



United States Department of the Interior



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In Reply Refer To:

3809 (NVB0100)

NVN-091265

NVN-087765

DOI-BLM-NV-B010-2015-0029-EA

JUN 11 2015

CERTIFIED MAIL NO.: 7013 1710 0000 3371 1973

Return Receipt Requested

DECISION

Golden Oasis Exploration
Attn: Richard Kern
4235 Christy Way
Reno, NV 89519

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Surface Management

Toiyabe Exploration Project Plan of Operations Approval Determination of Required Financial Guarantee Notice NVN-087765 Vacated

INTRODUCTION

The Bureau of Land Management (BLM) has reviewed the Plan of Operations (Plan) titled, *Plan of Operations #NVN-091265/Nevada Reclamation Permit Application, Toiyabe Exploration Project, Lander County, Nevada* and has prepared an Environmental Assessment (EA), EA number DOI-BLM-NV-B010-2015-0029-EA, that analyzes the affected environment, discloses environmental impacts, and identifies environmental protection measures associated with Golden Oasis Exploration's (GOE) Toiyabe Exploration Project (Project). The final revised Plan was submitted on June 10, 2015, and the final Reclamation Cost Estimate (RCE) on April 20, 2015, in accordance with the BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) 3809, as amended. The Plan has been assigned BLM case file number NVN-091265.

The Project is located on public lands administered by the Bureau of Land Management (BLM), Mount Lewis Field Office (MLFO). The Project is located in all or parts of Township 25 North, Range 47 East (T. 25 N., R. 47 E.), Sections 7 and 18; and T. 25 N., R 46 E., Sections 12 and 13; Mount Diablo Base and Meridian (Project Area), in Lander County, Nevada.

BACKGROUND

GOE proposes to expand existing Notice-level (NVN-087765) exploration activities (4.9 acres) within the 802-acre Project Area. Proposed activities consist of the following: exploration drilling (reverse circulation and core); construction of roads, drill pads and sumps;

trenching and bulk sampling; potential installation of ground water monitoring and production wells; a meteorological station; geophysical surveys; reclamation; and utilization and maintenance, as necessary, of existing roads used to access the exploration sites. GOE proposes to conduct exploration-related activities that would create approximately 95.1 acres of new surface disturbance for a total Project-related disturbance of approximately 100 acres.

PUBLIC INVOLVEMENT

The BLM conducted Native American consultation on June 28, 2012, by contacting Battle Mountain Band Council of the Te-Moak Tribe of Western Shoshone; Yomba Shoshone Tribe; and Duckwater Shoshone Tribe.

The EA was made available for a 30-day public comment period ending on April 17, 2015. Notifications of the availability of the EA were sent to persons and agencies on the Project mailing list and the EA was posted on the Battle Mountain District ePlanning webpage. Additionally, the BLM issued a press release the same day providing a link to the EA and instructions on how to comment. Three comment letters were received from the public or other federal, state, or local agencies. Substantive comments were evaluated and considered by the BLM during the decision making process. Minor corrections or updates to the EA were made as a result of the substantive comment review. The BLM reviewed and considered these comments and determined that they did not identify or present any significant new information or changed circumstances that would warrant additional NEPA analysis.

All correspondence relative to this planning process is part of the public record and available for review at the Mount Lewis Field Office.

DECISION

1. As a result of the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public, it is the Decision of the Authorized Officer to select the Proposed Action as BLM's Preferred Alternative and approve the Plan and the financial guarantee amount. The BLM approval of the Plan will be subject to operating, reclamation and monitoring measures in the Plan, the performance standards set forth in 43 CFR 3809.420, and the Applicant-Committed Environmental Protection Measures as set forth in the EA and restated in this Decision under the Conditions of Approval. The BLM has determined that implementation of this Decision with the identified applicant committed practices, as stated in the Plan and the EA, will not cause unnecessary or undue degradation of the public lands and is consistent with other applicable legal requirements.

Approval of the Plan by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the exploration operation. GOE 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 GOE use and occupancy of public lands as described in the approved Plan. GOE must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 43 CFR 3715.2-1, and 43 CFR 3715.5, throughout the duration of the approved Plan. Concurrence by BLM on GOE 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.

Financial Guarantee

Amount of Financial Guarantee: This office has determined that the amount of **\$116,766** is sufficient to meet all anticipated reclamation requirements. The amount of the reclamation cost estimate is based on the operator complying with all applicable operating and reclamation requirements. The financial guarantee provides surface reclamation coverage for operations conducted by the principal on lands in Nevada governed by 43 CFR 3809. Line items in the approved reclamation cost estimate are not to be considered as the limits of the reclamation expenditures should forfeiture of the financial guarantee be necessary. The line items listed are solely for the purpose of arriving at a total amount for the financial guarantee. This amount may be spent as the BLM deems necessary to implement the approved reclamation plan. Nor does the financial guarantee amount represent reclamation liability limits or constraints should the actual cost of reclamation exceed this amount. This amount is subject to change pending further review by the BLM or the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP-BMRR).

Required Financial Guarantee: The operator must submit an acceptable financial guarantee in the amount of **\$116,766** to the Bureau of Land Management, Branch of Minerals Adjudication, 1340 Financial Blvd., Reno, NV 89502-7147. You must receive written notification from that office accepting and obligating your financial guarantee before you may begin surface disturbing activities under the Plan. Failure to provide an acceptable financial guarantee within the specified time frame will result in an enforcement action against the operator for failure to maintain an acceptable financial.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact the Branch of Minerals Adjudication at 775-861-6599 for further information on the adjudication of financial guarantees.

2. Conditions of Approval

Water Quality

All drill holes will be plugged in accordance with Nevada Revised Statutes (NRS) 534, Nevada Administrative Code (NAC) 534.4369, and NAC 534.4371. If any drill hole produces artesian flow, the drill hole will be contained pursuant to NRS 534.060 and NAC 534.378 and will be sealed by the method described in NAC 534.4371. If casings are set in a drill hole, either the drill hole must be completed as a well and plugged pursuant to NAC 534.420, or the casings will be completely removed from the drill hole and then plugged in accordance with NAC 534.4369 and NAC 534.4371.

Storm water BMPs (Nevada Contractors Field Guide for Construction Site Best Management Practices, 2008) will be used at construction sites to minimize storm water erosion.

Drill cuttings will be contained on site and fluids managed utilizing appropriate control measures. Sediment traps will be used as necessary and filled at the end of the drill program. GOE will follow the Spill Contingency Plan in Appendix D of the Plan.

Only nontoxic fluids will be used in the drilling process.

Wildlife

In order to avoid potential impacts to breeding migratory birds (including golden eagles [*Aquila chrysaetos*]), a nest survey would be conducted by a BLM-approved biologist prior to any surface disturbance associated with exploration activities during the avian breeding season (March 1 through July 31 for raptors, and April 1 through July 31 for other avian species). Pre-disturbance surveys for migratory birds are only valid for 14 days. If the disturbance for the specific location does not occur within 14 days of the survey, another survey would be needed. If active nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) 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. The site characteristics to be used to determine the size of the buffer area 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. Seasonal disturbance restrictions surrounding occupied nests would remain in place until the young have fledged or the nest fails.

In order to avoid potential impacts to the northern goshawk (*Accipiter gentilis*) nest identified in the Project Area, GOE would ensure that an annual nest survey is conducted by a BLM-approved biologist prior to any drilling, road construction, or vehicular travel that is planned to occur between March 1 and August 15. If the nest is found to be active then GOE will implement the following:

- Inform the BLM of the nest status;
- Not conduct drilling or road construction activities within a 0.5-mile buffer around the active nest during the northern goshawk breeding season of March 1 through August 15;
- Only allow vehicles to travel along the access road to the east of the active nest within the 0.5-mile buffer between March 1 and August 15 provided the vehicles do not stop; and

- Not allow vehicles to travel along the access road directly west of the active nest between March 1 and August 15.

If the annual nest check determines that the nest is not active, these restrictions will not apply.

All trenches, sumps, and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock will be adequately fenced to preclude access or constructed with a sloped end for easy egress.

Cultural and Paleontological Resources

Pursuant to 43 CFR 10.4(g), GOE will notify the BLM-authorized officer, by telephone, and with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined in 43 CFR 10.2). Further pursuant to 43 CFR 10.4, GOE (c) and (d) the operator will immediately stop all activities in the vicinity of the discovery and not commence again for a maximum of 30 days until a notice to proceed is issued by the BLM-authorized officer.

GOE would not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building, or object. If GOE discovers any cultural resource that might be altered or destroyed by operations, the discovery would be left intact and reported to the authorized BLM officer.

In order to prevent impacts to cultural resources, GOE will avoid eligible or unevaluated cultural sites within the Project Area. GOE will ensure that eligible or unevaluated cultural sites within the Project Area are mapped and flagged by a qualified cultural resource specialist with a global positioning system unit prior to surface disturbance.

Pursuant to 43 CFR 3809.420(b)(8)(ii), GOE will notify the BLM-authorized officer, by telephone, and with written confirmation, immediately upon the discovery of paleontological resources that are discovered as a result of surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the BLM. Further pursuant to 43 CFR 10.4(c) and (d), the operator would immediately stop all activities in the vicinity of the discovery and not commence again for 30 days of when notified to proceed by the BLM-authorized officer. If significant paleontological resources are found, avoidance, recordation, and data recovery would be required.

Public Safety, Hazardous or Solid Waste

Public safety will be maintained throughout the life of the Project. All equipment and other facilities will be maintained in a safe and orderly manner.

Activities will be restricted to frozen or dry ground conditions where feasible. Operations would be curtailed when saturated and soft soil conditions exist.

In the event that any existing roads are severely damaged as a result of GOE activities, GOE will return them to their original condition.

Any survey monuments, witness corners, and/or reference monuments will be protected to the extent economically and technically feasible.

All solid/regulated wastes will be removed from the Project Area and disposed of in a state, federal, or local designated area.

Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse will be dumped from any trailer or vehicle.

If a spill of a petroleum constituent is considered to meet the reportable quantity per the NDEP's guidelines (greater than 25 gallons or greater than three cubic yards of impacted material or any quantity if a water body is impacted), or a reportable quantity for hazardous waste is released based on the Federal Environmental Protection Agency guidelines established under Title III List of Lists (40 CFR Part 302), the NDEP will be notified within 24 hours, and the appropriate remedial actions and confirmation sampling would be conducted under direction of the NDEP.

Air Quality

Emissions of fugitive dust from disturbed surfaces will be minimized by utilizing appropriate control measures. Surface application of water from a water truck and reduced speed limits on dirt access roads are the current methods of dust control. A Surface Area Disturbance Permit and Dust Control Plan have been obtained since the Project exceeds 20 acres in size. All permits and permit requirements are subject to the State of Nevada requirements.

Noxious Weeds, Invasive and Non-native Species

Noxious weeds can readily invade disturbed areas associated with exploration projects. GOE will be responsible for the following: 1) identifying noxious weeds in the Project Area (noxious weed information would be provided by the BLM); 2) excluding noxious weeds from disturbed areas until reclamation has been accepted and released; and 3) ensuring that all equipment is "weed free" before traveling to and from the Project Area so that noxious weeds are not spread to new locations. All vehicles originating from outside northern Nevada will be cleaned in a powerwash in Battle Mountain. When noxious weeds are encountered in the Project Area, documentation of their location and extent will be provided to the BLM as soon as possible. GOE will obtain approval from the BLM-authorized officer prior to any herbicide application. GOE will contact the BLM's noxious weed program lead regarding any issues concerning noxious weeds.

To minimize the introduction of noxious weeds into the Project Area, the following preventative measures will be implemented by GOE: 1) stay on existing roads to and from the Project Area and in the Project Area; 2) use a certified weed-free seed mix during reclamation; 3) conduct concurrent reclamation when feasible; and 4) implement a weed monitoring and control program. The BLM will provide GOE with a color brochure, "Nevada Noxious Weed Field Guide," a publication by the University of Nevada Cooperative Extension. Through Early

Detection/Rapid Response, GOE will survey the Project Area annually to reduce the risk that invasive species become established. Control method(s) will be determined by a range of factors, even for small infestations. For more intensive infestations, GOE will consult with the BLM on containment or eradication measures.

Vegetation, Erosion, and Sediment Control

Reseeding will be consistent with all BLM recommendations for seed mix constituents, application rate, and seeding methods.

Wildland Fire Protection

All applicable state and federal fire laws and regulations would be complied with and all reasonable measures would be taken to prevent and suppress fires in the Project Area.

In the event the proposed Project activities start or cause a wildfire, GOE would be responsible for all the costs associated with the suppression.

GOE will comply with all applicable state and federal laws and regulations and all reasonable measures will be taken to prevent and suppress fires in the Project Area.

All vehicles will carry fire extinguishers, and a minimum of ten gallons of water.

Adequate fire-fighting equipment, i.e., shovel, Pulaski, extinguisher(s), and a minimum ten gallons of water will be kept at the drill site(s).

Vehicle catalytic converters will be inspected often and cleaned of all brush and grass debris.

Welding operations will be conducted in an area free from or mostly free from vegetation. A minimum of ten gallons water and a shovel will be on hand to extinguish any fires created from the sparks. Extra personnel will be at the welding site to watch for fires created by welding sparks. Welding aprons will be used when conditions warrant (i.e., during red flag warnings).

Wildland fires will immediately be reported to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444. Information reported will include the location (latitude and longitude if possible), fuels involved, time started, who or what is near the fire, and the direction of fire spread.

When conducting operations during the months of May through September, the BLM Battle Mountain District Office, Division of Fire and Aviation will be contacted at (775) 635-4000 to determine if any fire restrictions are in place for the Project and to provide approximate beginning and ending dates for Project activities.

Wild Horses and Burros

No activities will block access to water, and human presence near water sources will be minimized to the extent possible.

If operations cause a water source to become unavailable to wild horses, the Authorized Officer may require another water development to be constructed in the general area to provide adequate water for the wild horses or burros. Additional measures for the protection of wild horses and burros may be required, such as timing/seasonal restrictions and access route restrictions during the peak foaling period within the concentrated use areas identified in the HMA.

GOE will immediately report any conflicts with or concerns about wild horses in the Project Area to the Field Office Wild Horse and Burro Specialist.

3. BLM Notice (NVN-087765) is hereby vacated with the approval of the Plan and acceptance of the financial guarantee.

Once the financial guarantee is adjudicated for the Plan (NVN-091265) by BLM Nevada State Office, Branch of Minerals Adjudication, the remaining reclamation and financial guarantee requirements under Notice NVN-087765 will be incorporated into the reclamation requirements of the Plan and Notice NVN-087765 terminated.

RATIONALE

The Plan, in combination with the preceding Conditions of Approval, and the enclosed 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 Toiyabe 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) "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 exploration 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 and 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.

Contact

Should you have any questions or concerns regarding this Decision, please contact Davud Djikine, Mining Engineer, at 775-635-4192, or at the above address.


for Jon D. Sherve
Acting Field Manager
Mount Lewis Field Office

Enclosures

cc: Nevada State Office, Branch of Minerals Adjudication (NV-923)

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