



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Tonopah Field Office

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

Tonopah, Nevada 89049

Phone: 775-482-7800

Fax: 775-482-7810

[http://www.blm.gov/nv/st/en/fo/battle\\_mountain\\_field.html](http://www.blm.gov/nv/st/en/fo/battle_mountain_field.html)

In Reply Refer To:  
N-73109  
3809 (NVB0200)

APR 16 2015

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## DECISION

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

## PLAN OF OPERATIONS APPROVED – CONDITIONS OF APPROVAL REQUIRED DETERMINATION OF REQUIRED FINANACIAL GUARANTEE AMOUNT

### INTRODUCTION

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-NV-B020-2015-0030-EA that analyzes the affected environment, environmental impacts, and identifies environmental protection measures associated with the Mineral Ridge Gold, LLC (MRG) *Mineral Ridge Mine Mary LC and Satellite Deposits* Plan of Operation Amendment (Plan Amendment) which was received on June 26, 2014, with subsequent revisions in August 2014 and March 2015. The Plan Amendment was submitted in accordance with the BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) 3809, as amended. The Plan Amendment has been assigned case file number NVN-73109. The Project Area includes approximately 2,700 acres including approximately 2,044 acres of public lands administered by the BLM and 656 acres of private land within:

Township (T.) 1 South (S.) Range (R.) 39 East (E.) (T. 1S., R. 39E.,) Section 31  
T. 1S., R. 38E., Section 36  
T. 2S., R. 38E., Sections 1, 2, 11, and 12, and  
T. 2S., R. 39E., Sections 5-7, in Esmeralda County, Nevada.

### BACKGROUND

MRG started crushing oversized ore left on the pad by previous operators in February 2011, and began leaching and operation of carbon columns adsorption/desorption and recovery process in March 2011. The site was considered to be out of temporary closure and back in operation as of March 29, 2011. Mining of new ore from the Drinkwater Pit began in May, 2011.

This EA assessed the environmental impacts should the BLM approve MRG's Plan Amendment to include the following:

- Expansion of the Plan of Operations Boundary (Plan Boundary)
- Addition of haul roads on the western side of the Plan Boundary
- Addition of the Bluelite and Solberry pits;
- Increase the size of and production from the Mary LC, Wedge B, and Brodie Pits
- Additions of two new waste rock disposal areas, Solberry and Bluelite
- Partial backfilling of the Brodie Pit with about 900,000 tons of material
- Backfilling of the Wedge B Pit with about 200,000 tons of material
- Increase the capacity of waste rock disposal areas WD-2, WD-4, WD-6, WD-9, WD-10, and WD-11 with area changes also occurring for WD-1, WD-5, and WD-7
- Salvaging growth media and expansion of the growth media stockpile
- Changes to the General Disturbance category which includes disturbance areas such as inter-pit spaces, yard edges, and other uncategorized spaces between facilities
- Re-alignment of water and power lines
- Addition of a physical barrier to public access near the crusher to comply with the Nevada Division of Environmental Protection (NDEP) Bureau of Air Pollution Control (BAPC) requirements
- Reallocation and increase of exploration disturbance areas, development of the Phase I Exploration Work Plan and focus of future exploration tracking on surface disturbance
- Changes to mobile equipment
- Changes to employment

The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and in compliance with applicable regulations and laws passed subsequently, including the President's Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), U.S. Department of the Interior requirements, and guidelines listed in the BLM NEPA Handbook H-1790-1 (BLM 2008a).

## **PUBLIC INVOLVEMENT**

In compliance with the National Historic Preservation Act (NHPA), as amended, the BLM initiated NHPA and government-to-government consultation for the Project Plan on October 22, 2014 by sending letters to the Timbisha Shoshone Tribe. To date, a site visit has not been scheduled.

The EA was made available for a 15-day public comment period ending on April 9, 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 on March 25, 2015 providing a link to the EA and instructions on how to comment. Approximately 4,960 comment emails (form emails that were identical) were received from the public or other federal, state, or local agencies, and approximately 9 individual comment letters submitted. 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 nor changed circumstances that would warrant additional NEPA analysis. The majority of the commenters expressed concerns with regard to site-specific impacts to wild horse and burros, water usage and potential ground and surface water contamination associated with exploration and development. Responses to substantive comments are provided in Appendix A of the EA.

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

## **DECISION**

The decision of the Tonopah Field Manager, BLM Battle Mountain District, is to select the Proposed Action with the Crusher Barrier Alternative, inclusive of applicant committed practices of the Plan and the mitigation measures specified in Section 3.16.3 of the EA as the BLM's Preferred Alternative. Development of the Project is authorized by this decision. The BLM decision is based on the final Plan (NVN-073109), submitted to the BLM in March 2015, pursuant to 43 CFR § 3809 and 3715, and the analysis in the EA. In making this decision, the BLM is relying on the EA and the data and analyses prepared in connection with that document. The BLM has determined that implementation of this decision with the identified applicant committed practices, as stated in the Plan and restated in Section 2.2.5 of the EA, along with the monitoring and mitigation measures included in Section 3.16.3 of the EA will not cause unnecessary or undue degradation of the public lands and is consistent with other applicable legal requirements.

All mitigation that has been developed and adopted is consistent with regulations and policies in order to avoid or minimize environmental harm resulting from the selection of the BLM's Preferred Alternative. Means or methods to avoid or minimize environmental harm resulting from the selection of the BLM's Preferred Alternative have been adopted. All mitigation within the BLM's authority will be implemented and enforced. All mitigation was designed to be effective.

**1. As a result of the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), it is my decision to approve the Amendment to the Plan of Operations (Plan) with the financial guarantee requirements. The BLM approval of the Plan will be subject to operating, reclamation, and monitoring standards set forth in 43 CFR 3809.420, and the Applicant-Committed Environmental Protection Measures (EPMs) as set forth in the EA and restated in this Decision under the Conditions of Approval.**

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 mining operation. MRG 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 MRG's use and occupancy of public lands as described in the approved Plan. MRG 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 MRG'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.

### **Financial Guarantee**

This office has determined that the amount of **\$11,031,966.00** 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.

Within sixty (60) days of receipt of this Decision, the operator must submit an acceptable financial guarantee in the amount of **\$11,031,966.00** to the Bureau of Land Management, Branch of Minerals Adjudication, 1340 Financial Blvd., Reno, NV 89502. You must receive written notification from that office accepting and obligating your financial guarantee before you may begin the amended actions. 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 guarantee.

This amount is subject to change pending further review by the BLM and the NDEP, Bureau of Mining Regulation and Reclamation (BMRR).

## **2. Conditions of Approval**

### **Air Quality**

Air emissions, including point and fugitive sources, would continue to be controlled in accordance with the air quality operating permits for the Project and would be controlled in accordance with present BMPs. BMPs implemented will include but are not limited to dust control on roads through water or a binder application (primarily near the administrative building and process area), vehicle maintenance, pre-watering of areas prior to disturbance, gravelling, and adherence to speed limits. Vehicles and other equipment would be maintained to assure proper performance.

### **Cultural Resources**

Avoidance is the MRG-preferred treatment for preventing effects to historic properties (an historic property is any prehistoric or historic site eligible to the National Register of Historic Places (NRHP) or unevaluated cultural resources. Site area borders would 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 affected 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, archaeological 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.

### **Public Safety**

Locked gates have been installed near the active mine area entrances on the Coyote Road and the Eagle Canyon Road. Active exploration sumps would be flagged for visibility until they are backfilled. Existing roads would not be blocked by drilling equipment.

Following completion of mining, soil/rock berms would be placed around each pit. Although the pit walls

would remain relatively stable following closure, some sloughing would occur over time. The berms would be placed so that sloughing would not affect their integrity.

## **Water Quality**

Monitoring the facility fluid management systems through leak detection systems and vadoze zone wells would continue as stipulated under WPCP NEV0096106.

Roads would be designed to the minimum standards needed to accommodate intended safe use and to maintain surface resource protection; exploration roads would generally be constructed along existing contours. Exploration road construction would be conducted in such a manner as to minimize cuts and fills, including limiting road construction on steep slopes, where possible. Access across drainages, seeps, and springs would be avoided where possible.

Diversion structures and BMPs are used to control surface water runoff. Sediment and surface control structures are constructed alongside roads and yards to direct stormwater flows away from facilities as part of operational management. Where possible, upgradient flows are diverted around disturbed areas and returned to natural drainages. Sediment and surface water control structures are also constructed at the waste rock disposal areas to manage flow, control erosion, and to control sedimentation.

Diversion structures are located near the east and west toes of the heap leach facility. The v-shaped structures have been designed, constructed, and are maintained to divert runoff resulting from the 100-year, 24-hour storm event away from the facility.

Accepted engineering practices and BMPs for sediment control would be employed during construction, operation, and reclamation to minimize sedimentation of disturbed areas. Sediment control structures may include, but will not be limited to, fabric and/or certified weed-free straw bale filter fences, siltation or filter berms, mud sumps, and down gradient drainage channels in order to prevent unnecessary or undue degradation to the environment. Sediment traps (sumps), constructed as necessary adjacent to drill sites, would be used to settle drill cuttings and prevent release. In order to control erosion from roads and drill sites, and from the unlikely event of drill cuttings being released, certified weed-free straw bales and silt fences would be placed in drainages to capture sediment, where required.

Drainage structures would be constructed or installed where necessary to prevent or minimize erosion and sedimentation. Drainage structures may consist of, but not be limited to, water bars, borrow ditches, contour furrows, and culverts sized to handle maximum seasonal water flows.

Spills would be managed according to the spill contingency plan described in the *Spill Prevention, Control, Containment, and Countermeasure Plan* included as Appendix D of the Plan Amendment. Materials and equipment necessary for spill cleanup would be kept on-site at appropriate locations. Notifications to appropriate agencies would be undertaken.

Exploration drilling sumps for drill water, fluids, and cuttings would be excavated within the limit of the drill site. Anticipated sump dimensions would be about ten feet by four feet by five feet deep or smaller. Final sump dimensions would be designed to meet the estimated required capacity of drill fluids and cuttings with one foot of freeboard.

Mineral exploration and development drill holes subject to Nevada Division of Water Resources (NDWR) regulations would be abandoned in accordance with Nevada Revised Statutes (NRS) 534.425 through 428.

## Wildlife and Vegetation

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

MRG would make efforts to avoid cutting trees where possible. Trees which are removed would be cut up with a chain saw, with the larger diameter pieces placed in berms near the disturbance area and near areas accessible to the public and MRG employees. They would be left for collection. Slash, tree trimmings, and smaller pieces of wood would be incorporated into the growth media stockpile.

To prevent violation of the Migratory Bird Treaty Act, and in accordance with Tonopah Field Office policies, MRG must either conduct surface disturbing activities outside of the migratory bird nesting season (March 1 through July 31) 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 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 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 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 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.

Avian surveys would be performed only during the avian breeding season and immediately prior to MRG conducting activities that would result in disturbance. After July 31, in compliance with the Tonopah Field Office guidelines, no further avian surveys would be required until the next avian breeding season.

Bald and Golden Eagles are protected under the *Bald and Golden Eagle Protection Act* (16 U.S.C. 668-688d). The *Bald and Golden Eagle Protection 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 applies to 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 alterations or activities interrupt their normal breeding, feeding, sheltering, or cause death, or nest abandonment (USFWS 2010).

MRG's existing and proposed construction, operation, and reclamation procedures incorporate measures to protect eagles. Surveys would be conducted prior to ground disturbance in the breeding and nesting seasons 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, MRG would avoid the area using a buffer zone developed in coordination with the BLM and NDOW.

Standard raptor protection designs as outlined in *Suggested Practice for Avian Protection on Power Lines* (APLIC 2006) would be incorporated into the design and construction of power lines.

Project-related traffic would observe prudent speed limits, 25 miles per hour or less, to protect wildlife and livestock. The solution pond is fenced with an eight-foot high chain-link fence to limit terrestrial wildlife access and the pond water is covered by bird balls. An eight-foot high chain-link fence has also been installed around the electrical sub-station.

For exploration activities, one end of each sump would be sloped to provide an escape route in the event an animal enters the sump. Sumps would be backfilled after completion of drilling. Select pit access and haul roads would be bermed and left in place to allow for wildlife ingress and egress.

MRG will participate in the installation of two bighorn sheep guzzlers in coordination with the NDOW at two locations outside of the Project Area shown on **Error! Reference source not found.** of the EA. Guzzler installation participation may be financial and/or in the form of equipment use. The Echo Canyon location is at the base of two drainages to the north of the mine, and the Galena Flats location is at the head of a tributary to Great Gulch. Both guzzlers would be located on public lands administered by the BLM.

The guzzlers will provide alternative water sources for bighorn sheep frequenting the Mineral Ridge Mine and will aid in extending habitat availability. Guzzler installation may include the construction of precipitation run-off catchment dams, installation of piping (with trenching where possible), installation of storage tanks, wildlife friendly fencing, and drinkers. Specific construction details and dimensions are shown in Appendix B of the EA. The combined disturbance areas would be less than one-half an acre. Additional details and installation timing would be decided by the NDOW.

A cooperative agreement for the installation and maintenance of the guzzlers will be signed between BLM and NDOW.

### **Survey Monuments**

Survey monuments, witness corners, or reference monuments would be protected to the extent economically and technically feasible. Should moving such a feature be required, MRG would ensure that a licensed Professional Land Surveyor oversees and executes the relocation in a manner consistent with applicable laws. The BLM would be notified in writing prior to the moving of any such survey monuments.

### **Solid Wastes**

Non-hazardous Project-related refuse would be collected in approved trash bins or containers and removed from the site for disposal in accordance with county, state, and federal regulations, or disposed in the on-site permitted landfill. The bins and/or containers would be equipped with lids. Debris that may have hazardous characteristics, residues, or fluids would not be disposed of in these trash bins.

Two Class III-waivered landfills have been permitted for the site. The original landfill is located on WD-4 and has been covered with waste rock material and is no longer in use. The currently used Class III-waivered landfill is located on WD-5. These landfills have been designed, permitted, and constructed in accordance with applicable local, state, and federal regulations.

### **Hazardous Substances**

Hazardous substances employed for the Project would be transported in accordance with applicable regulatory guidelines. Upon request, MRG would provide the BLM with MSDS or equivalent safety information. Spill prevention and spill reporting measures are outlined in the site *Spill Prevention, Control, and Countermeasures Plan and Spill Contingency and Emergency Response Plan* submitted with the Plan Amendment.

Hazardous wastes would be stored and disposed of in accordance with federal, state, and local regulations and MRG's hazardous waste management plan. Petroleum-contaminated soils would be shipped off-site to a licensed disposal facility. A petroleum-contaminated soils plan is not required at the Mineral Ridge Mine.

### **Petroleum Contaminated Soils**

Petroleum contaminated soils are currently shipped off-site to a licensed disposal facility. A petroleum contaminated soils plan is not required at this site.

### **Fire Prevention and Control**

MRG will comply with all applicable state and federal fire laws and regulations, and reasonable measures would be taken to prevent and suppress fires in the Project Area. Smoking would only be permitted in areas that are free of flammable materials and only if allowed by state law or federal regulations. If smoking is allowed, smokers would position themselves in such a manner that burning material would fall within cleared areas. Smoking materials would be extinguished by pressing said materials into mineral soils. When completely extinguished, debris associated with smoking would then be put into containers designed solely for this purpose and properly disposed.

The mine buildings are equipped with fire extinguishers and fire hydrants as described in the site Emergency Response Plan. Mobile equipment on the mine site would be equipped with fire extinguishers as required by the Mine Safety and Health Administration.

In the event the proposed activities start or cause a wildland fire, MRG would be responsible for all the costs associated with suppression. The following precautionary measures would be taken to prevent and report wildland fires:

- All vehicles would carry fire extinguishers;
- Adequate fire-fighting equipment (i.e., shovel, Pulaski, extinguishers), and a minimum ten gallons of water would be kept at each drill site;
- Vehicle catalytic converters would be inspected often and cleaned of brush and grass debris;
- Welding operations would be conducted in an area free from or mostly free from vegetation. A minimum of ten gallons of water and a shovel would be on hand to extinguish any fires created from the sparks. Extra personnel would be at the welding site to watch for fires created by welding sparks. Welding aprons would be used when conditions warrant (i.e., during red flag warnings);
- Wildland fires would immediately be reported to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444. Information reported would 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; and

When conducting operations during the months of May through September, the BLM Battle Mountain District Office, Division of Fire and Aviation would 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.

### **Growth Media**

Growth media stockpiles would continue to be managed so as to prevent the loss of growth media through wind or water erosion and to prevent its disturbance or burial. Approximately 121,850 cubic yards are currently stored in the on-site growth media stockpile constructed with angle of repose slopes. MRG would attempt to salvage additional material that could be used as growth media. If new stockpiles are created that would remain in place throughout a growing season they would be seeded with an interim seed mixture to help stabilize the material and minimize non-native species establishment. New stockpiles would be strategically located to reduce reclamation costs associated with reuse.

### **Noxious Weed / Undesirable Plant Control**

As of 2014, no listed noxious weeds were identified within the Project Area. Since no listed noxious weeds have been identified within the Project Area to date, the current priorities for weed management are controlling the introduction of weeds along access routes and preventing infestations on planned disturbances.

Employees and contractors would be educated to identify noxious weeds that could occur in the proposed disturbance areas. MRG would report the occurrence of noxious weeds to the BLM authorized officer and take appropriate measures to prevent the spread of noxious weeds. BMPs include the following:

- Flagging areas of concern to prevent employees and contractors from driving through a stand of listed noxious weeds;
- Using certified weed-free hay and straw;
- Using an approved seed mix to reduce invasive species over time by developing and maintaining desired plant communities; and
- Washing down construction equipment in accordance with the BLM standard operating procedures to prevent the transfer of noxious and undesirable weed seed from other areas.

### **Visual Resources**

To minimize effects from lighting, MRG would utilize hooded stationary lights and light plants. Lighting would be directed onto the pertinent site only and away from adjacent areas not in use with safety and proper lighting of the active work areas being the primary goal. Lighting fixtures would be hooded and shielded as appropriate. MRG would utilize lighting designed to reduce the impacts to night skies.

### **Employee Training**

MRG would train employees, contractors, and other related personnel as to the environmental and cultural resources responsibilities required under the Plan Amendment as well as state and federal law.

### **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 Project.

The Plan meets the objectives for Locatable Minerals (page 23 of the Tonopah RMP), which is, “To provide opportunity for exploration and development of locatable minerals such as gold, silver, copper, lead, zinc, molybdenum, etc., consistent with the preservation of fragile and unique resources in areas identified as open for the operation of the mining law”.

### 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 1340 Financial Blvd., Reno, Nevada 89502, 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.

If you have any questions, please contact William Coyle, Assistant Field Manager, Non-Renewable Resources, at (775) 482-7800.



Timothy J. Coward  
Field Manager

cc: Nevada BLM, Branch of Minerals Adjudication  
NDEP