United States Department of the Interior

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MAY 1 1 2016

In Reply Refer To:
N-81866, N-88961
N-90701, N-93516
3809 (NVB0200)

REGISTERED MAIL – RETURN RECEIPT REQUESTED RB 546 486 843 US

DECISION

Intor Resources Corporation	:	
Warren W. Stanyer, President & CEO	:	Surface Management
Suite 1100-1111 Melville Street	:	
Vancouver, BC, Canada V6E 3V6	:	
	:	

Golden Arrow Project Plan of Operations Approval
Determination of Required Financial Guarantee
Notice N-81866, N-88961, & N-90701 Vacated

INTRODUCTION

The Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA), DOI-BLM-NV-B020-2015-0060-EA, that analyses the affected environment and environmental consequences of the Intor Resources Corporation (IRC) Plan of Operations (Plan) for the Golden Arrow Exploration Project (Project), and identifies environmental protection measures associated with the Project. The final Plan was submitted in March 2015, in accordance with BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) 3809, as amended. It has been assigned BLM case file number N-93516. The Project is located in parts of Sections 8, 16 through 22, 27, and 28, Township 2 North (T2N), Range 48 East (R48E), Mount Diablo Base and Meridian (Project Area). The Project Area is accessed from Tonopah, Nevada, by traveling approximately 40 miles east from Tonopah on United States (US) Highway 6, then south on Golden Arrow-Silver Bow Road (Nye County Standard Gravel Road #665) for approximately nine miles to either of two access roads. The EA analysis includes issuing a right-of-way (ROW) for improving the two access roads, under a ROW application and Plan of Development with BLM case file number N-94261.

BACKGROUND

IRC had been conducting exploration activities in the Project Area resulting in about nine acres of surface disturbance, under three Notices of Intent to Conduct Prospecting Operations (NOI) which have since expired. IRC proposes to conduct mineral exploration and road widening activities that would create

approximately 91 acres of new surface disturbance in addition to existing Notice-level disturbance, for total Project-related disturbance of approximately 100 acres. Exploration activities would be conducted in phases, with approximately 25.6 acres of surface disturbance occurring under Phase I. Widening approximately 4.2 miles of two roads from eight to 14 feet would also be conducted as a Phase I activity. Exploration activities would include reverse circulation and/or core drilling; constructed roads; constructed drill sites with corresponding sumps; a laydown area; geologic and geophysical mapping; overland travel; construction of trenches for the collection of bulk samples and ground condition testing; potential installation and operation of ground water monitoring wells and production well test sites; geotechnical test pits, trenches, and corings; potential installation and operation of a meteorological station; and reclamation of Project-related surface disturbance.

PUBLIC INVOLVEMENT

The BLM commenced Native American consultation on November 14, 2014, by contacting the Timbisha Shoshone Tribe, the Yomba Shoshone Tribe, and the Duckwater Shoshone Tribe. BLM conducted a site visit on December 17, 2014, with the Environmental Coordinator from the Duckwater Shoshone Tribe, and met with the Environmental Coordinator from the Yomba Shoshone Tribe on February 4, 2015. No concerns were identified.

The EA was made available for a 30-day public comment period ending on March 21, 2016. Notifications of the EA's availability were sent to persons and agencies on the Project mailing list, and the EA was posted on the BLM National NEPA Register and the Battle Mountain District website. The BLM also issued a press release the same day with a link to the EA and instructions on how to comment. The BLM received six comment letters, including one from the public and five from state agencies. The BLM evaluated substantive comments during the decision making process, and made minor corrections and clarifications to the EA as a result of this review. The BLM determined that the comments did not identify or present any significant new information or changed circumstances that would warrant additional NEPA analysis. Appendix A of the EA provides the comments received and responses to these comments.

During the public comment period the Duckwater Tribe sent a letter expressing possible interest in another site visit, then conferred with BLM and sent a follow-up letter stating that they concur with the project moving forward.

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

DECISION

1. As a result of considering 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 and from other agencies, it is the Decision of the Authorized Officer to select the Proposed Action as BLM's Preferred Alternative and approve the Plan with the financial guarantee requirements. 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 Design Features as set forth in the EA and restated in this Decision under Conditions of Approval. The Decision includes, as part of the Proposed Action, a right-of-way (ROW) to be issued to IRC to improve the two access roads totaling 4.2 miles. The road improvement project was designed to comply with FLPMA and regulations in 43 CFR 2800, the Tonopah RMP, and other applicable environmental laws and policies.

BLM approval of the Plan does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the exploration operation. IRC 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 IRC's use and occupancy of public lands as described in the approved Plan. BLM concurrence with IRC'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 4842.1.

Financial Guarantee

Based on your reclamation cost estimate, BLM review of the cost estimate, and consideration of the conditions of approval, the required financial guarantee amount is hereby set at **$94,011.00** for reclamation of the Project. 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). You must provide a financial guarantee in this amount using one or more of the acceptable financial guarantee instruments listed in 43 CFR 3809.555.

A financial guarantee in the amount of **$94,011.00** must be filed with and accepted by the Bureau of Land Management, Nevada State Office, Branch of Minerals Adjudication, 1340 Financial Blvd., Reno, NV 89502-7147. That office will issue you a decision as to the acceptability of your financial guarantee. You must <u>not</u> begin surface disturbing activities under the Plan until you receive notification from the BLM State Office that the financial guarantee has been accepted.

2. Conditions of Approval

IRC would commit to the following Environmental Protection Measures (EPMs) to prevent unnecessary or undue degradation during construction, operation, and reclamation of the Project. The measures are derived from the general requirements established in the BLM's Surface Management Regulations at 43 CFR 3809 and BMRR mining reclamation regulations, and water quality, air quality and other environmental protection regulations and guidelines.

Air Quality

- Emissions of fugitive dust from disturbed surfaces would be minimized by the application of water from a water truck as a method of dust control. A Surface Area Disturbance (SAD) Permit would be required because the surface disturbance exceeds 20 acres in size. Included in a SAD permit is a Dust Control Plan.

Cultural Resources

- Pursuant to 43 CFR 10.4(g) and Section VI.C. of the *State Protocol Agreement between the Bureau of Land Management and the Nevada State Historic Preservation Office for Implementing the National Historic Preservation Act* (*Protocol*) (BLM and Nevada State Historic Preservation Office [SHPO] 2014), IRC would 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 the *Protocol*, IRC would immediately stop all activities within 100 meters of the discovery, and not recommence work within this location until a notice to proceed is issued by the BLM authorized officer.

- IRC would not knowingly disturb, alter, injure, or destroy any historical or archaeological site, structure, building, or object eligible for the National Register of Historic Places (NRHP). If IRC discovers any cultural resource that might be altered or destroyed by operations, the procedures outlined in Section VI.B. of the *Protocol* would be implemented.
- IRC would inform all field personnel of the Archaeological Resources Protection Act of 1979 (ARPA) and the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (Public Law [P.L.] 101-601) responsibilities and their associated penalties.
- In order to prevent impacts to historic properties, IRC would avoid the known unevaluated cultural site within the Project Area. IRC would ensure the unevaluated cultural site within the Project Area is mapped and flagged by a qualified cultural resource specialist with a GPS unit prior to surface disturbing activities.
- Pursuant to Section VI.B of the *Protocol*, any cultural resource discovered by the permit holder, or any person working on their behalf, during the course of Project activities, would be immediately reported to the BLM-authorized officer. The permit holder would suspend all operations within an exclusion zone of 100 meters (approximately 330 feet) of the discovery and protect it until an evaluation of the discovery can be made by the authorized officer. Any activities related to avoidance, recordation, data recovery, or other treatment the BLM determines is appropriate for the discovered resources would be at the expense of the permit holder. Operations within the exclusion zone of the discovered resource would resume only upon a written notice to proceed from the BLM authorized officer.

Erosion and Sediment Control

- Final reclamation of overland travel routes, constructed roads, sumps, and drill sites would consist of scarification or fully recontouring disturbances to their original grade and reseeding in the fall season immediately following completion of Project activities. (A Reclamation Plan is included in the Golden Arrow Plan of Operations N-93516 submitted by IRC in March 2015.)
- Drill sites, sumps, and other excavations would be reclaimed as soon as practicable after completion of data sampling and logging.

Fire Management

- 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 that the Project should start a wildland fire, IRC 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), 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.

Hazardous or Solid Wastes

- Pursuant to 43 CFR 8365.1-1(b)(3), no sewage, petroleum products, or refuse would be dumped from any trailer or vehicle.
- Regulated wastes would be removed from the Project Area and disposed of in a state, federal, or local designated area.
- No solid waste would be permitted in sumps.
- Only nontoxic fluids would be used in the drilling process.
- 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 would be notified within 24 hours, and the appropriate remedial actions and confirmation sampling would be conducted under direction of the NDEP. (A Spill Contingency Plan is included as Appendix D of the Golden Arrow Plan of Operations N-93516 submitted by IRC in March 2015.)

Migratory Birds

- Land clearing or other surface disturbance associated with the activities within the Project Area would be conducted outside the avian breeding season, whenever feasible, to avoid potential destruction of active bird nests or young birds in the area. If surface disturbance must be created during the avian breeding season (March 1 through July 31), a qualified biologist would survey the area prior to surface disturbing activities. Pre-disturbance surveys for migratory birds are only valid for ten days. If the disturbance for the specific location does not occur within ten days of the survey, another survey would be needed. However, if the vegetation has been fully cleared from the work area within the ten-day clearance survey time frame, no additional clearance survey would be required for the disturbed area because it would no longer consist of potential migratory bird nesting habitat. 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 and location of the nest) would be delineated after consultation with BLM, 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.
- IRC's biologist would recommend to the BLM a protective buffer around the nest which the BLM, in coordination with the Nevada Department of Wildlife (NDOW) and the US Fish and Wildlife Service (USFWS), would review and approve prior to surface disturbance. IRC's biologist would inform IRC when the birds have left the nest. IRC would not conduct any drilling

or surface disturbing activities within the buffer zone until the biologist determines that the birds are no longer nesting.

Night Skies

- To minimize effects from lighting, IRC 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. IRC would utilize lighting designed to reduce the impacts to night skies.

Noxious Weeds, Invasive and Non-native Species

- Noxious weeds would be controlled through implementation of the following BMPs: concurrent reclamation efforts; schedule weed management activities to maximize the effectiveness of control efforts on reclaimed areas; washing heavy equipment prior to entering the Project Area; and avoiding areas of known invasive, non-native, and noxious weeds during periods when the weeds could be spread by vehicles.
- Noxious weeds can readily invade disturbed areas associated with exploration projects. IRC would 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 southern Nevada would be cleaned in a power wash in Tonopah. When noxious weeds are encountered in the Project Area, documentation of their location and extent would be provided to the BLM as soon as possible. IRC would obtain approval from the BLM-authorized officer prior to any herbicide application. IRC would 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 would be implemented by IRC: 1) stay on existing roads to and from 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 would provide IRC with a color brochure, "Nevada Noxious Weed Field Guide," a publication by the University of Nevada Cooperative Extension. Through Early Detection/Rapid Response, IRC would survey the Project Area annually to reduce the risk that invasive species become established. Control method(s) would be determined by a range of factors, even for small infestations. For more intensive infestations, IRC would consult with the BLM on containment or eradication measures.

Paleontological Resources

- IRC would not knowingly disturb, alter, injure, or destroy any scientifically important paleontological deposits. In the event that previously undiscovered paleontological resources are discovered by IRC 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 authorized officer of the BLM. If significant paleontological resources are found, avoidance, recordation, and/or data recovery would be required.

Public Safety

- Public safety would be maintained throughout the life of the Project. All equipment and other facilities would be maintained in a safe and orderly manner.
- If any survey monuments, witness corners, or reference monuments are encountered in the Project Area, IRC would consult with BLM to ensure adequate protection.
- In the event that any existing roads are damaged as a result of IRC activities, IRC would return them to their original condition.

Special Status Species (also see Section 2.1.12 for measures addressing Greater Sage-Grouse)

- IRC would not conduct surface disturbing activities within 200 feet of the one existing adit and 11 existing shaft openings within the Project Area that have been identified as potential bat habitat, to prevent any impacts to bat species potentially residing in or near these features. If a qualified biologist surveys the site and determines that bats are not residing in or near these features, this 200-foot exclusion zone would not apply. If evidence of maternity use by a BLM Sensitive bat species is found in the future, BLM may designate a larger exclusion zone and/or other measures to avoid disturbance during the breeding season, April 1 through August 31.
- If any surface disturbing activities would occur within 0.25 mile of the western burrowing owl burrows identified in the 2014 Baseline Biological Survey Report prepared for the Project during the nesting season of April 1 through July 31, an occupational/nesting survey would be required in early to mid-April. If any nest is found to be active, then a no disturbance buffer of 0.25 mile would be applied to each active nest until the nestlings fledge, or nest abandonment occurs. A secondary nesting success survey would be required in mid to late July should occupation of a burrow be documented during the initial survey effort.
- In order to avoid or minimize impacts to sand cholla (*Grusonia pulchella*), a BLM sensitive plant species, IRC would completely avoid the individual plants or avoid them by employing angle/directional drilling techniques if plants are located within or near proposed disturbance areas. If avoidance is not possible, IRC would transplant the sand cholla to an area within or adjacent to the Project Area that supports the habitat requirements of the species, and monitor each transplanted individual plant for survival.

Water Quality

- All drill holes would be plugged in accordance with NRS 534, NAC 534.4369 and NAC 534.4371. If any drill hole produces artesian flow, the drill hole would be contained pursuant to NRS 534.060 and NAC 534.378 and would 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 would be completely removed from the drill hole and then plugged in accordance with NAC 534.4369 and NAC 534.4371.
- Storm water BMPs would be used at the construction sites to minimize storm water erosion (see EA Section 2.1.7 Water Management Plan).
- Drill cuttings and fluids would be contained on site utilizing appropriate control measures. Sediment traps would be used as necessary and filled at the end of the drill program.
- IRC would follow the Spill Contingency Plan in Appendix D of the Plan.
- Only nontoxic fluids would be used in the drilling process.

Wildlife

- All trenches, sumps, and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock would be constructed with a sloped end for easy egress with a recommended slope angle of 3H:1V.

Vegetation

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

Applicable Greater Sage-Grouse Required Design Features

A 78-acre portion of the Project Area intersects habitat identified by BLM's Nevada and Northeastern California Greater Sage-Grouse (GRSG) Approved Resource Management Plan Amendment and Record of Decision – September 2015 (GRSG Plan Amendment) as Other Habitat Management Area (OHMA), defined as containing seasonal or connectivity habitat areas for GRSG. IRC does not currently propose to conduct any Project activities within OHMA. If any such activities are proposed in the future, those activities would be required to conform with Required Design Features (RDFs) for OHMA (GRSG Plan Amendment Appendix C). Potentially applicable RDFs are listed below, along with further details of how they would be applied to any future Project activities within the OHMA.

General Required Design Features (GRSG Plan Amendment Appendix C)

- RDF Gen 1: Locate new roads outside of GRSG habitat to the extent practical.

- RDF Gen 2: Avoid constructing new roads within riparian areas and ephemeral drainages. Construct low-water crossings at right angles to ephemeral drainages and stream crossings.

    - There are no riparian areas or perennial streams in the Project Area. Road construction within ephemeral drainages would be avoided wherever possible (EA Section 2.1.2). When drainages must be crossed by a road, BMPs established by the NDEP and Nevada Contractors Field Guide for Construction (2008) would be followed to minimize surface disturbance and erosion potential.

- RDF Gen 3: Limit construction of new roads where roads are already in existence and could be used or upgraded to meet the needs of the project or operation. Design roads to an appropriate standard, no higher than necessary, to accommodate intended purpose and level of use.

    - Any necessary new roads would be designed to the standards outlined in the BLM Roads Design Handbook (BLM 2011).

- RDF Gen 5: During project construction and operation, establish and post speed limits in GRSG habitat to reduce vehicle/wildlife collisions or design roads to be driven at slower speeds.

- RDF Gen 6: Newly constructed project roads that access valid existing rights would not be managed as public access roads. Proponents will restrict access by employing traffic control devices such as signage, gates, and fencing.

- RDF Gen 7: Require dust abatement practices when authorizing use on roads.

    - The Project is required to obtain a Surface Area Disturbance Permit, including Dust Control Plan, through the NDEP BAPC once the Project disturbs 20 acres. Emissions of

fugitive dust from disturbed surfaces would be minimized by the application of water from a water truck as a method of dust control. See EA Section 2.1.11, Air Quality.

- RDF Gen 9: Upon project completion, reclaim roads developed for project access on public lands unless, based on site-specific analysis, the route provides specific benefits for public access and does not contribute to resource conflicts.
    - All constructed roads would be reclaimed when no longer needed for access. The two access roads to be widened would be reclaimed to pre-Project conditions. See EA Sections 2.1.9.4 and 2.1.11.
- RDF Gen 10: Design or site permanent structures that create movement to minimize impacts on GRSG habitat.
    - The proposed meteorological station is the only proposed permanent structure, and would be sited outside the OHMA.
- RDF Gen 11: Equip temporary and permanent aboveground facilities with structures or devices that discourage nesting and perching of raptors, corvids, and other predators.
    - The proposed meteorological station would be located outside the OHMA. Due to the noise and vibration of drill rigs, avian predators would not perch on the drill rigs while they are in operation. Within the OHMA, during times greater than 24 hours with no exploration activities, the drill mast would be lowered to minimize the potential for perching avian predators.
- RDF Gen 12: Control the spread and effects of nonnative, invasive plant species (e.g., by washing vehicles and equipment, minimize unnecessary surface disturbance). All projects would be required to have a noxious weed management plan in place prior to construction and operations.
    - See Section 2.1.9.2 for noxious weed management measures.
- RDF Gen 13: Implement project site-cleaning practices to preclude the accumulation of debris, solid waste, putrescible wastes, and other potential anthropogenic subsidies for predators of GRSG.
    - All refuse generated by the Project would be disposed of at an authorized landfill facility off site, consistent with applicable regulations. No refuse would be disposed of on site. See EA Sections 2.1.1, Equipment and Personnel, and 2.1.11, Hazardous or Solid Wastes. Portable chemical toilets would be available in the Project Area for use by Project personnel.
- RDF Gen 15: When interim reclamation is required, irrigate site to establish seedlings more quickly if the site requires it.
- RDF Gen 16: Utilize mulching techniques to expedite reclamation and to protect soils if the site requires it.

- If mulch is required, it would be certified weed free. See EA Section 2.1.9.2.

- RDF Gen 17: Restore disturbed areas at final reclamation to the pre-disturbance landforms and desired plant community.
  - See EA Section 2.1.9.4. Project-related disturbance would be revegetated with the BLM approved seed mix as shown in Table 2.1-2.

- RDF Gen 18: When authorizing ground-disturbing activities, require the use of vegetation and soil reclamation standards suitable for the site type prior to construction.
  - See EA Section 2.1.9.

- RDF Gen 19: Instruct all construction employees to avoid harassment and disturbance of wildlife, especially during the GRSG breeding (e.g., courtship and nesting) season. In addition, pets shall not be permitted on site during construction.

- RDF Gen 20: To reduce predator perching in GRSG habitat, limit the construction of vertical facilities and fences to the minimum number and amount needed and install anti-perch devices where applicable.

- RDF Gen 21: Outfit all reservoirs, pits, tanks, troughs or similar features with appropriate types and number of wildlife escape ramps.
  - See EA Section 2.1.11, Wildlife.

- RDF Gen 22: Load and unload all equipment on existing roads to minimize disturbance to vegetation and soil.

Locatable Mineral Required Design Features (GRSG Plan Amendment Appendix C)

- RDF LOC 2: Cluster disturbances associated with operations and facilities as close as possible, unless site-specific conditions indicate that disturbances to GRSG habitat would be reduced if operations and facilities locations would best fit a unique special arrangement.
  - Specific locations of disturbances associated with phased exploration projects are unknown, as the drill site locations in subsequent phases are based on results from previous phases. For any proposed future phases of disturbance within OHMA, IRC would coordinate with the BLM to determine if clustering disturbance would be practicable or determine site-specific conditions conducive to a unique special arrangement.

- RDF LOC 3: Restrict pit and impoundment construction to reduce or eliminate augmenting threats from West Nile virus.
  - No pits are proposed. Sumps that collect water and/or nontoxic drilling fluids as part of drilling activities would be small, quickly evaporated, and filled in when no longer needed.

- RDF LOC 4: Remove or re-inject produced water to reduce habitat for mosquitoes that vector West Nile virus. If surface disposal of produced water continues, use the following steps for reservoir design to limit favorable mosquito habitat:

    - Overbuild size of ponds for muddy and non-vegetated shorelines
    - Build steep shorelines to decrease vegetation and increase wave actions
    - Avoid flooding terrestrial vegetation in flat terrain or low lying areas
    - Construct dams or impoundments that restrict down slope seepage or overflow
    - Line the channel where discharge water flows into the pond with crushed rock
    - Construct spillway with steep sides and line it with crushed rock.
    - Treat waters with larvicides to reduce mosquito production where water occurs on the surface.
    - Exploration drilling does not normally produce enough water that it would need to be removed or reinjected. If any drill hole produces artesian flow, the drill hole would be sealed and plugged. See EA Section 2.1.11, Water Quality. Water associated with drilling activities would be contained in sumps and would generally be expected to quickly evaporate and/or permeate into the soil. When the weekly average of the daily high ambient temperature is greater than 60° F, if any water stands for more than seven days in a sump, IRC would inspect for mosquito larvae on a weekly basis. If mosquito larvae are found, IRC would treat the water with a BLM-approved larvicide and/or adopt other appropriate measures in consultation with BLM. Standing water that has been treated would be monitored based on the duration (efficacy) of the larvicide; if mosquito larvae are found the sump would be treated again.

- RDF LOC 5: Address post reclamation management in reclamation plan such that goals and objectives are to protect and improve sage-grouse habitat needs.

    - Any reclamation required in the OHMA would be geared to GRSG habitat needs. The Project's reclamation plan includes revegetation monitoring that would be completed no later than two years after the completion of activities under this Project; however, revegetation may take longer, and BLM would not release the reclamation bond until revegetation success has been achieved. See EA Section 2.1.9.

- RDF LOC 6: Maximize the area of interim reclamation on long-term access roads and well pads including reshaping, topsoiling and revegetating cut and fill slopes.

    - Constructed roads and drill sites would be concurrently reclaimed when practicable, and would include regrading and reshaping, growth media placement where necessary, and revegetation. See EA Section 2.1.9, Reclamation Plan.

3. BLM Notices N-81866, N-88961, and N-90701 are hereby vacated with the approval of the Plan and acceptance of the financial guarantee. Once the financial guarantee is adjudicated for the Plan (N-93516) by the BLM Nevada State Office, Branch of Minerals Adjudication, the remaining reclamation and financial guarantee requirements under Notices N-81866, N-88961, and N-90701 will be incorporated into the reclamation requirements of the Plan and the Notices 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 Golden Arrow Exploration Project.

The Plan is in conformance with the Tonopah Resource Management Plan Record of Decision (ROD) which identifies the following objective for locatable minerals on page 23:

- "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 to the operation of mining laws."

The Plan is in conformance with the standard operating procedure specified in the RMP ROD on page 36, which states:

- "Reclamation of disturbed areas to meet BLM standards is required for all levels of activity: casual use, notice, or plans of operation."

The Plan is in conformance with the Nevada and Northeastern California Greater Sage-Grouse (GRSG) Approved Resource Management Plan Amendment and Record of Decision – September 2015 (GRSG Plan Amendment). As detailed under Conditions of Approval above, a portion of the Project Area intersects an area identified by the GRSG Plan Amendment as Other Habitat Management Area (OHMA); no Project activities are currently proposed within OHMA; and any future activities within OHMA would be required to comply with applicable GRSG Plan Amendment management direction.

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 1553 South Main Street, Tonopah, NV 89049, which we will forward to 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.

Timothy J. Coward
Field Manager

Enclosures

cc: Nevada State Office, Branch of Minerals Adjudication
NDEP-BMRR
Catherine Lee, Enviroscientists

Form 1842-1
(September 2006)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS
1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL..... A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... Bureau of Land Management, Tonopah Field Office, P. O. Box 911, 1553 S. Main Street, Tonopah, NV 89049-0911

WITH COPY TO SOLICITOR... Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890

3. STATEMENT OF REASONS Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR..... Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890

4. ADVERSE PARTIES..... Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE..... Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY..... Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

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

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

(Continued on page 2)