



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html

In Reply Refer To:
3809 (NV0100)
NVN-090457

FEB 04 2013

CERTIFIED MAIL: 7011 1570 0000 2334 5405

Return Receipt Requested

DECISION

Halliburton Energy Services, Inc.	:	
Attn: Mrs. Anita Brown	:	Surface Management
912 Dunphy Ranch Road	:	
Battle Mountain, NV 89820	:	

Pleasant View Exploration Project Plan of Operations Approval
Determination of Required Financial Guarantee
Conditions of Approval Required
Notice Vacated

INTRODUCTION

The Bureau of Land Management (BLM) has prepared Environmental Assessment (EA) DOI-BLM-NV-B010-2012-0059-EA that analyzes the affected environment and environmental impacts associated with Halliburton Energy Services, Inc. (HES) Pleasant View Exploration Project (BLM case file number NVN-090457). The Pleasant View Exploration Project (Project) is located approximately 14 miles southeast of the town of Battle Mountain, Nevada. The Project is located entirely on public lands administered by the BLM Mount Lewis Field Office (MLFO) in all or portions of Section 2, Township 30 North, Range 46 East (T30N, R46E) and Section 34, Township 31 North, Range 46 East (T31N, R46E), Mount Diablo Base and Meridian (MDBM), Lander County, Nevada. The Project area encompasses approximately 698 acres administered by the BLM MLFO.

The Project is accessed by traveling southeast on Hilltop Road out of Battle Mountain, Nevada, for approximately 9 miles; then turning left and proceeding for approximately 1.6 miles to the fork. Bear right and travel approximately one mile to another gravel road to the southeast, and continue traveling 0.75 miles to the project boundary.

In November 2011, HES submitted to the MLFO the Pleasant View Exploration Project Plan of Operations (Plan), which was assigned BLM case file number NVN-090457. The Plan was

revised in March 2011 and a final revised Plan was received in May 2011. The Plan will expand the Notice-level exploration activities on public lands that are currently being conducted under a Notice accepted by MLFO (BLM case file number NVN-089501). The Notice will be vacated with the approval of the Plan and the remaining reclamation requirements under the Notice will be incorporated into the reclamation requirements of the Plan. The Plan includes construction of new exploration drill roads, pads, and sumps, improvement of existing and unreclaimed exploration roads, overland travel to some drill sites, and maintenance of existing access roads (within the Plan boundary). HES also plans to construct a laydown area on a previously disturbed area, remove an existing barite stockpile to a transfer site and then to an existing facility for processing, and reclaim the site.

Under the Plan, HES proposes to conduct exploration related activities that will create approximately 41.3 acres of total surface disturbance over the three-year life of the Project. The 41.3 acres of disturbance includes 19.4 acres of new disturbance, 4.5 acres of existing Notice-level disturbance, and 17.4 acres of existing historic disturbance to be used and reclaimed by HES.

The Plan is consistent with Federal law, BLM regulations and policy, and the BLM Shoshone-Eureka Resource Management Plan (1986), as amended. The U.S. Department of the Interior's Surface Management regulations, Code of Federal Regulations (CFR) 43 Subpart 3809 (43 CFR 3809), and current BLM policy permit mineral development on public lands, if such activities do not cause unnecessary or undue degradation of the public resources. In addition, the Plan is consistent with the plans and policies of neighboring local, county, state, tribal, and federal agencies and governments. The Plan, with design features, as well as additional environmental measures stipulated by the BLM, will not cause unnecessary or undue degradation of public lands.

BACKGROUND

Internal scoping meetings for the BLM were initiated on June 26, 2012. During the scoping meeting, BLM resource specialists identified the supplemental authorities and other resources and uses to be addressed in the EA. The following specific issues related to the Proposed Action were identified as present/potentially affected: Cultural Resources; Bald and Golden Eagles; Migratory Birds, Native American Religious Concerns; Noxious Weeds/Invasive Non-native Species; Wetlands and Riparian Zones; Waste-Hazardous/Solid; Water Quality; Minerals; Socio-Economic Values; Soils; Special Status Species (Plants and Wildlife); Vegetation; and Wildlife.

The supplemental authorities and other resources and uses that were determined to be present/not affected are: Air Quality; Grazing Management; Recreation; and Visual Resources.

The supplemental authorities and other resources and uses that were determined to be not present are: Area of Critical Environmental Concern (ACEC); Environmental Justice; Farmlands (Prime or Unique); Floodplains; Forests and Rangelands (HFRA Projects only); Human Health and Safety (Herbicide Projects); Threatened or Endangered Species; Wild and Scenic Rivers; Wilderness/Wilderness Study Areas (WSA)/Lands with Wilderness Characteristics; Land Use Authorization; Paleontological Resources; and Wild Horses and Burros.

PUBLIC INVOLVEMENT

Native American tribal consultation letters were sent in April 2012 and June 2012. Consultation initiation/invitation letters were sent to the following: Te-Moak Tribe of Western Shoshone, Battle Mountain Band, Duckwater Shoshone Tribe. No site visits were requested by the tribes.

The EA was made available for a 30-day public comment period ending on January 10, 2013. Notifications of the availability of the EA were sent to persons and agencies on the project mailing list. One individual requested a hard copy of the document, which he received on December 31, 2012. Two public comments were received from the Nevada Department of Wildlife (NDOW). The Finding of No Significant Impact (FONSI), can be found in the enclosed Attachment A.

All correspondence relative to this planning process is part of the public record and available for review at the MLFO. Information gathered as a result of the above mentioned contacts and correspondence was utilized by the BLM staff to identify issues and formulate alternatives.

DECISION

As a result of the analysis presented in the EA, and after carefully considering the comments and input received from the public, it is my decision to:

1. Approve the Pleasant View Exploration Project Plan of Operations with the conditions of approval listed below. This management decision for the Pleasant View Exploration Project is issued pursuant to 43 CFR 3809.803. This Decision is effective immediately and will remain in effect while appeals are pending before the Office of Hearings and Appeals (OHA) unless OHA grants a stay under §4.21(b) of this title. The Plan of Operations for the Halliburton Energy Services, Inc. Pleasant View Exploration Project is hereby approved subject to the conditions of approval required to implement the Pleasant View Exploration Project in order to prevent unnecessary or undue degradation. HES must conduct operations as described in the Plan and in accordance with the conditions of approval contained in this Decision.

Based on your reclamation cost estimate, the BLM review of the cost estimate, and consideration of the conditions of approval, the required financial guarantee amount is hereby set at \$204,853 for reclamation of the Pleasant View Exploration Project. This amount is subject to change pending further review by the BLM and the Nevada Bureau of Mining Regulation and Reclamation. You must provide a financial guarantee in this amount using one or more of the acceptable financial guarantee instruments listed in 43 CFR 3809.555.

Within 60 days of receipt of this Decision, a financial guarantee in the amount of \$204,853 must be filed and accepted by the Bureau of Land Management, Nevada State Office, Branch of Minerals Adjudication, 1340 Financial Blvd, Reno, NV 89502-7147. Failure to do so may result in enforcement action being taken against HES. That office will issue you a decision as to the acceptability of your financial guarantee. **You must not begin surface disturbing activities under the Plan of Operations until you receive notification from the BLM State Office that the financial guarantee has been accepted.**

Approval of a Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the exploration operation. **HES is responsible for obtaining any use rights or local, state or federal permits, licenses or reviews that may be required before operations begin.**

This decision also constitutes concurrence with HES's use and occupancy of public lands as described in the approved Plan of Operation. HES must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 3715.2-1 and 3715.5 throughout the duration of the approved Plan of Operations. Concurrence by BLM on HES's proposed use and occupancy is not subject to State Director review, but may be appealed by adversely affected parties directly to the Interior Board of Land Appeals as outlined in enclosed BLM form 1842-1.

The rationale for the attached FONSI supports this decision. The Proposed Action coupled with operating, environmental mitigation and reclamation measures detailed in the EA and listed in this document have led to my decision that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not result. This decision is consistent with the 1986 Shoshone-Eureka Resource Management Plan and Record of Decision.

The BLM approval of the Plan will be subject to operating, mitigation, reclamation and monitoring measures proposed by HES in the Plan of Operations, the performance standards set forth in §3809.420 and additional BLM mitigation measures set forth in the EA and restated in this Decision.

2. Conditions of Approval

Air Quality

Project-related traffic will observe prudent speed limits to enhance public safety, protect wildlife and livestock, and minimize dust (particulate) emissions. Water truck(s) will be used as necessary to manage fugitive dust. Project vehicles will be maintained on a regular basis to ensure they are operating in a manner to minimize vehicle emissions. HES will acquire a Surface Area Disturbance Permit from the NDEP- Bureau of Air Pollution Control.

Water Quality

Erosion and Sediment Control

HES will conduct exploration operations in a manner to minimize soil erosion. Equipment will not be operated when ground conditions are such that excessive rutting or increased sediment transport would occur. When drainages must be crossed by a road, best management practices (BMPs) will be followed to minimize surface disturbance and erosion potential. HES will monitor the effectiveness of erosion control measures as deemed necessary, in the spring and fall, after large precipitation events, and as part of releasing the reclamation financial guarantee.

During winter months, snow removal will be conducted using a motor grader or a snow plow mounted on an over-the-road dump truck. Snow will be piled over the side of the safety berms on the access or haul roads or stacked in wide, flat areas near the access roads, drill pads, and other facilities. Snow will not be stacked or piled in areas where spring runoff could adversely impact

nearby streams or ephemeral drainages (i.e. sediment loading). If necessary, a loader and an over-the-road dump truck will be utilized to remove snow from these areas.

Sediment control structures may include, but would not be limited to, fabric and/or weed-free hay bale filter fences, siltation or filter berms, and drainage channels.

Spill Contingency

In the event hazardous or regulated material, such as diesel fuel, is spilled HES would take appropriate measures to control the spill, and the NDEP and BLM would be notified as per NDEP regulations and permit requirements. Spills would be managed according to the site Spill Contingency Plan (HES 2012). Spilled liquids would be placed in suitable, approved containers, and contaminated soils would be placed in drums for temporary storage and transportation to an approved disposal facility.

Materials and equipment necessary for spill cleanup will be kept on operational vehicles to mitigate releases or spills in the field. Equipment will be maintained in good working order to reduce the potential for releases. When practicable, equipment maintenance will be performed off-site. If emergency maintenance is performed at the-site, measures to prevent the release of materials will be carried out according to the Spill Contingency Plan (HES 2012).

Drilling Effluent Management

Sumps will be constructed within the footprint of each drill pad to collect drill cuttings and to manage drilling fluids. Sumps will be approximately two feet wide by seven feet long by three and one half feet deep. A seven-foot long ramp will lead from the sump bottom to the surface to provide for wildlife and cattle egress. Sumps will be backfilled when they have dewatered after completion of drilling for safety reasons and to ensure protection of the environment. If mud tanks are cleaned at the site, the contents would be contained in the sump and covered with backfill.

Drill Hole Abandonment

Drill holes will be plugged in accordance with Nevada Administrative Code (NAC) 534.4371.

Noxious Weeds/Invasive Non-native Species

Employees and contractors will be educated to identify noxious weeds that could occur in the proposed disturbance areas. HES would report occurrences of noxious weeds to the BLM authorized officer and take appropriate measures to prevent the spread of noxious weeds BMP's include the following:

- Flagging areas of concern to prevent employees and contractors from driving through a stand of listed noxious weeds;
- Seeding growth media stockpiles as soon as practical with an interim BLM-approved certified noxious weed-free seed mix;
- Using certified weed-free hay and straw;
- Using a BLM-approved certified noxious weed-free seed mix to reduce invasive species over time by developing and maintaining desired plant communities; and

- Washing equipment to prevent the transfer of noxious and undesirable weed seed from other areas. Washing would occur either at the site prior to demobilization or at the contractor's shop.

Wildlife and Vegetation

To minimize impacts to wildlife and plant resources within the Project Area, HES will utilize existing access and exploration roads to the maximum extent possible. In addition, new surface disturbance will be kept to the minimum required to provide safe equipment access and crew working areas at each drill site. Disturbed areas would be reclaimed by recontouring and revegetating at the earliest practical time upon the completion of exploration operations. If necessary, HES, in coordination with the BLM, would implement measures to avoid or protect special status plant or wildlife species that could potentially be impacted by the Proposed Action.

Land clearing and surface disturbance will be timed to prevent destruction of active bird nests or of young birds during the avian breeding season (March 1 through July 31) in accordance with the Mount Lewis Field Office specialist recommendations and with the Migratory Bird Treaty Act of 1918 (MBTA). If surface-disturbing activities are unavoidable, HES will have a qualified biologist survey areas proposed for disturbance for the presence of active nests immediately prior to the disturbance.

If active nests are located, or if nesting behaviors are observed (mating pairs, territorial defense, carrying nesting material, transporting of food), the area will be avoided using a United States Fish and Wildlife Service (USFWS)-approved buffer to prevent destruction or disturbance of nests until the birds are no longer present. Avian surveys would be performed only during the avian breeding season and would be valid for 10 days. Outside of the ten-day time frame HES would not conduct additional disturbance during the avian breeding season without first conducting another survey.

Baseline studies identified sage grouse sign within the project area. In an effort to minimize impacts to sage grouse resources which presently utilize the project area, Halliburton is required to adhere to the following conditions:

- Survey known leks in suitable habitat within 3 miles of active or proposed disturbance a minimum of twice during the lekking period (March 1- May 15).
- Should any lek within 3 miles of the project area be active, Halliburton may be required cease activity between the hours of 4 am and 10 am daily from March 1 to May 15 if it is determined that noise or activity from disturbance could impact active greater sage-grouse leks.
- Prior to any ground disturbing activities, conduct nest clearance surveys during the sage grouse nesting season (March 15 – June 30). If nesting sage grouse are present, a BLM approved buffer will be placed around the nest until the structure is vacated.

Peregrine Falcon and Long Eared owl nests have been observed within the Project Area. If these nests remain active, or if other active raptor nests are observed during a raptor survey, disturbance within one mile of the nests will be avoided between March 1 and August 31 or the

appropriate time frames for the species as provided by accepted published guidelines and upon consultation with the BLM and NDOW resource specialists. Raptor nests will not be removed as a result of the exploration operation unless approved by the appropriate agency (NDOW and/or USFWS).

Bald and golden eagles are protected under the *Bald and Golden Eagle Protection Act* of 1940 (Act) (16 USC 668-688d). The Act prohibits the taking or possession of and commerce in bald and golden eagles, parts, feathers, nests, or eggs with limited exceptions. The definition of "take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb. "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available:

- Injury to an eagle;
- A decrease in its productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or
- Nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior.

This definition also covers impacts that may result due to human activities to or around a nesting site during times when eagles are not present, if when the eagles return, the alternations or activities interrupt their normal breeding, feeding, sheltering, or cause death, or nest abandonment.

Avian surveys will be conducted prior to ground disturbance as described above to determine the presence or absence of eagles as well as other migratory avian species protected under the MBTA. If nesting or brooding eagles are determined to be present, HES will avoid the area using a buffer zone developed in coordination with the BLM and NDOW.

Project-related traffic will observe prudent speed limits, 25 mph or less, to minimize fugitive dust emissions, protect wildlife and livestock, and to enhance public safety.

Fire Protection Measures

The following precautionary measures will be taken to prevent and report wildland fires:

- Vehicles will carry fire extinguishers;
- Adequate firefighting equipment (e.g., shovel, Pulaski, and extinguishers), and an ample water supply will be kept at each drill site;
- Vehicle catalytic converters will be inspected often and cleaned of brush and grass debris;
- HES will conduct welding operations in an area free from or mostly free from vegetation. An ample water supply and shovel will be on hand to extinguish fires created from the sparks. Personnel would be at the welding site to watch for fires created by welding sparks;
- HES will report wildland fires immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444; and

- Before conducting operations during the months between May and September, HES will contact the BLM Mount Lewis Field Office, Division of Fire and Aviation at (775) 635-4000 to inquire about any fire restrictions in place for the area of operation.

Cultural Resources

Avoidance is the HES-preferred treatment for preventing effects to historic properties (a historic property is any prehistoric or historic site eligible to the National Register of Historic Places (NRHP)) or unevaluated cultural resources. Individuals and HES will use the results of the Class III cultural resources surveys to ensure sites eligible for the NRHP are appropriately avoided. Site area borders will be staked and/or flagged with buffer areas as needed. No cultural resource sites recommended as eligible for the NRHP were located during the Class III cultural surveys as discussed in Section 3.

The proponent will be responsible for ensuring that employees, contractors, or others associated with the Project do not damage, destroy, or vandalize surface archaeological, historical, or vertebrate paleontological sites or the artifacts/fossils within them. Should damage to cultural or paleontological resources within or near the Project Area occur during the period of construction, operation, or rehabilitation due to the unauthorized, negligent, or inadvertent actions of the proponent or Project personnel, the proponent would be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities could be subject to penalties under the Archaeological Resources Protection Act of 1979 (16 U.S.C 470ii), the Federal Land Management Policy Act of 1976 (43 U.S.C 1701), the Native American Graves Protection and Repatriation Act of 1990 (16 U.S.C. 1170) and other applicable statutes.

If human remains/burials, previously unidentified cultural (archaeological or historical) resources, or vertebrate paleontological resources are discovered while conducting activities related to the Proposed Action, the proponent would immediately cease activities within 300 feet of the discovery, ensure the discovery is appropriately protected, and immediately notify the Mount Lewis Field Manager by telephone, followed with written confirmation. Work would not resume, and the discovery would be protected until the BLM Authorized Officer issues a notice to proceed. Where feasible, areas of disturbance would be redesigned and managed to avoid impacts to eligible or unevaluated cultural resources within or near the Project Area. A 100-foot wide buffer would be established between such properties and Project Area. A lesser buffer may be used if a physical barrier (fence, creek, etc.) exists between them.

If Project redesign is not practical, or is not an effective method for mitigating adverse effects to cultural properties, data recovery in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716 (September 29, 1983), as amended or replaced), would be conducted by the proponent. Once data recovery has been completed and accepted by BLM and the State Historic Preservation Officer, the BLM would issue a Notice to Proceed for work at that location.

If unevaluated or NRHP eligible sites cannot be avoided, additional information would be gathered by a qualified archeologist, and the site would be evaluated. If the site does not meet eligibility criteria as determined by the BLM, no further cultural work would be performed. If

the site meets eligibility criteria, a data recovery plan or appropriate mitigation could be completed.

Public Safety

The exploration area is not frequently visited by the public. However, HES will place a sign at the transfer site to warn the public of the possibility of articulated trucks on the access road. The signs will be present during the days that trucks will be hauling material. The articulated truck drivers will be required to use caution on the access road and limit speeds to under 25 miles per hour. Sumps will be bermed for safety until they are backfilled. The existing main access road will not be blocked by drilling equipment.

Survey Monuments

Survey monuments, witness corners, and/or reference monuments will be protected to the extent practicable. If monuments are damaged during operations, HES would immediately report the matter to the BLM authorized officer. If required by the BLM, the cost to replace damaged or destroyed survey monuments, witness corners, and/or reference monuments would be HES' responsibility.

Solid and Hazardous Materials

Project-related refuse will be hauled from the site as it is generated and will be disposed of either in a landfill (Battle Mountain or Elko) or in a dumpster located at the trucking contractor's place of business. Refuse will be placed in heavy duty plastic bags for transport. In the event hazardous or regulated material such as diesel fuel is spilled, HES would take measures to control the spill, and the NDEP and BLM would be notified as per NDEP regulations and permit requirements. Spilled materials would be handled according to the site Spill Contingency Plan (HES 2012). Spilled liquids would be placed in suitable, approved containers, and contaminated soils would be placed in drums for temporary storage and transportation to an approved disposal facility. Only non-toxic substances would be used in the drilling process.

3. BLM Notice NVN-089501 is hereby vacated with the approval of the Plan. The remaining reclamation requirements under this Notice are incorporated into the reclamation requirements of the Plan.

RATIONALE

The Plan in combination with the preceding Conditions of Approval, and the attached FONSI show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the exploration activities at the Pleasant View Exploration Project.

The Plan is in conformance with the Shoshone-Eureka Resource Management Plan Record of Decision (ROD) which states: 1) "Make available and encourage development of mineral resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals (page 29)," 2) the ROD also states "All public lands in the planning area will be open for mining and prospecting unless withdrawn from mineral entry (page 29),"

and 3) final reclamation will ensure public safety and the return of the exploration disturbance to its pre-exploration land uses of grazing, wildlife habitat, and mineral exploration. Final reclamation will also reduce visual contrast created during the mining operation.

The Plan is in conformance with the President's National Energy Policy Act of 2005 as per Instruction Memorandum (IM-2002-053), as put forth in Executive Order 13212 and will not have an adverse impact on energy development, production, supply, and/or distribution. The EA and FONSI support this decision.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et.seq.); General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA); 43 CFR Part 3800 Subpart 3809- Surface Management (16 USC et.seq.); and 43 CFR Part 3710 Subpart 3715 – Use and Occupancy Under the Mining Laws.

APPEAL OF THE DECISION

If you are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision. If you request a State Director Review, the request must be received in the BLM Nevada State Office at:

BLM Nevada State Office
State Director
1340 Financial Blvd.
Reno, Nevada 89502-7147

no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at 50 Bastian Road, Battle Mountain, NV 89820, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 50 Bastian Road, Battle Mountain, NV 89820, within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.


 Christopher J. Cook
 Field Manager
 Mount Lewis Field Office

2/4/2013
 Date

Enclosures

cc: Bruce Holmgren
 Nevada Division of Environmental Protection
 Bureau of Mining Regulation & Reclamation
 901 S. Stewart Street, Suite 4001
 Carson City, Nevada 89701

Minerals Adjudication Branch
 NV-923

Lindsay Lesmeister
 Eastern Region Mining Biologist
 Nevada Department of Wildlife
 60 Youth Center Road
 Elko, NV 89801

(CERTIFIED MAIL: 7011 1570 0000 2334 5030)

Skip Canfield
Nevada Division of State Lands
901 S. Stewart St, Ste 5003
Carson City, NV 89701-5246

SRK
Attn: Carrie Schultz
Suite 520, 1250 Lamoille Highway
Elko, NV, 89801, USA