

**DECISION RECORD
FOR
Rockwood Lithium Inc.'s
Proposed Goat Island Mineral Material
Sale**

BLM EA Number: DOI-BLM-NV-B020-2013-0049-EA

INTRODUCTION

Rockwood Lithium, Inc. has submitted an application for a non-competitive mineral material sale of 100,000 cubic yards of rip-rap and 100,000 cubic yards of clay to be extracted from existing pits located near Silver Peak, Esmeralda County, Nevada. The materials would be extracted over a 5-year period (20,000 cubic yards per commodity per year). These materials are required by Rockwood to maintain dikes on existing lithium evaporation ponds and for the construction of dikes and the lining of future ponds situated on Rockwood's mining claims.

The purpose of this action is to provide Rockwood Lithium (Rockwood) with authorized use of the public land managed by the BLM to extract mineral materials in compliance with the Federal Land and Policy Management Act of 1976 (FLPMA), Federal regulations at 43 CFR§ 3600 and other applicable federal and state laws.

DECISION

The Proposed Action is to dispose of, through non-competitive sale, the quantities of rip-rap and clay materials as described and analyzed in Environmental Assessment, DOI-BLM-NV-B020-2013-0049-EA. A No Action alternative was considered; however, since it would not meet the purpose and need for action and would not be consistent with the objectives of the Tonopah Resource Management Plan (RMP) and Record of Decision (1997). On this basis, it was not selected.

As a result of the analysis presented in the EA, it is my decision to approve the Proposed Action enabling the mineral material sale. This decision is issued under the authority of The Act of July 31, 1947 as amended (30 U.S.C. 601 et seq.) which gives authority for the disposal of mineral materials from public lands of the United States and Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) which directs the Secretary to manage public lands under the principles of multiple use and sustained yield in accordance with the land use plan developed under the act. This decision is effective immediately upon signing of this Decision Record.

A Finding of No Significant Impact (FONSI) supports this decision. The FONSI was prepared separately and it accompanies this Decision Record. The Proposed Action coupled with mitigation measures and detailed in the EA and FONSI 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.

All resource values impacted by the Proposed Action have been evaluated for cumulative impacts. It has been determined that cumulative impacts would be negligible for all resources.

CONFORMANCE

I have determined that the Proposed Action is in conformance with the Tonopah RMP and Record of Decision (1997) and is consistent with the applicable plans and policies of Esmeralda County, the State of Nevada, and tribal and federal agencies.

The Mineral Materials Objective as stated in the Tonopah RMP (page 23) is to, "Provide for the extraction of mineral materials such as sand, gravel, building stone, cinders, etc., to meet public demand."

It has been determined that the area of the proposed sale is within an area that is designated as open to mineral material disposal. Management direction presented in the RMP is to, "Continue to provide mineral materials from existing authorized sources unless closed to meet specific management objectives of other resources (Tonopah RMP, page 23)."

PUBLIC INVOLVEMENT

The EA (DOI-BLM-NV-B020-2013-0049-EA) was made available for public review and comment on the BLM's National NEPA Register Page accessed through the Battle Mountain District website from June 8, 2014 to July 7, 2014. As of the signing of this Decision Record, no substantive comments were received.

CONSULTATION AND COORDINATION

Comments were solicited from the Nevada Department of Wildlife (NDOW) in e-mail dated May 7, 2014. NDOW indicated that they had no concerns with regards to the project and no new biological surveys would be required as long as no blasting associated with rip-rap extraction would take place.

A certified letter was sent to the Timbisha Shoshone Tribe on May 14, 2014 asking if they had any comments and concerns in relation to the project. The Tribe indicated that since the area was previously disturbed and no blasting would occur they had no comments or concerns.

RATIONALE

The BLM has the responsibility to consider the approval of mineral materials sales applications under The Act of July 31, 1947 as amended (30 U.S.C. 601 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732) and regulations at 43 CFR § 3600, Mineral Materials Disposal.

The approval of the application meets the stated objective for Mineral Materials as stated in the Tonopah RMP (page 23) which is to, "Provide for the extraction of mineral materials such as sand, gravel, building stone, cinders, etc., to meet public demand."

APPEAL AND PETITION FOR STAY

This decision is issued under 43 CFR§ 3600 and is effective immediately upon signing of this Decision Record (DR). Thus, notwithstanding the provisions of 43 CFR 4.21(a) (1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (Tonopah Field Office) within 30 days from the effective date of this decision. Within 30 days after filing the Notice of Appeal, you must file a complete statement of reasons why you are appealing to:

United States Department of the Interior
Office of Hearing and Appeals
Interior Board of Land Appeals
801 N. Quincy Street, MS 300-QC Wilson Blvd.,
Arlington, Virginia 22203

The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (b) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, 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 the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals 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.

WHERE TO FILE
NOTICE OF APPEAL

U.S. Department of the Interior
Bureau of Land Management
Tonopah Field Office
1553 S. Main Street
Tonopah, NV 89049

SOLICITOR
ALSO COPY TO

U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

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 shall show sufficient justification based on the following standards:

- (1) The relative harm to the 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, and
- (4) Whether the public interest favors granting the stay.



Timothy J. Coward
Field Manager
Tonopah Field Office

7/15/2014

Date