exchange. The agencies concur that this treatment method complies with the FEIS analysis.	Page 2-14 to 16, Section 2.5.3; Page 2-15, Figure 8; Exhibit 1; Appendix J
10	RCR	RCR will be required to develop an Acid Rock Drainage and Metals Leaching Plan as outlined in the revised Appendix K Attachment 2, of this ROD. (The monitoring plan requirement is described in Table C.) It shall include but is not limited to the following items [See below]:	The agencies concur that the submitted change is within the scope of the EIS.	Page 2-11 to 2-11C, Section 2.4.4; Appendix D
10a	RCR	If geochemical testing shows ARD potential, then RCR will need to develop a plan to address potential long-term storage of potentially acid-generating material at the evaluation adit until the mine is developed and the material can be returned underground or taken to the mill for processing.	The agencies concur that the submitted change is within the scope of the EIS.	Page 2-11 to 2-11C, Section 2.4.4; Appendix D
10b	RCR	If geochemical testing shows ARD potential, then an additional tailings paste facility and mill pad design review will be required. This will include the identification of some form of mitigation and may include potential redesign of the waste rock/tailings facility cover, some form of liner beneath the facility, segregation and capping of certain materials, and/or return of materials underground.	These geochemical data would be collected for potential application to the mine plan.	Page 2-11 to 2-11C, Section 2.4.4; Appendix D

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10c	RCR	Geochemical contingency plans/mitigation will be included for other facilities where mine waste rock or ore are used or stored.	These geochemical data would be collected for potential application to the mine plan.	Page 2-11 to 2-11C, Section 2.4.4; Appendix D
11	RCR	RCR will use propane generators at the evaluation adit.	RCR proposes to use a buried electric line in the road prism instead of propane generators. The submitted change would reduce noise impacts to the wilderness area, lessen impacts to grizzly bears, and reduce surface disturbance. Agencies reviewed the plan and concur it would lessen impacts.	Page 2-17, Section 2.5.5; Figure J-1, Appendix J, Detail 1
12	RCR	RCR will use reduced-emission diesel engines underground and electric underground ore trucks.	RCR would use only reduced-emission diesel powered equipment during the exploration phase and not use electric ore trucks. The agencies concur that this change meets the intent of the EIS.	Page 2-7, Section 2.2.1;
18	RCR KNF	RCR will have a professional archeologist present during disturbance of identified lands who will work with the USFS and American Indian Tribes.	RCR has committed to the stipulation in the plan	Page 2-7, Section 2.1
19	RCR	RCR will need to submit site specific grading and reclamation plans for all mine-related facilities as described in the Alternative V description in Chapter 2 of the FEIS (pages 2-137 to 143) and applicable portions of the Alternative III description (pages 2-76 to 80 of the FEIS). The plans shall also include the following items [See below]:	RCR has submitted plans that meet the requirements of the stipulation.	Page 3-1 to 3-3, Section 3.2; Page 3-2, Figure 10;

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19b	RCR	The evaluation adit waste rock dump and mine portal areas should be regraded to eliminate benches and create a more natural landform.	The portal patio cannot be recontoured due to the swell factor resulting from rock being blasted. RCR proposes to backslope the patio at 2% and grade the dump face so that the dump slope would act as an extension of the existing scree slope. The current plan is reasonable for the rock fill slope. The agencies concur that this change meets the intent of the EIS.	Page 3-2 to 3-4, Section 3.2; Page 3-3, Figure 10
19d	RCR	The plan will also address reclamation of storm water control structures, soil stockpile sites, access roads, and the tailings paste plant site.	The plan addresses all facilities except the tailings paste plant site which is not part of the Evaluation Adit Plan.	Pages 3-1 to 3-10, Section 3.0 to 3.4
20	RCR	General reclamation and revegetation plans and site-specific planting designs for each mine facility as described in the Alternative V description in Chapter 2 of the FEIS pages 2-141 through 2-143. These plans will include but are not limited to the following items [See below]:	The plan addresses all facilities except the tailings paste plant site which is not part of the Evaluation Adit Plan.	Pages 3-1 to 3-10, Section 3.0 to 3.4
20a	RCR	Interim seeding will be done as soon as possible after disturbance.	RCR committed to interim revegetation on soil stockpiles, sediment control structures, and cut and fill slopes on roads. RCR eliminated the interim seed mix and committed to using the revegetation mixture for all disturbances. This change meets the intent of the EIS and concurrence of the agencies	Page 3-9, Section 3.4.2
20b	RCR	Trees and shrubs will be hand planted on slopes exceeding 30%.	RCR committed to this stipulation. Hand planting is proposed for all sites.	Page 3-10, Section 3.4.4; Page 3-6, Figure 11
20c	RCR	RCR will plant trees grown from locally collected seed inoculated with appropriate mycorrhizae.	RCR committed to this stipulation. Seed will be from sources adapted to local conditions.	Page 3-7, Section 3.4.1

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20d	RCR	Tree and shrub seedling protection will include shade cards, netting, and drip irrigation used April-June for up to 3 years on tailings paste facility.	Shade cards and drip irrigation are not proposed at the evaluation adit. RCR committed to planting trees and shrubs on the adit site, waste rock dump top, and portions of road cuts and fills. The tailings paste facility is not part of the Evaluation Adit Plan.	Page 3-10, Section 3.4.4; Page 3-6, Figure 11
20e	RCR	The soil will be scarified prior to seeding.	RCR committed to this stipulation.	Page 3-5, Section 3.3.3; Page 3-9, Section 3.4.2; Page 3-10, Section 3.4.3
20f	RCR	Any legumes used will be inoculated.	RCR removed clover from the seed mix.	Not Applicable
20g	RCR	RCR will use locally collected seeds.	RCR committed to this stipulation. Seed will be from sources adapted to local conditions.	Page 3-7, Section 3.4.1
20h	RCR	The seed mixes will contain palatable forbs and grass species to facilitate use by wildlife. The use of native species will be encouraged. The approved seed mixes are described in Appendix J of the FEIS.	RCR committed to this stipulation. The agency recommended seed mix would be utilized.	Page 3-7, Section 3.4.1
20i	RCR	Native shrubs and trees should be planted at the evaluation adit.	RCR committed to this stipulation.	Page 3-8, Table 10; Page 3-7, Section 3.4.1; Page 3-10, Section 3.4.4
21	RCR	A Vegetation Removal and Disposition Plan needs to be developed as outlined in the Alternative V description in Chapter 2 of the FEIS to ensure proper removal and disposition of existing vegetation prior to site construction. Slash will be used for BMPs and erosion control.	RCR committed to this stipulation and a new section was added to the Plan.	Page 3-3, Section 3.3.1
22	RCR	A Vegetation Management Plan needs to be developed to minimize disturbance during clearing and construction and to maximize revegetation success on all cut-and-fill slopes and reclaimed road segments described in the Alternative V description in Chapter 2 of the FEIS.	RCR committed to this stipulation by adding new sections to the Plan detailing prompt revegetation, soil stabilization techniques, monitoring, and reporting.	Page 3-3, Section 3.3.1; Page 3-9, Section 3.4.2; Page 3-10, Section 3.4.3; Page 3-13, Section 3.8

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ROD Id#	Who	Requirement	Comments	Evaluation Adit Application Response Location
25a	RCR	A detailed soil survey shall be conducted in areas to be disturbed to more accurately identify the volumes of different soil types that will be needed to facilitate soil storage and replacement.	RCR field checked the soil survey for the Evaluation Adit area and found no substantive changes to the 1991 Soil Survey (Poell 2005)	Page 1-3 to 1-16, Section 1.4
25b	RCR	Soils will be salvaged using a two-lift removal process and replacement soil depths shall be a minimum of 24 inches at all facilities except as specified in the evaluation adit reclamation plan.	RCR committed to this stipulation and would salvage and replace two-lift soil where feasible.	Page 1-16, Sections 1.4.4.3, 1.4.4.5; Page 3-3 to 3-6, Section 3.3
25c	RCR	Rocky soil (with a maximum of 50 percent rock fragments by volume) will be replaced on slopes 8% or greater. Lacustrine soils will be replaced on flatter slopes. Additional rocky soils shall be created from adding crushed rock to non-rocky (lacustrine) soils if sufficient volumes are not naturally available.	RCR committed to this stipulation and a new section was added to the Plan.	Page 3-5, Section 3.3.4
25d	RCR	Soils will be stockpiled and signed separately according to erodibility to facilitate replacement of appropriate soils according to reclaimed slopes.	RCR committed to this stipulation and a new section was added to the Plan.	Page 3-5, Section 3.3.3
25e	RCR	Soil stockpiles will be incrementally stabilized to minimize erosion and loss of soil.	RCR committed to this stipulation and a new section was added to the Plan.	Page 3-5, Section 3.3.3
25g	RCR	Direct haul of topsoil is to be maximized. This helps to retain soil structure and contains seeds that will help maintain plant diversity on reclaimed sites.	RCR committed to this stipulation and a new section was added to the Plan. Direct hauled soil is not feasible for the evaluation adit disturbances.	Page 3-4, Section 3.3.2
25i	RCR	During all operations the operator shall maintain the structures, equipment, and other facilities in a safe, neat and workman-like manner. Hazardous sites or conditions resulting from operations shall be marked by signs, fenced, or otherwise identified to protect the public in accordance with Federal and State laws and regulations.	RCR committed to this stipulation and a new section was added to the Plan.	Page 2-7, Section 2.1

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25j	RCR	Unless otherwise agreed to by the authorized officers, the operator shall remove within a reasonable time following cessation of operation all structures, equipment, and facilities and clean up the site of operation. Other than seasonally, where operations have ceased temporarily, an operator shall file an annual statement with the KNF a verification statement that includes: an expected reopening date; estimated time of shut-down.	RCR committed to this stipulation and a new section was added to the Plan.	Page 2-12, Section 2.4.6
26	RCR	RCR will provide an updated mine design plan prior to evaluation adit and mine adit construction.	RCR committed to submit an updated mine design plan prior to evaluation adit construction.	Page viii: The Revised Evaluation Application constitutes the "updated designs plan" required by the stipulation
29	RCR	A 1000-foot buffer zone will be maintained around Cliff Lake and the north and south ore outcrop interfaces in addition to the 100-foot buffer on either side of the Moran Fault, the Copper Lake Fault, and other faults as proposed by the applicant. A 450-foot vertical buffer will be maintained between the mine workings and the surface.	RCR submitted a revised page to reflect the 450-foot buffer language.	Page 2-10, Section 2.4.1
30	RCR	A number of facility features will be painted, stained, or modified to reduce contrast with the surrounding area as defined in the Alternative V description in Chapter 2 of the FEIS. These include but are not limited to the following items [See below]:	RCR committed to this stipulation and a new section was added to the Plan.	Page 2-4, Section 2.1
30b	RCR	Permanent (life-of-mine) structures within the project area will be treated and/or painted to visually blend with the surrounding landscape.	RCR committed to this stipulation and a new section was added to the Plan.	Page 2-4, Section 2.1
30c	RCR	Exposed rock and waste rock surfaces will be treated with oxidizing compounds if necessary to meet long-term Visual Quality Objectives (VQOs) at the mill, the wilderness ventilation adit, and the evaluation adit, if necessary.	RCR has submitted plans that meet the requirements of the stipulation.	Page 3-14, Section 3.8
31	RCR	RCR will use modified right of way clearance measures and vegetation management plans as described in the Alternative V description in Chapter 2 of the FEIS.	RCR committed to this stipulation and a new section was added to the Plan.	Page 2-19, Section 2.5.9

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32	RCR	RCR will maintain a number of buffer zones throughout the permit area to help screen mine facilities from nearby roads as described in the Alternative V description in Chapter 2 of the FEIS. These will include but are not limited to the following items [See below]:	RCR did not commit to this stipulation because the stipulation does not apply to the exploration phase.	RC Resources indicated in April 8, 2008 letter that this stipulation did not apply to the evaluation adit phase.
33	RCR	Exterior exploration adit and mill site lights will be shielded or baffled from viewpoints in the Clark Fork Valley and from night-migrating songbirds.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-5, Section 2.12.2.2
34	RCR	RCR will install and remove the temporary water line from the evaluation adit with a winch and cable.	RCR has proposed a buried pipeline in the road prism to minimize impacts and ground disturbance.	Appendix J, Figure J-1
35	RCR	RCR will replace above-ground vehicle back-up beepers with discriminating back-up alarms that sense movement behind a vehicle if allowed by MSHA.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-8, Section 2.2.2
37	RCR	RCR will adjust intake and exhaust ventilation fans in the evaluation and mine adits so that they generate sounds less than 82 dBA measured 50 feet downwind.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-7, Section 2.2.1
39	RCR	RCR will submit a final mitigation plan to maintain sensitive and T&E fish populations as outlined in the Alternative V description in Chapter 2, the Biological Assessment in Appendix B, FEIS, and the Biological Opinion May 9, 2003. This plan will include the development of a sediment source identification and reduction plan that will reduce 400 tons of sediment per year (see 53a for more detail).	RCR has submitted the sediment reduction plan to address this stipulation and September 2007 Biological Opinion in Appendix N and the sensitive and T&E mitigation plan in Appendix M.	Appendix M and N.
40	RCR	Barriers will be installed at two bridges and one culvert along FDR No. 150 to reduce the risk of vehicles and their contents from reaching Rock Creek in the event of an accident.	RCR has submitted plans that meet the requirements of the stipulation.	Page 3, Appendix L
42	RCR	A more detailed T&E mitigation plan will be developed and will include but is not limited to the following items [See below] and others identified in the Biological Assessment in Appendix B in the FEIS:	RCR submitted a revised Appendix K citing the most recent ROD.	Appendix K

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42a	RCR	RCR will develop a traffic management plan (see item 43 for details). Traffic on mine roads will be monitored (see #78 in Table C).	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-19, Section 2.6.2; Appendix L
42b	RCF	Road salt will not be used in the winter.	RCR has submitted plans that meet the requirements of the stipulation.	Pages 2 and 3, Appendix L
42c	RCR	Road kills will be removed daily and the numbers monitored. The need for monitoring will be re-evaluated after 5 years of operation.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2, Appendix L
42e	RCR	RCR will fund an FWP information and education position and program for grizzly bear conservation in conjunction with other mines operating in the area, such as the proposed Montanore Mine for a period of five years.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-2, Appendix K
42f	RCR	RCR will help fund one FWP law enforcement position in conjunction with other mines operating in the area, such as the proposed Montanore Mine for a period of five years.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-3, Appendix K
42g	RCR	Bear proof containers will be used and garbage will be removed in a timely manner at mine facilities.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-4, Appendix K
42h	RCR	Clover will not be included in any seed mixes during mine construction and operation.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-5, Appendix K
42i	RCR	Prohibit employees from carrying firearms except for security personnel and other designated persons.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-5, Appendix K
42j	RCR	Prohibit personnel from feeding wildlife especially bears.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-5, Appendix K
42k	RCR	RCR will fund the acquisition of bear-proof garbage cans for campgrounds within BMUs 4, 5, and 6.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-5, Appendix K
42l	RCR	RCR will require employees to attend training related to living near and working in grizzly bear habitat prior to starting work and on an annual basis thereafter.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-6, Appendix K

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42m	RCR	RCR will acquire perpetual conservation easements or purchase replacement grizzly bear habitat (2,350 acres). Of this, 153 acres will be acquired prior to evaluation adit construction, an additional 1721 acres prior to mine construction, 10 acres prior to constructing the air-intake ventilation adit, and 566 prior to mine operation. Details of transferring these lands to the USFS are described in the mitigation plan attached to the BA in Appendix B of the FEIS, Biological Opinion May 9 2003, pages A-11, A12.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-8, Appendix K
42q	RCR	RCR will acquire an additional 100 acres within the north-south corridor of which 53 acres must be acquired prior to evaluation adit construction. Location of these lands must be approved by the USFS and the FWS. Details of transferring these lands to the USFS are described in the revised mitigation plan attached to the BA in Appendix B.	RCR has completed the land acquisition, parcel submitted to USFS for environmental audit; USFS in process of accepting parcel, approval by May 2008	Page 2-6, Appendix K
42r	RCR	RCR will establish a trust fund/post a bond prior to initiating any activities to cover grizzly bear mitigation implementation costs according to the schedule in the revised mitigation plan attached to the BA in Appendix B.	RCR has set up an agreement and fund with FWP. This fund would be increased to cover the first five years prior to ground disturbance.	Page 2-14, Appendix K
42s	RCR	RCR will enter into a Memorandum of Understanding that outlines all participants' roles, the process for evaluating and approving components of the mitigation plan and describes the two FWP positions.	Not applicable; Agencies would continue but RCR cannot be a member because of federal statutes.	Page 2-14, Appendix K
42t	RCR	RCR will contribute funding to support radio telemetry monitoring of grizzly bear movements in the southern Cabinet Mountains.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-18, Appendix K
42u	RCR	RCR will fund the needed measures to make the Sanders County garbage transfer station near the mine entrance bear-resistant.	Stipulation 42u was not listed in the ROD as being one of the stipulations applicable to the Evaluation Adit phase	
43a	RCR	RCR will develop a traffic management plan that will include but is not limited to the following items: mine workers and visitors will be bused from parking lot.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2, Appendix L
49	RCR	The mine adits will be grouted ahead of blasting (directional grouting) to minimize seepage of ground water into the adits during and after mine construction and operation.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-11, Section 2.4.3

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50	RCR	A detailed water balance will be refined annually during evaluation adit construction and mine construction and operation as outlined in Appendix K of the FEIS.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-5, Appendix E
54	RCR	RCR will need to apply for a storm water permit and obtain a 318 permit prior to any land disturbing activities and construction.	This ROD stipulation was not marked as applicable to the Evaluation Adit phase, however, DEQ has authorized stormwater discharge under the general construction permit (Letter of March 13, 2008).	Page 2-17, Section 2.5.8
57	RCR	An alert level & contingency/corrective action plan for water quality will be developed (this is a component of the Water Resources Monitoring Plan as outlined in Appendix K of the FEIS).	RCR has submitted plans that meet the requirements of the stipulation.	Page 7-1, Appendix E
58	RCR	RCR will provide for maintenance and possible long-term post-closure water treatment until no mining-related waters need treatment prior to discharge to the Clark Fork River or ground waters.	RCR has submitted plans that meet the requirements of the stipulation.	Page 7-1 Appendix E
58a	DEQ KNF	Post-operational adit water will be treated and discharged to the Clark Fork River until it meets ground water quality standards or permit limits without treatment. Depending upon what impacts, if any, happened to the wilderness lakes and what the monitoring of rock mechanics and hydrology indicated about potential seepage from water stored in the mine, mine adits may be plugged at the mine workings and the mine portals sealed or the mine water may be pumped from the mine or allowed to drain through the portal seals and the drainage will be captured and piped to the water treatment plan for long-term water treatment. This will be determined by the agencies prior to mine closure. (See also item 23(a-b) above).	RCR has submitted plans that meet the requirements of the stipulation but have not yet secured access to the river. As a result, they have submitted a plan to percolate water in the proposed tailings impoundment footprint for the evaluation adit discharge.	Page 2-16, Section 2.5.3; Page 2-6, Figure 7; Appendix O
64a	RCR	All appropriate final design plans must be submitted to and reviewed and approved by the agencies prior to construction of the evaluation adit and the mine.	RCR has submitted plans that meet the requirements of the stipulation.	Page viii: The Revised Evaluation Application constitutes the "updated designs plan" required by the stipulation.

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64b	RCR	All reclamation, grading, and revegetation plans must be submitted to and reviewed and approved by the agencies prior to construction of the evaluation adit and the mine.	RCR has submitted plans that meet the requirements of the stipulation.	Page 3-1 to 3-13, Section 3.0
64c	RCR	All replacement pages for the exploration license application and the operating permit/plan of operations must be submitted to and reviewed and approved by the agencies prior to construction of the evaluation adit and the mine respectively.	RCR has submitted replacement pages for the Evaluation Adit application that meet the requirements of the stipulation.	RC Resources Application, Revised March 2008
64d	RCR	Any plans required by the air quality permit must be submitted to and reviewed and approved by the agencies prior to construction of the evaluation adit and the mine unless otherwise specified in that permit.	RCR has an approved Air Quality permit for the Evaluation Adit phase.	Page 1-1, Section 1.1
64e	RCR	Any plans required by the MPDES permit must be submitted to and reviewed and approved by the agencies prior to construction of the evaluation adit and the mine unless otherwise specified in that permit.	A MPDES permit is not needed for the evaluation adit as long as the treated adit discharge is percolated to groundwater and meets non-degradation requirements..	The commitment to comply with all applicable laws and regulations, including meeting non-degradation requirements is on Page 2-4, Section 2.1
64f	RCR	The operator shall comply with all applicable Federal and State fire laws and regulations and shall take all reasonable measures to prevent and suppress fires on the area of operations and shall require employees, contractors, and subcontractors to do likewise with in the permit boundary	This stipulation does not apply to the Evaluation Adit phase, but RCR has submitted plans that meet the requirements of the stipulation.	Page 2-17, Section 2.5.7
64g	KNF	If, after five years from initiating construction on the evaluation adit and the remaining portion of the project has not proceeded, or any cessation of mine development or operation, for reasons other than litigation, KNF will consult with the operator, DEQ, FWP, EPA, FWS, and other interested agencies on interim or final reclamation plans to be implemented as outlined in Alternative V this ROD, and the timeframes for implementation.	KNF would consult with the listed parties if the stipulation is not met.	RCR does not have to submit this stipulation as part of their plan.
65a	RCR	RCR will expand its geochemical testing program and monitoring plan to include testing of Rock Creek Project ore and waste rock (as well as that from the Troy Mine) prior to and during operations including acid-base accounting, kinetic leaching tests, and a response plan for collection and treatment of contaminated water.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-11 to 2-11c, Section 2.4.4; Appendix D

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65b	RCR	Analysis of lab and bulk samples of tailings created from extracted ore during evaluation adit construction will be compared to the Troy tailings. Some samples amended with cement or other additives will also be tested. Tests will be conducted to determine if additives are necessary to modify the potential geochemical behavior to avoid adverse leachate to surface or ground waters. The agencies and the Technical Panel will review the results and make the final determination if additives will be required and the method of application.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-19, Section 2.6.3; Appendix D
66	RCR	RCR will develop an Evaluation Adit Data Evaluation Plan that will include requirements 17, 19, and 33. This plan will require review of data collected from the evaluation adit before construction of the mine can begin. If any of the data is substantially different from that used in the analysis of the FEIS and/or if the impacts will be substantially different or greater than disclosed in the FEIS, then the plan of operations and reclamation plan will need to be modified to reduce the impacts to the level disclosed in the FEIS. If that is required and/or if the impacts cannot be reduced, then a revised plan of operations will be subject to additional MEPA/NEPA analysis as required by MMRA and USDA Forest Service regulations.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-1, Section 2.1; Appendix D; Appendix E; Appendix F
67	RCR	RCR will develop a more detailed aquatics and fisheries monitoring plan.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-19, Section 2.6.4; Appendix M
69	RCR	RCR will develop a more detailed wildlife monitoring plan to monitor neotropical migrant birds, mountain goats, and sensitive wildlife species (including harlequin ducks) or RCR will provide funding to appropriate federal and state agencies for related monitoring programs in the Rock Creek drainage and surrounding areas.	RCR has submitted plans that meet the requirements of the stipulation.	Appendix K
69a	RCR	RCR will contribute funding to that portion of the KNF's forest-wide monitoring program for harlequin ducks that covers Rock Creek. Protective measures will be required of RCR to reduce or minimize those impacts if found to be outside the range of disclosure in the FEIS.	RCR has submitted plans that meet the requirements of the stipulation. RCR has committed to funding these programs.	Page 6-1, Appendix K

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ROD Id#	Who	Requirement	Comments	Evaluation Adit Application Response Location
73	RCR	RCR will need to expand its water resources monitoring plan as outlined in the revised Appendix K in the ROD and in the MPDES permit in the FEIS. Monitoring will be done at all permitted discharge outfalls, in the underground mine (including ponded water within the workings), and at existing domestic water supply wells downgradient of the tailings paste facility. Monitoring will continue for at least 20 years after mine water meets ground water standards.	RCR has submitted plans that meet the requirements of the stipulation and the monitoring for the groundwater disposal area.	Page 3-12, Section 3.7.1; Appendix E; Page O-3, Appendix O; Figure O-1, Page O-2.
73a	RCR	A remedial action plan included in the water resources monitoring plan will be developed for the Rock Creek Project. This plan will be based on the potential remediation of various possible degradation scenarios. In conjunction with this, the Spill Contingency Plan will be updated and finalized.	RCR has submitted plans that meet the requirements of the stipulation.	Pages 7-1 to 7-6, Section 7.0, Appendix E
73b	RCR	RCR will acquire additional water quality and flow monitoring and hydrogeologic characterization during evaluation adit construction and continue to collect such data during mine construction and operation as outlined in Appendix K of the FEIS.	RCR has submitted plans that meet the requirements of the stipulation.	Appendix E
73c	RCR	An additional springs and seeps survey will be conducted during evaluation adit construction.	RCR has submitted plans that meet the requirements of the stipulation.	Page 3-1, Section 3.0, Appendix E
73d	RCR DEQ KNF	RCR will work with DEQ and KNF to develop an MOA that will describe the process of selecting and funding a third-party contractor in amounts equal to RCR's costs for the required water quality monitoring. All RCR's required water-quality monitoring will be accomplished through implementation of this agreement.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-20, Section 2.6.6
74	RCR	Continued collection of mine drainage and tailings seepage water quality data from the Troy Mine will be required for comparison purposes to help determine if there could be potential unanticipated long-term water quality impacts at Rock Creek.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-20, Section 2.6.6
75	RCR	The rock mechanics and hydrogeologic sampling, testing, and monitoring program will be expanded and conducted during evaluation adit construction and mine construction and operation as outlined in Appendix K of the FEIS.	RCR has submitted plans that meet the requirements of the stipulation.	Appendix E, Appendix F

APPENDIX A

Rock Creek Project - 2003 Record of Decision Stipulations

Note: RC Resources Inc.=RCR; KNF=Kootenai NF; DEQ=MT Dept. of Environmental Quality

ROD Id#	Who	Requirement	Comments	Evaluation Adit Application Response Location
76	RCR	A subsidence control and monitoring plan will be developed and will include an underground mine plan review by the agencies prior to entering areas of potential subsidence.	RCR has submitted plans that meet the requirements of the stipulation.	Appendix F
77	RCR	RCR will work with FWP and FWS to monitor fish passage through the mixing zone and above the diffuser. If necessary, data will be used to determine if changes to the diffuser are necessary to allow passage of bull trout from Cabinet Gorge to Noxon dam where efforts are being made to capture the fish and move them into Noxon Reservoir.	RCR has submitted plans that meet the requirements of the stipulation.	Appendix M, Page 6, Bullet 5.
78	RCR	RCR would develop a transportation monitoring plan that would document the amount of mine-related traffic on project roads, total ttraffic on major public roads in the project area, and the effectiveness of road closures as described in the Biological Assessment and Biological Opinion in the final EIS.	RCR has submitted plans that meet the requirements of the stipulation.	Page 2-19, Section 2.6.2,; Appendix L, Section 3.0,
79	RCR	RCR would develop a threatened, endangered, and proposed species monitoring plan for terrestrial species as outlined in the revised Appendix K in the ROD and the Biological Assessment and Biological Opinion in the FEIS.	RCR has submitted plans that meet the requirements of the stipulation.	Appendix K