



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Tonopah Field Office

P.O. Box 911 (1553 South Main Street)

Tonopah, Nevada 89049

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

In Reply Refer To:

N-73109

3809 (NVB0200)

AUG 27 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 9171 9690 0935 0040 6387 65

DECISION

Mineral Ridge Gold, LLC. :
Chris Zerga : 43 CFR 3809 – Surface Management
1515 7th Street : Plan of Operations
Elko, NV 89801 :

Mineral Ridge Mine: Fall 2014 Bat Exclusions - Approved - Conditions of Approval Required

Mineral Ridge Gold (MRG) has submitted to the BLM proposed modifications to the permitted *Pit Expansion Plan of Operations Amendment* (Pit Expansion Plan Amendment) (MRG 2013). As proposed, the modifications would involve disturbances to historic underground workings that provide habitat for bats. In order to minimize impacts to bats, MRG has proposed the installation of bat exclusions and the permanent closure of 19 sites within the authorized Project Area.

The Bureau of Land Management (BLM) has prepared a Determination of NEPA Adequacy (DOI-BLM-NV-B020-2014-0045-DNA) which evaluated whether *An Environmental Assessment of Mineral Ridge Gold's Proposed Plan of Operations Amendment* (DOI-BLM-NV-B020-2014-0002-EA) [referred to herein as the Pit Expansion EA] adequately analyzed the impacts associated with the exclusions. It was determined that the proposed bat exclusions will not impart direct, indirect, or cumulative impacts that have not been adequately analyzed in the aforementioned EA. None of the impacts disclosed in the Pit Expansion EA were determined to be significant.

DECISION

As a result of the determination that impacts to bats have been adequately analyzed in the Pit Expansion EA and found to be insignificant, it is my decision to approve the Proposed Action with the attached Conditions of Approval.

CONDITIONS OF APPROVAL

MRG must conduct operations and in accordance with the following conditions of approval.

1. MRG will not knowingly disturb, alter, injure, or destroy any cultural resources (historic or prehistoric sites or objects, or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony). Any cultural resources discovered by MRG during the course of implementing the Proposed Action shall be immediately reported to the BLM Authorized Officer, by telephone, and followed by written confirmation. MRG shall suspend operations within 100 meters of such a discovery and protect it until the BLM Authorized Officer issues a Notice to Proceed. Operations may resume only upon written authorization to proceed from the Authorized Officer. The BLM will, as appropriate, evaluate the significance of the find within 10 working days and determine the need for mitigation. GSI will bear the cost of investigations and any mitigation.
2. MRG must avoid historic properties (an historic property is any prehistoric or historic site eligible for the National Register of Prehistoric Places (NRHP)) or unevaluated cultural resources to prevent adverse effects. Site area borders shall be staked and/or flagged with buffer areas as needed. If avoidance is not possible or is not adequate to prevent adverse effects, MRG would undertake data recovery at the effected historic properties in accordance with the Programmatic Agreement between the Bureau of Land Management, Tonopah field Office, and the Nevada State Historic Preservation Office, Regarding the Treatment of Historic Properties During Scorpio Gold Corporation's Mineral Ridge Mine Expansion in the Mineral Ridge Mining District, Esmeralda County, Nevada (PA). Development of a treatment plan, data recovery, archeological documentation, and report preparation would be based on stipulations delineated in the PA. If an unevaluated site cannot be avoided, additional information would be gathered, and the site would be evaluated. If the site does not meet eligibility criteria as defined by the State Historic Preservation Office (SHPO), no further cultural work would be performed. If the site meets eligibility criteria, a data recovery plan or appropriate mitigation would be completed and approved. Once data recovery has been completed at a historic property, the BLM would issue a Notice to Proceed for work at that location.
3. To minimize impacts to wildlife and plant resources within the Project Area, MRG must utilize existing access and exploration roads to the maximum extent possible. In addition, new surface disturbance will be kept to the minimum that is required to provide safe equipment access and crew working areas. Disturbed areas must be reclaimed by recontouring and revegetating at the earliest practical time upon the completion of mining operations. If necessary, MRG, in coordination with the BLM, will implement measures to avoid or protect special status plant or wildlife species that could potentially be impacted.
4. To prevent violation of the Migratory Bird Treaty Act, MRG must either conduct surface disturbing activities outside of the migratory bird nesting season (March 1 through July 21) or employ a qualified biologist to survey prospective work areas prior to surface disturbance during the nesting season. Pre-disturbance surveys for migratory birds are

valid for 14 days. If the disturbance of the location does not occur within 14 days of the survey, another survey would be required. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species and the location of the nest) would be delineated after consultation with the BLM resource specialist and the buffer area avoided to prevent destruction or disturbance to nests or birds until they are no longer actively breeding or rearing young, or until the young have fledged. The site characteristics to be used to determine the size of the buffer are as follows: a) topographic screening; b) distance from disturbance to nest; c) the size and quality of foraging habitat surrounding the nest; d) sensitivity of the species to nest disturbances; and e) the protection status of the species.

5. Bat exclusions must be installed by experienced contractors in coordination with the NDOW. Exclusionary mesh must remain in place for at least 72 hours, but not more than one week prior to permanent closure of an exclusion site. During the exclusionary period, each site must be checked at least once to ensure that birds, bats or other wildlife have not become trapped, and to ensure there is not a large colony of bats using a particular site that may require a greater amount of time to exclude. The openings will be permanently closed immediately following confirmation of successful bat exclusion. This work will be undertaken in consultation with NDOW wildlife specialists to assure bat mobility and to avoid the taking of non-volant young. This work will also be carried out in compliance with Mine Safety and Health Administration regulations and with due consideration for human safety.
6. MRG must comply with all applicable Federal, State and local laws and regulations, and obtain all applicable Federal, State and local authorizations and permits.

CONFORMANCE

This decision is in compliance with the Federal Land Policy and Management Act of 1976, the National Environmental Policy Act of 1969, the Migratory Bird Treaty Act of 1918, as amended, the National Historic Preservation Act, as amended, Part 3809 of Title 43 of the Code of Federal Regulations-Surface Management, and Part 3710 Subpart 3715 of Title 43 of the Code of Federal Regulations - Use and Occupancy Under the Mining Laws. The decision is also in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal, and federal agencies.

PUBLIC INVOLVEMENT

The Pit Expansion EA was posted on the National BLM NEPA Register website on December 20, 2013 and remained accessible to the public for comment until January 21, 2014. Comments were received from both the general public and the Nevada Division of Wildlife (NDOW). The following state agencies and Native American tribes were consulted during the development of the environmental analysis: Nevada Department of Wildlife and Timbisha Shoshone Tribe. Additionally, NDOW was consulted during the development of the Determination of NEPA Adequacy (DOI-BLM-NV-B020-2014-0045-DNA).

APPEAL OF THE DECISION

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

(by US Postal Service)
BLM Nevada State Office
State Director
P.O. Box 12000
Reno, Nevada 89520-0006

(by other delivery service)
BLM Nevada State Office
State Director
1340 Financial Blvd.
Reno, Nevada 89502

The request must be submitted 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 (suspension) 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 P.O. Box 911, 1553 S. Main St, Tonopah, NV 89049, 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 P.O. Box 911, 1553 S. Main St, Tonopah, NV 89049, 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 (request) 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 [note: deleted Interior Board of Land Appeals] 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.



Timothy J. Coward
Field Manager

8/27/2014

Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE	Department of the Interior Bureau of Land Management Tonopah Field Office 1553 S. Main Street P. O. Box Tonopah, NV 89049-0911
NOTICE OF APPEAL	
WITH COPY TO SOLICITOR	Department of the Interior Regional Solicitor, Pacific Southwest Region 2800 Cottage Way, Room 1: 2753 Sacramento, CA 95825-1890
3. STATEMENT OF REASONS	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR	Department of the Interior Regional Solicitor, Pacific Southwest Region 2800 Cottage Way, Room 1: 2753 Sacramento, CA 95825-1890
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (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 regulations, 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.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

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