Decision Record

Relief Canyon Mine Expansion

DOI-BLM-NV-W010-2015-0037-EA

Introduction

The Relief Canyon Mine, located approximately 17.5 miles east-northeast of Lovelock, Nevada began operations in 1981. The mine has been owned and operated under several different owners over the past 35 years. Gold Acquisition Corporation, a wholly owned subsidiary of Pershing Gold Corporation, recently purchased the property and has submitted a Modification to the Plan of Operations (PoO) (NVN 064634).

Gold Acquisition Corp. (GAC) proposes to expand the permitted operations at the existing Relief Canyon Mine. Past BLM authorizations have approved up to 622.6 acres of surface disturbance at the Relief Canyon Mine, with 396.9 acres currently in use. The proposed modification proposes 211.8 acres of new disturbance on previously authorized acreage. The proposed uses of the new disturbance would differ from what was originally authorized but would not increase the total disturbance authorized. The existing ancillary and support facilities would be used as currently permitted. The proposed expansion would include the following components:

- Expand the footprint of the existing pit area by approximately 68.3 acres (41.2 public, 27.1 private);
- Develop a new waste rock storage area (Waste Rock Area 5) on 95.7 acres of private land;
- Improve the closure design for the previously existing heap leach pads (Pads 1-5) by adding approximately three feet of overburden and waste rock as a cover;
- Drill one or more new water supply wells as necessary to augment or replace the existing wells which would be impacted by mining activities;
- Install additional piezometers as necessary to augment the existing array or replace some piezometers which would be impacted by mining activities;
- Improve site communications by installing radio repeater hardware;
- Add wireless links to the production wells, crushing systems and process plant;
- Construct new growth media stockpiles, diversion ditches for storm water control, and reconfigure certain roads necessary for the expanded facilities;
- Construct new exploration drill roads and sites;
- Construct an on-site analytical laboratory;
- Construct a new truck shop, truck wash, fueling facilities, and ready line;
- Construct storage areas for hazardous waste and petroleum contaminated waste;
- Construct new reagent and fuel storage areas;

- Construct additional parking areas;
- Construct a potable water system;
- Develop a new on-site Class III landfill that would be integrated into Waste Rock Storage Area 5;
- Additional or reconfigured fencing; and
- Additional electrical generators.

GAC proposes to mine approximately 10.3 million tons of heap leach ore and 28.2 million tons of waste rock (total of approximately 38.5 million tons) during approximately three years of active mining. The material (both ore and waste) would be extracted using conventional open pit mining methods of drilling, blasting, loading, and hauling (total of 10.5 million tons). The haul trucks would transport the waste rock to two surface-deposited waste rock facilities (WRF), existing WRF 4 and the new WRF 5 and as cover for the existing leach pads 1-5. Ore would either be hauled and placed directly on heap leach pads 6 and 7 or taken to the crusher to be crushed prior to being hauled to the leach pads. Once placed on the heap leach pad, the ore would be leached with a dilute cyanide solution to dissolve the precious metals into a "pregnant" leach solution. The pregnant solution would then be processed for metal recovery and further refining. Total surface disturbance would be approximately 608.7 acres.

All surface disturbance will be contained within Township 27N, Range 34E, sections 16-21.

The project expects to employ approximately 50 people for project construction increasing to approximately 80 during production activities. GAC anticipates that the mine would be in operation 24 hours per day, 365 days per year.

DECISION

On the basis of the information contained in the EA and the enclosed Finding of No Significant Impact (FONSI), it is my decision to implement the Proposed Action, subject to the existing mitigation measures at the Relief Canyon Mine, the environmental protection measures committed to by the operator (as described in Chapter 2 of the EA), and new stipulations provided below that are based on recommended mitigation measures developed in the EA.

Rationale

The selection of the Proposed Action is based on factors including, but not limited to:

- Authority for this action as it relates to the BLM-managed public lands is contained in the general Mining Law of 1872 (30 U.S.C. §§ 22-42), as amended; the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701), as amended; the Code of Federal Regulations at 43 CFR 3809; the Code of Federal Regulations at 43 CFR 3715; and the Surface Resources Act of 1955.

- The action is in conformance with the Winnemucca District Resource Management Plan and is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions.
- Based on the EA it is determined that this decision will not result in any unnecessary or undue environmental degradation of public lands and is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions.
- The selected alternative will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources.
- The EA and FONSI support this decision.

Land Use Plan Conformance

The proposed action and alternatives described in the EA are in conformance with the Winnemucca District Resource Management Plan and Record of Decision (May 21, 2015), as amended by the Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region including the Greater-Sage Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, and Utah (September 21, 2015).This Proposed Action is specifically provided for in the following Goal and Objectives for Mineral Resources: Leasable, Locatable, and Saleable:

Goal (page 2-51): Make federal mineral resources available to meet domestic needs. Encourage responsible development of economically sound and stable domestic minerals and energy production, while assuring appropriate return to the public. Ensure long-term health and diversity of the public lands by minimizing impacts on other resources, returning lands disturbed to productive uses, and preventing unnecessary or undue degradation.

Objective MR 1 (page 2-51): Return lands disturbed by mineral operations that are stable, safe, productive, and visually compatible and ensure quality of the environment in accordance with FLPMA and other applicable laws, regulations, and policy. Prevent undue or unnecessary degradation of public lands. An exception, in whole or in part, may be granted if, at the time of closure, a viable plan exists for a productive continued economic use of the site (see Sustainable Development Goals and Objectives).

Objective MR 8 (page 2-59): Allow appropriate occupancy (meeting the requirements of 43 CFR 3715 or other applicable regulations) on mineral development sites, while protecting resources and maintaining public access.

Objective MR 9 (page 2-59): Manage locatable mineral operations to provide for the mineral needs of the nation, while assuring compatibility with and protection of other resources and uses.

Native American Coordination

Letters providing information regarding the Proposed Action were sent to several tribes in August 2015. The Battle Mountain Band, Fallon Paiute Shoshone Tribe, and the Pyramid Lake Paiute Tribe received their letters on August 17, 2015; Lovelock Paiute Tribe received their letter on August 24, 2015; and the Winnemucca Indian Colony received their letter on September 24, 2015. These letters also provided the opportunity for further coordination and consultation should that be desired by the tribes. No issues were identified at that time.

Copies of the Preliminary EA were sent to the Battle Mountain Band, the Fallon Paiute Shoshone Tribe, the Pyramid Lake Paiute Tribe, the Lovelock Paiute Tribe and the Winnemucca Indian Colony. The Pyramid Lake Paiute Tribe and the Fallon Paiute and Shoshone Tribe received their copies of the Preliminary EA on June 22, 2016. The Battle Mountain Band received their copy on June 23, 2016. The Lovelock Paiute Tribe received their copy on June 29, 2016. As of July 21, 2016 the Winnemucca Indian Colony still hadn't picked up their copy of the Preliminary EA. The Tribes were invited to comment on the Preliminary EA and consult with BLM on the project. No response was received from any of the Tribes to date.

Intergovernmental Partners

Under the Federal Land Policy and Management Act (FLPMA) of 1976, the BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities. Coordination with the Nevada Division of Environmental Protection – Bureau of Mining Regulation and Reclamation (BMRR) has occurred throughout the course of the NEPA process. The BMRR often assists the BLM with reviews of the Plan of Operations and Reclamation Plan, baselines reports, and environmental studies such as the Waste Rock Characterization Report. Regular coordination also occurs with the NDOW on mining projects to determine their level of participation. Early coordination with the Nevada Department of Wildlife (NDOW) regarding the Proposed Action indicated that there were no major wildlife concerns requiring their dedicated attention. The U.S. Fish and Wildlife Service helped analyze potential impacts for raptors and Threatened or Endangered species near the Project Area. Similarly, the Nevada Natural Heritage Program provided a list of potential sensitive plants in the vicinity of the Project Area.

Public Involvement

<u>Scoping</u>
A scoping process was conducted to determine the scope of this environmental analysis. Internal scoping that involved the BLM staff identified resources that may require analysis. External scoping issues that were identified during the public scoping period have been considered in this EA. The external scoping process included letters sent to known interested parties, a press release to local news outlets, and posting of relevant details and maps to the external BLM e-planning website.

Preliminary EA

On June 3, 2016, letters announcing the availability of the Preliminary EA were sent to interested parties and the Preliminary EA was made available for a 30-day public comment period through the BLM ePlanning NEPA Register. In total, six sets of comments were received. Comments were received from the Nevada Division of State Lands, the Nevada Department of Wildlife (NDOW), United States Fish and Wildlife Service (USFWS), Pershing County, Governor's Office on Economic Development. and a member of the public.

The Nevada State Land Use Planning Agency Commented as follows:

- As always requested by this agency, please consider the cumulative visual impacts from development activities (temporary and permanent), especially the proliferation of improper lighting.

  The following mitigation measures should be required:

  Utilize appropriate lighting:

  - Utilize consistent lighting mitigation measures that follow "Dark Sky" lighting practices.
  - Effective lighting should have screens that do not allow the bulb to shine up or out. All proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from adjacent parcels or areas.
  - A lighting plan should be submitted indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan.

  Any required FAA lighting should be consolidated and minimized whenever possible.

  BLM response to this comment is as follows:
  - Comment noted.

NDOW commented on five separate issues (NDOW1 – NDOW5) as follows:

- NDOW1 – This section states that ore will be crushed prior to being stacked on the heap leach pad. It is the recommendation of NDOW to bury the cyanide irrigation drip lines. Burying the drip lines will reduce or eliminate the possibility of ponding CN solution. Open uncontained CN solution is a violation of the Industrial Artificial Pond Permit (IAP) that NDOW issues and Relief Canyon Mine currently has (permit # S 34478). Additionally, open uncontained CN solution or ponding of CN solution is an attractive nuisance

for wildlife. If wildlife comes into contact with CN solution it can cause the death of wildlife.

In the event that run-of-mine ore is placed on the heap leach pad, it is recommended that several feet of crushed ore is stacked on top of the run-of-mine ore so that drip lines can still be buried. It should be further understood, that any activity that leads to the death of migratory birds is a federal offense under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 701-718h).

The EA addresses this issue as follows:

Section 2.1.4 states that mined ore would either be crushed prior to being placed on the heap leach pads or would be placed directly on the pads as run-of-mine ore. The heaps would be managed in a manner to maximize infiltration into the heaps and to avoid ponding of solution on top of the heaps without burying the drip lines. The proponent is fully committed to continued compliance with IAP #S 34478. Refer to the applicant-committed EPM in Section 2.1.12 of the EA starting on page 36

In the case of run-of-mine ore, there is reduced potential for ponding due to the variety of rock sizes and angular and irregular rock shapes being placed on the pads, which create voids and increased pore space into which the cyanide solution could penetrate – rather than ponding on the surface.

- NDOW2 - It is difficult to understand what is being categorized as a "nest site" for raptors and without a map or data, not sure where the active nests for golden eagles and other raptors fall within the Relief Canyon Mine area. It is reported that 16 golden eagle "breeding areas" are within a ten-mile buffer around the proposed project area. It is also reported that 5 of 37 golden eagle nests were identified as active within the ten-mile buffer around the project area. NDOW would like clarification of how many raptor nests are within the ten-mile buffer around the project area. In addition, NDOW would also request maps and data for these nesting locations. According to the U.S. Fish and Wildlife the above report would be cause to generate a BBCS and possible an ECP. I don't see any mitigation or monitoring plan for the golden eagle nests within the buffer zone of ten miles. Without the current data there is no way of predicting how many of the 50 golden eagle nest structures that were reported are currently occupied.

The response to this is as follows:

A "nest site" refers to areas where multiple closely-spaced nests occur on a single outcrop or cliff feature. The following data is summarized from results of the 2014 and 2015 golden eagle and raptor surveys conducted by Wildlife Resource Consultants. In 2014, there were two active and 33 inactive golden eagle nests within a ten-mile buffer of the Project Area; and two inactive and one active raptor nests in a one-mile buffer of the Project Area. In 2015, there were 61

inactive and seven active golden eagle nests, and 37 inactive and 11 active raptor nests within a ten-mile buffer of the Project Area. These reports and maps will be provided to NDOW.

- NDOW3 – At the request of Relief Canyon Mine and Laura Megill (EnviroScience [Enviroscientists]), Nevada Department of Wildlife biologist (Jenni Jeffers) surveyed one natural cave feature at Relief Canyon on August 1, 2014. The natural cave, 20 feet in depth, was not being used as bat roosting habitat. There were three mine features located in the Relief Canyon Mine area however these were not accessible. Personnel from Relief Canyon Mine reported to Jenni Jeffers, that they had observed bats in some of these mines. No future requests were made for NDOW to complete the survey of these mines.

  It is reported by the consultant that a bat and other species surveys were conducted on December 10, 2014. NDOW would like to receive the report of how these surveys were conducted and any results of these surveys. Regardless, of the protocol used for bat detection, December is not an acceptable or legitimate time to survey for bats unless it is in underground habitat. During the winter beginning around mid to end of November there is a marked decrease in bat activity and the majority of populations at this elevation are entering torpor in preparation for winter hibernation. Therefore, NDOW does not recognize that bat resources have not been adequately accounted for and summer surveys (June-August) will need to be conducted before these resources and their habitat is adequately described. Acoustic surveys beginning in June and repeated every 2 weeks thru August would collect the desired data to assess bat use of this habitat. Bat species that NDOW have detected and observed in the Rochester and Cole Canyon areas are Townsend's big-eared bat (*Corynorhinus townsendii*), pallid bat (*Antrozous pallidus*), California myotis (*Myotis californicus*) and Western small-footed myotis (*Myotis ciliolabrum*). The Townsend's big-eared bat is classified as a state "Sensitive" species (NAC 503.104), designated as "Sensitive" by the Bureau of Land Management (BLM) and further protected by a species specific conservation plan with the Western Association of Fish and Wildlife agencies (WAFWA). The three other species listed above are all classified as "Sensitive" by the BLM and *M. ciliolabrum* has the elevated status of "Species of Concern" by the U.S. Fish and Wildlife. All these species of bat utilize sub terrain habitat and would be expected to forage and roost in the Relief Canyon area.

The response for this issue is as follows:

During the August 1, 2014, site visit, an NDOW biologist field-verified that the Bohannan fluorite prospect adit was no longer present in the pit and had been mined out. The second adit was reclassified by the NDOW as a natural limestone cave. The NDOW did not recommend any additional bat surveys for the natural limestone cave based on the following reasons: the natural limestone cave is

located greater than 0.25 mile southeast of proposed activities; the natural limestone cave lacked bat sign; and proposed Project activities would not impact the natural limestone cave.

Based on the results of the August 2014 field survey, NDOW's biologist did not request that an acoustical survey for bats be performed. On December 10 and 11, 2014, two limestone outcrops above the existing mine pits within the eastern portion of the Project Area were surveyed as part of the focused wildlife survey (see Figure 8 in Volume II, Appendix L of the Biological Survey Report [BSR]) in response to NDOW's recommendation that these areas be evaluated for potential bat roosting habitat. Potential temporary bat roosting sites were determined to be present at both limestone outcrops and a smaller rock outcrop, as bat sign (i.e., scat) was observed at all three locations (Figure 12, Appendix A; BSR). However, the bat sign at all locations was sparse, and the habitat conditions were not indicative of long-term use by bats, but rather indicated minimal and temporary bat use (Photo Plates 92 through 94, Appendix C; BSR). Since the purpose of this survey was to look for signs of bats (i.e., the presence of scat on the rock outcrops) – rather than to survey for bats – there were no seasonal restrictions on the timing of the survey.

- NDOW4 – NDOW strongly recommends that small mammal surveys be done for this project. Their reasoning for not performing small mammal surveys because "a take permit was not issued" is not a legitimate reason nor is it correct. Our permitting office has no record of a scientific permit request from Enviroscience [Enviroscientists] or Richard DeLong for this project for small mammal trapping. Furthermore, there is no record of a denial letter for permit application for this project or Enviroscience [Enviroscientists] or Richard DeLong. The mortality risk with trapping shrews is not a valid reason for neglecting these important surveys. If Relief Canyon Mine is assuming presence of PKM/DKM and shrew (*Microdipodop spp.* and *Sorex spp.*) a mitigation plan would be in order.

The response to this is as follows:

Small mammal surveys were not conducted because these species were assumed to be present. A scientific collection permit was mistakenly referred to as a "take permit." Habitat, if present, is marginal. According to the United States Geological Survey (USGS) National Hydrography Dataset, no springs, seeps, or perennial water sources are present in the Project Area, which limits potential shrew habitat. Similarly, there are no dunal areas or large sand deposits within the Project Area (Table 3.12-1, page 66 of the PEA), which limits potential habitat for kangaroo mice. Of the 22 acres of potential mapped habitat (sagebrush/Utah juniper) in the Project Area, most of the area has already been disturbed from previous mining activities. Table 4.4-1 in the PEA (page 81) indicates there are only 1.7 acres of undisturbed sagebrush/Utah juniper habitat that would be removed.

The mitigation for potential impacts to small mammals proposed at Relief Canyon is identical to mitigation used recently at nearby mining projects (Hycroft Expanded Facilities Project EA#: DOI-BLM-NV-W030-2013-0003-EA). Specifically, habitat loss is mitigated through reseeding with a BLM-approved seed mix. This mitigation is appropriate for the small amount of potential habitat that would be disturbed.

- NDOW5 - NDOW highly recommends that burrowing owl surveys be conducted within the footprint of the proposed project area and (anywhere the soil will be disturbed). The protocol NDOW supports is adapted from Conway and Simon (2003) and involves driving surveys with roadside point counts using playback.

  The draft EA does not explain if active dens for burrowing owls were observed during the vegetation surveys or location of the evidence was recorded. If active owl dens are observed or detections are recorded during surveys then NDOW recommends that buffer zones for protection be assigned and additional mitigation to include monitoring or nesting owls. NDOW is recommending at least a 500 meter buffer with this high disturbance activity based on the work of Scobie and Faminow (2000).

The EA responds to this issue as follows:

In Section 3.13.3.2 (page 70 of the PEA) and Section 4.13.1 (page 90 of the PEA), it was stated that burrowing owl burrows were identified during June 2014 field surveys, and were therefore assumed present for the EA analysis. An applicant-committed EPM was included in the PEA in Section 2.1.12 (page 35) that states that surveys would be conducted if surface disturbance occurs during the breeding season (March 1-August 31). Additionally the EPM states that appropriate consultation with BLM and NDOW to determine appropriate buffers would also occur if active burrows are located.

The United States Fish and Wildlife Service (USFWS) commented as follows:

- USFWS looked at the sections with birds, with an emphasis on eagles. Although these concerns are included, FWS would really like to see a document like a BBCS to address how impacts to birds will also be avoided, minimized, and perhaps mitigated for. Given that, and the scant information on migratory bird concerns, FWS is not satisfied that the FEIS [PEA] contains enough information to provide a good outline of these concerns. We'd really like to see a BBCS developed for this project. In addition, with a number of golden eagle nests in the area, it is very likely an ECP will need to be developed. Hopefully, we can work together to convince this project that development of these documents would be very beneficial in the long run.

These comments are addressed in the EA as follows;

> Environmental Protection Measures (EPMs) for migratory birds incorporated into the Proposed Action (Section 2.12, Wildlife, pages 36-37 of the EA). Based on the golden eagle survey data from 2014 and 2015 reported by Wildlife Resource Consultants, there would be no direct impacts to eagle nests or nesting activity.

The Pershing County Board of Commissioners commented:

- Pershing County would like to go on record as totally in support of the Pershing Gold Corporation PEA for the expansion the Relief Canyon Mine-Lovelock, NV.

  Pershing Gold Corporation is a valued asset to our community. The commission has been given an update at our regular commission meeting by Pershing Gold Corporation and has determined that the commission is in full support of the project. Pershing County desires to be a coordinating and cooperating agency.

  The County has had a very positive interaction with the Pershing Gold Corporation management team in the past and we look forward to continuing our great relationship in the future.

BLM response to this comment is as follows:

> Comment noted.

Nevada Governor's Office of Economic Development commented:

- As the state agency charged with promoting a diverse and prosperous economy in the State, the Nevada Governor's Office of Economic Development (GOED) has conducted a review of the Preliminary Environmental Assessment (PEA) for Gold Acquisition Corporation's (GAC) Relief Canyon Mine expansion in Pershing County, Nevada, and is in full support of this initiative.

  Expanding Relief Canyon Mine operations within an already approved disturbance area while ensuring no adverse impacts to wildlife or the surrounding environment, places GAC in alignment with the core objectives of the Governor's Office of Economic Development. Furthermore, the additional workforce required to support the Relief Canyon expansion and its ongoing operations will help to sustain northern Nevada's regional economy for years to come.

  GOED recognizes Relief Canyon's thirty plus years of consistent and sustainable production within the State of Nevada, and is confident that GAC will continue to make reasonable accommodations when addressing any

environmental, cultural and/or social issues that may result from this expansion.

BLM response to this comment is as follows:

Comment noted.

DS (a member of the Public) commented:

- Have you been made aware of this article? Do you believe that they truly intend to mine? http://seekingalpha.com/article/3982995-pershing-gold-chromadex-exposed-barry-honig-names-fall-70minus-80-percent.

BLM response to this comment is as follows:

Comment noted. It is not in BLM's purview to comment on what Pershing Gold's intentions are at the Relief Canyon Mine. It is BLM's responsibility to respond to the mining and exploration plan submitted by GAC under the FLPMA and 43 CFR 3809 regulations.

Authority

The Proposed Action is in conformance with the following:

1. Surface Management Regulations (43 CFR 3809.400 and 43 CFR 3715);
2. Mining Law of 1872 (30 U.S.C. §§ 22-42) as amended;
3. Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701) as amended;
4. Surface Resources Act of 1955;
5. Mining and Mineral Policy Act of 1970.

Approval

The Relief Canyon Mine Expansion Project DOI-BLM-NV-W010-2015-0037-EA and associated Plan of Operations are approved for implementation with the incorporation of identified stipulations and applicant-committed environmental protection measures (attached). This decision is effective upon issuance in accordance with Title 43 of the Code of Federal Regulations at 3809.

David Kampwerth
Field Manager
Humboldt River Field Office

8/3/16
Date

Appeal Procedures

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to David Kampwerth, Field Manager, Humboldt River Field Office, Winnemucca District, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Attached Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890.

Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must 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.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

Enclosures:
Finding of No Significant Impact
Stipulations and Environmental Protection Measures
Appeal Form 1842-1

Stipulations and Environmental Protection Measures

Gold Acquisition Corporation
Relief Canyon Mine Expansion
Environmental Assessment
DOI-BLM-NV-W010-2015-0037-EA

Stipulation

The Authorized Officer has decided that the following stipulation must be adhered to for any authorization implementing the Proposed Action. In addition to the stipulation, the operator has committed to the Environmental Protection Measures outlined below.

Western Burrowing Owl

If surface disturbance would occur during the breeding season (March 1 through August 31) in Packard Flat, clearance-level surveys for the western burrowing owl would be performed. Surveys would be conducted no more than ten days, and no less than three days, prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active burrows are located, BLM and NDOW would be consulted to determine an appropriate buffer to be maintained around the burrows to prevent destruction or disturbance of burrows until the birds are no longer present.

Environmental Protection Measures Committed to by the Operator

Gold Acquisition Corporation has committed to the following environmental protection measures to prevent unnecessary and undue environmental degradation during construction, operation, and reclamation activities of the Proposed Action. The measures are derived from the general requirements established in 43 CFR 3809, as well as other water, air quality, and environmental protection regulations.

Air Quality

- The Relief Canyon Mine is operated in compliance with the Class II Air Quality Operating Permit No. AP1041-2441.01 issued by the NDEP BAPC for the Project. Air emissions, including point and fugitive sources, would be controlled in accordance with the air quality operating permits obtained for the Project and would be controlled in accordance with BMPs. These activities would be implemented using the appropriate BMPs.

- The following practices would be used for the control of fugitive dust from mining activities and exhaust emissions:

    - Use dust abatement techniques on unpaved, unvegetated surfaces;
    - Conduct regular maintenance on equipment to ensure proper function;
    - Post and enforce speed limits;

- Comply with NDEP BAPC Air Quality Operating Permits; and
- Use dust abatement techniques before and during surface clearing activities by enforcing a Dust Control Plan.

Cultural and Paleontological Resources

- Pursuant to 43 CFR 10.4(g), the BLM-authorized officer would be notified, 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, all activities in the vicinity would immediately stop and not recommence until a notice to proceed is issued by the BLM-authorized officer.

- All field personnel would be informed of the Archaeological Resources Protection Act of 1979 (ARPA) and the Native American Graves Protection and Repatriation Act of 1990 (Public Law [P.L.] 101-601) (NAGPRA) responsibilities and their associated penalties. Policies would be established to protect cultural resources and minimize the potential for inadvertent impacts to sites.

- Any scientifically important paleontological deposits would not be knowingly disturbed, altered, injured, or destroyed. In the event that previously undiscovered paleontological resources are discovered in the performance of any surface disturbing activities, the item(s) or condition(s) would be left intact and immediately brought to the attention of the BLM-authorized officer. If significant paleontological resources are found, avoidance, recordation, and/or data recovery would be required.

- Any cultural resource discovered during the course of activities on federal land would be immediately reported to the authorized officer by telephone, with written confirmation. The permit holder would suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer. This evaluation would determine the significance of the discovery and what mitigation measures are necessary to allow activities to proceed. The proponent would be responsible for the cost of evaluation and mitigation. Operations would resume only upon written authorization to proceed from the authorized officer.

Fire Management

- All applicable local, 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.

- All equipment used in the Proposed Action drilling efforts would be properly muffled and equipped with suitable and necessary fire suppression equipment, such as fire extinguishers and hand tools.

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

    - All vehicles would carry fire extinguishers and a minimum of ten gallons of water;

    - Adequate fire-fighting equipment (i.e., shovel, Pulaski, extinguishers);

    - 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; and

    - Wildland fires would be reported immediately to the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444. To the extent known the information provided would include the location (latitude and longitude if possible), what is burning, the time the fire started, who/what is near the fire, and the direction of fire spread.

Geotechnical Monitoring

- Geotechnical monitoring, consisting of geologic structure mapping, ground water monitoring, and slope stability analyses, would be conducted during active mining to assist in optimizing the final pit designs. Slope movement monitoring also would be conducted to evaluate the safety of the pit high walls. Operational procedures for controlling blasting and bench scaling would facilitate the mining of stable pit walls.

Hazardous or Solid Wastes

- Construction, operation, and maintenance activities would comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances and the protection of air and water quality.

- Hazardous wastes would be stored in an area with secondary containment in appropriate containers, dumpsters, or barrels which would be clearly labeled. Storage containers would be in good repair with no defects and suitable for off-site shipment under NDOT requirements.

- Hazardous wastes would be shipped to an approved location by a certified vendor in accordance with RCRA requirements.

- The spill contingency measures outlined in the Spill Contingency Plan (Appendix G of the 2015 Plan Modification) would be followed. Measures would include spill response, cleanup, and reporting procedures.

- Employee training would include appropriate landfill disposal practices and instruction on the types of solid wastes that can be placed in the landfill, and wastes that are prohibited from being disposed of in the landfill. Used solvent, liquids drained from aerosol cans, accumulations of mercury fluorescent lights and used antifreeze would be accumulated, labeled, and disposed of in compliance with applicable state and federal regulations. A sign would be posted at the new landfill to be developed in conjunction with Waste Rock Storage Area 5 that outlines appropriate disposal practices and lists materials that must not be disposed of in the landfill.

Night Skies

- Buildings, active mining areas, active dump points, and the process area would use artificial lighting at night to allow for safe and efficient operations and to comply with MSHA illumination requirements. The following measures would be applied to reduce impacts from lighting to the night sky and to protect visual resources:

    - Light fixtures would be placed at the lowest practical height and would be directed to the ground and/or work areas to avoid being cast skyward or over long distances.

    - The use of dimmers, timers, and motion sensors would be installed where appropriate.

    - Fugitive dust would be minimized in order to reduce "sky glow," by reducing the light reflectance from the dust particles.

Noxious Weeds, Invasive and Non-native Species

- Heavy equipment moving in to the Project Area would be cleaned with high pressure water or air to remove any weed seeds prior to moving onto the site.

- Certified weed-free seed would be used for reclamation seeding.

- Reclamation and active areas are monitored for infestations of noxious weeds and invasive species.

- A Noxious Weed Monitoring and Control Plan (Appendix H of the 2015 Plan Modification) would be prepared and implemented. Management strategies would include prevention (i.e., monitoring of new weed infestations, and awareness and education), implementation of planting practices (practices that reduce the potential for weed establishment), and treatment (i.e., mechanical treatment,

prescribed burning, chemical treatment, and biological treatment). The results from annual monitoring and treatment would be reported to the BLM and serve as the basis for updating the plan and developing ongoing annual treatment programs.

Protection of Survey Monuments

- All survey monuments, witness corners, reference monuments, bearing trees, and line trees would be protected against destruction, obliteration, or damage. Public land survey system monuments would be protected and preserved in accordance with Nevada BLM Instruction Memorandum (IM) No. NV-2007-003. If, in the course of operations, any monuments, corners, or accessories are destroyed, coordination with the BLM would occur.

- Registered monuments that would be covered or destroyed in the normal course of events by the implementation of the 2015 Plan Modification would be replaced by the proponent at the completion of operations, using GPS technology.

Public Safety

- Public safety would be maintained throughout the life of the Project by excluding unauthorized access to the mining areas through fencing, security, and traffic-control measures.

- Personnel would be on site 24 hours per day, seven days per week.

- All vehicles would be driven at a prudent speed appropriate for the steepness of the road, weather conditions, and other factors to enhance public safety, protect wildlife and livestock, and minimize dust emissions.

- All equipment and other facilities would be maintained in a safe and orderly manner.

- All trenches, sumps, and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock would be adequately fenced to preclude access.

- Post-mining configuration of access roads would be established in coordination with the BLM and NDEP with a focus on public safety.

Range Management

- A stock watering trough outside of the mine area would be provided to attract cattle away from the mining operation.

Special Status Species

- In order to avoid or minimize impacts to Lahontan beardtongue (*Penstemon palmeri* var. *macranthus*), occurrences would be flagged by a qualified biologist concurrently with the migratory bird clearance survey. Disturbing individual plants would be avoided wherever possible. If impacts to the plants are not avoidable, the affected plants would be transplanted outside of disturbance areas.

- In order to avoid or minimize impacts to sand cholla (*Corynopuntia pulchella*), Disturbing individual plants would be avoided wherever possible. If avoidance is not possible, the sand cholla would be transplanted to an area within or adjacent to the Project Area that supports the habitat requirements of the species. Cholla stems would be cut at a joint or node and stored in temporary plant storage sites, where they would be allowed to harden for a period of two weeks prior to transplanting.

- If surface disturbance would occur during the breeding season (March 1 through August 31) in Packard Flat, clearance-level surveys for the western burrowing owl would be performed. Surveys would be conducted no more than ten days and no less than three days prior to initiation of disturbance. Surveys must follow established BLM standards and protocols, and should be approved by the BLM biologist prior to being implemented. If active burrows are located, BLM and NDOW would be consulted to determine an appropriate buffer to be maintained around the burrows to prevent destruction or disturbance of burrows until the birds are no longer present.

Vegetation

- Revegetation of disturbance areas would be conducted as soon as practicable to reduce the potential for wind and water erosion, minimize impacts to soils and vegetation, help prevent the spread of invasive and nonnative species in disturbance areas, and facilitate post-mining land uses. Concurrent reclamation would be conducted to the extent practical to accelerate revegetation of disturbance areas. Sediment and erosion control measures and revegetated areas would be inspected periodically to ensure long-term erosion control and successful reclamation.

- Any seed mixes and mulches used for reclamation would be certified weed free.

Water Resources and Erosion Protection

- BMPs would be designed in response to site-specific conditions to minimize erosion and to control sediment runoff. These activities would be implemented using the BMPs established by the NDEP and Nevada Division of Conservation Districts in the Handbook of Best Management Practices, adopted by the State

Environmental Commission December 7, 1994. Revegetation of disturbed areas would reduce the potential for wind and water erosion.

- Sediment control structures and water diversions would be used where necessary to control run-on and runoff, and to prevent unnecessary or undue degradation. Examples of sediment control structures that could be used include, but would not be limited to, fabric and/or straw bale (certified weed-free) filter fences, siltation or filter berms, mud pits, and downgradient drainage channels. Sediment sumps would be constructed at each drill site to settle and contain drill cuttings. The proponent would return all roads to their original condition.

- Potential impacts to ground water would be limited by plugging surface drill holes per NRS 534, NAC 534.4369, and NAC 534.4371.

- Only approved fluids would be used in the drilling process.

- In compliance with WPCP NEV2007105, all process components have been designed and would be constructed and operated in accordance with NAC 445A. The process facilities are designed, built, and managed to result in zero discharge. The heap leach pad facilities have an engineered liner system consisting of a compacted low-permeability soil layer overlain by an HDPE liner and leak detection systems in accordance with NAC 445A design criteria.

Wildlife

- Land clearing or other surface disturbance associated with the activities within the Project Area would be conducted outside of the avian breeding season, whenever feasible, to avoid potential destruction of active bird nests or young birds in the area. When surface disturbance must be created during the avian breeding season (March 1 through August 31), a qualified biologist would survey the area prior to land clearing activities in accordance with current BLM protocols. Surveys would be conducted no more than 14 days and no less than 3 days prior to initiation of disturbance. If the vegetation has been fully cleared from the work area within the 14-day clearance survey time frame, no additional clearance survey would be required for the disturbed area. If active nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting of food) is observed, a protective buffer (the size depending on the habitat requirements of the species and location of the nest) would be delineated after consultation with the BLM resource specialist and the entire area avoided, preventing destruction or disturbance to nests until birds are no longer actively breeding or rearing young, or until the young have fledged.

- Mortality information would be collected in accordance with the NDOW Industrial Artificial Pond Permit. Wildlife protection policies would be established that would prohibit the feeding or harassment, or hunting of wildlife.

- As part of the existing monitoring plan for wildlife, the top of the heap leach pad (s) would be operated to minimize pooling of cyanide solution and monitored daily. If any ponding is found on the surface, the cause would be determined and measures taken to eliminate the solution accumulation. Measures could include solution delivery system repair, adjustment of solution application rates, and ripping of the heap leach pad surface.

- The process ponds would be fenced to exclude wildlife and covered with netting to prevent birds from coming into contact with the process solutions in the ponds.

- Wildlife mortalities would be reported in accordance with the NDOW Industrial Artificial Pond Permit.