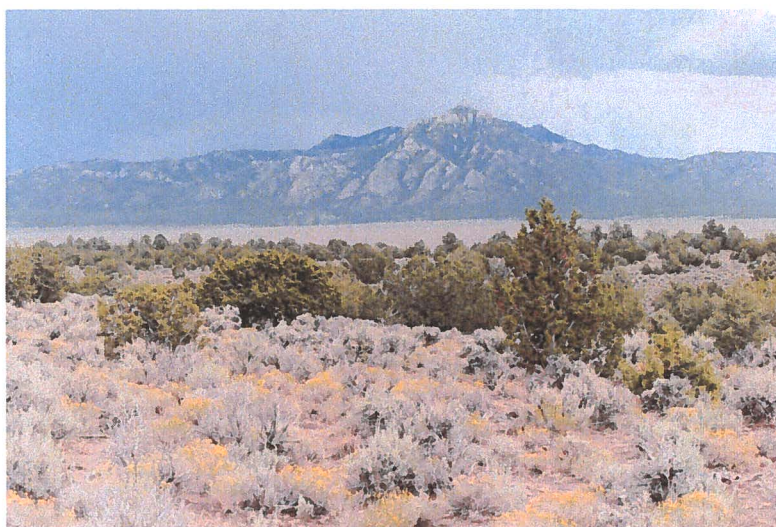


U.S. Department of the Interior Bureau of Land Management

Goldrush Mine Project Environmental Impact Statement

Case File NVN-97532
DOI-BLM-NV-B010-2021-0006-EIS

Record of Decision and Plan of Operations Approval



Cooperating Agencies

United States Fish and Wildlife Service
United States Environmental Protection Agency
Nevada Department of Conservation and Natural
Resources
Nevada Division of Environmental Protection
Nevada Department of Transportation
Nevada Department of Wildlife
Eureka County Board of Commissioners

Preparing Office

Battle Mountain District - Mount Lewis Field Office
50 Bastian Road
Battle Mountain, NV 89820

December 8, 2023



Goldrush Mine Project

RECORD OF DECISION

Goldrush Mine Project Final Environmental Impact Statement

**Case File #: NVN-97532
DOI-BLM-NV-B010-2021-0006-EIS**

**U.S. Department of the Interior
Bureau of Land Management**
Mount Lewis Field Office
Battle Mountain District
50 Bastian Road
Battle Mountain, NV 89820



Douglas W. Furtado, District Manager

12/8/23

Date

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Goldrush Mine Project Record of Decision

Introduction

In January 2020, Nevada Gold Mines LLC (NGM) submitted a Plan of Operations (Plan) (NVN-97532) for the proposed underground Goldrush Mine to the Mount Lewis Field Office (MLFO) of the Battle Mountain District Bureau of Land Management (BLM). Following review by the BLM and consultation between BLM and NGM, NGM submitted revised plans in May 2020, August 2020, October 2020, and June 2021. The BLM, Nevada Department of Wildlife (NDOW), and NGM continued to work on additional protection measures and project layout changes to further reduce potential impacts to wildlife species, specifically Greater Sage-grouse. Following the BLM selection of the Revised Proposed Action for Reduced Wildlife Impacts Alternative (Wildlife Alternative) as the Preferred Alternative, the Plan was updated again with the Wildlife Alternative in February 2023.

The Goldrush Mine is located approximately 30 miles south of Beowawe, Nevada, in both Lander and Eureka Counties, Nevada, and includes the construction, operation, reclamation, and closure of a new underground mine. The BLM's Surface Management Regulations at 43 Code of Federal Regulations (CFR) subpart 3809 require that the BLM fulfill its obligation under the National Environmental Policy Act of 1969 (NEPA) by analyzing and disclosing the potential environmental impacts of the Goldrush Mine. The BLM MLFO determined the level of analysis necessary for the Plan was an Environmental Impact Statement (EIS).

Overview of the Goldrush Mine Project

To create the proposed Goldrush Mine Plan boundary, NGM proposes Plan boundary modifications and/or reclassification of acres within the following existing BLM-approved plan boundaries:

- The Horse Canyon Mine Plan (NVN-66896) administered by the BLM Elko District;
- The Horse Canyon/Cortez Unified Exploration Project (HC/CUEP) Plan (NVN-66621) administered by the BLM Battle Mountain District;
- The West Pine Valley Exploration Project Plan (NVN-77213) administered by the BLM Elko District; and
- Use of existing infrastructure at the Cortez Mine (NVN-67575) administered by the BLM Battle Mountain District. No proposed boundary modifications or surface disturbance reclassification from the Cortez Mine to the Goldrush Mine Plan would occur. Under the Proposed Action, construction of the 120-kilovolt (kV) power line with two switching stations, infiltration distribution pipeline, Lower Horse Canyon Road and contact water pipeline would occur partially within the Cortez Mine Plan boundary and the proposed Goldrush Mine Plan boundary.

The proposed Goldrush Mine Plan boundary will modify portions of the West Pine Valley Plan boundary, and the HC/CUEP Plan boundary. The Horse Canyon Mine Plan and associated

Reclamation Permit will be closed, and the authorized disturbance and reclamation obligations will be transferred to the Goldrush Mine Plan.

The proposed Project will entail underground mining and reasonably incident surface support activities, including:

- A materials handling system for transporting ore and waste rock from the underground workings to the surface and transporting aggregate and supplies to the underground workings and surface backfill plant;
- A dewatering system including wells, pipelines and pipeline corridors, a water treatment plant (WTP), rapid infiltration basins (RIBs), and a multi-use shop;
- Contact water pipeline;
- Ventilation raises;
- A backfill aggregate paste plant and crusher;
- A shotcrete/cemented rock fill (CRF) plant;
- Above ground power lines;
- Ancillary surface facilities;
- Dual use of existing facilities within the close-by Cortez Mine Plan boundary; and
- Continued surface and underground exploration activities.

A fleet of over-the-road haul truck and trailer units will be used to transport ore north of Carlin, Nevada to either the NGM-operated and existing Goldstrike or Gold Quarry processing facilities.

Public Involvement

The BLM published a Notice of Intent to prepare an EIS for the proposed Project in the Federal Register on September August 10, 2021 (Volume 86, No. 151, Pages 43674 to 43677). This initiated a 30-day public scoping period for the proposed Project. The BLM held two virtual public scoping meetings for the Project on August 25 from 2:00 to 3:00 P.M and August 26 from 5:00 to 6:00 P.M. A short slideshow presentation was given at the beginning of each virtual meeting and was thereafter published on the Project BLM National NEPA Register website for public availability. Members of the public and public interest groups other than people directly affiliated with the Project attended the two virtual meetings. By the close of the scoping process, 16 comment documents had been received. The BLM reviewed and considered the scoping comments, then prepared the Draft EIS.

The Notice of Availability (NOA) for the Draft EIS was published in the Federal Register on June 30, 2022 (Volume 88, No. 125, Pages 39115 to 39116), at which time the 45-day comment period commenced and was extended to a 60-day comment period, ending on August 29, 2022. The BLM held two in person public meetings in Crescent Valley, Nevada on July 27, 2022, from 6:00 to 8:00 PM and in Elko, Nevada on July 28, 2022, from 6:00 to 8:00 PM. In addition, a

virtual public meeting was held on August 3, 2022, from 2:00 to 3:00 PM. The BLM reviewed and responded to all public comments received during the public comment period on the Draft EIS. Each comment, as well as a corresponding response, are provided in Appendix A of the Final EIS (FEIS).

The NOA for the FEIS was published in the Federal Register on October 31, 2023 (Volume 88, No. 209, Pages 74506 to 74507) releasing the FEIS for public review. The BLM received five comment letters following the publication of the Final EIS. The comments were reviewed and considered in preparing this Record of Decision (ROD). The comments did not identify or present any significant new information that would warrant additional analysis under the NEPA.

The Draft EIS and FEIS are available on the BLM National NEPA Register at: <https://eplanning.blm.gov/eplanning-ui/project/2012544/510>.

Cooperating Agency Coordination

In addition to the document reviews listed above, regular coordination efforts were performed with the Cooperating Agencies throughout the Project. During the EIS development process, conference calls were held between the BLM, NGM, and Cooperating Agencies to provide status updates, discuss emergent issues, and gather feedback and information requests from the Cooperating Agencies as needed. Additionally, individual meetings were held between the BLM and the Cooperating Agencies to address concerns raised in comments on the Draft EIS and other points in the Project. Specific dates and times are documented in the Administrative Record.

Native American Government-to-Government Consultation

Initial consultation letters were sent to the following Tribes in February 2019: Te-Moak Tribe of Western Shoshone, Battle Mountain Band of the Te-Moak Tribe of Western Shoshone, Duckwater Shoshone Tribe, Yomba Shoshone Tribe, Ely Shoshone Tribe, and The Shoshone-Paiute Tribe of Duck Valley. In addition, the Tribes were invited to the December 17, 2019, Goldrush Mine Project Kick-off meeting. Additional coordination meetings between the BLM and Tribes following Project Initiation were held in 2021 on February 17 with the Te-Moak, South Fork, Ely Shoshone, and Duckwater Tribes, February 23 with the South Fork, Ely Shoshone, Te-Moak, and Duckwater Tribes, April 14 with the Duckwater Tribe, August 17 with the Duckwater Tribe, and October 8 with the Te-Moak Tribe. The BLM attended additional meetings with the Tribes on April 7, June 29, and August 23, 2022. Also on August 23, 2022, the BLM hosted an on-site visit with representatives from the Te-Moak Tribe and the South Fork Band. To date, the Tribes have not raised specific concerns regarding the Proposed Action during the consultation for this Project beyond that which is covered under the September 2018 Programmatic Agreement.

Record of Decision

The BLM Battle Mountain District Manager, who has the decision-making authority for this action, has reviewed the environmental analysis in the FEIS and has selected the Wildlife Alternative, along with the Applicant-Committed Environmental Protection Measures (ACEPMs) specified in Sections 2.1.10 and 2.2.10 of the FEIS and included as Conditions of Approval in the Plan of Operations Decision, as the BLM's Preferred Alternative. The BLM's selection is based on the environmental analysis in the FEIS. The final Plan will be authorized in a separate Decision in addition to the financial guarantee determination. The BLM decision is

based on the final Plan (NVN-97532), submitted to the BLM pursuant to 43 CFR § 3809 and § 3715, and the analysis in the FEIS. The BLM has considered the analysis of the effectiveness of the mitigation measures, and has determined that implementation of this Decision, with the identified monitoring and mitigation measures, will not cause unnecessary or undue degradation of the public lands and is consistent with applicable legal requirements.

In accordance with 40 CFR § 1505.2(a)(3), the mitigation measures and ACEPMs represent all practicable means to avoid or minimize environmental harm from the BLM's Preferred Alternative. The ACEPMs, which were developed to avoid or minimize environmental impacts resulting from the selection of the BLM's Preferred Alternative, are part of the Plan. All ACEPMs were designed to avoid or minimize environmental impacts to resources affected by the Plan. All mitigation within the BLM's authority will be implemented and enforced. All mitigation was designed to be effective and is listed below.

Mitigation Measures

Water Resources-1

Potential impacts on surface water resources from mine-related groundwater drawdown have been identified and will be mitigated under the *Contingency Mitigation Plans [CMP] for Surface Waters 2023 Cortez District Projects Including Goldrush and Cortez Hills Plans of Operation Lander and Eureka Counties, Nevada*, if trigger thresholds are met. The Goldrush CMP was built on the existing CMPs for Surface Waters for the Deep South Expansion Project and Cortez Hills Project. Mitigation will continue until the BLM approves the Plan for permanent closure, which could be up to 500 years following cessation of groundwater dewatering operations. The updated CMP has been coordinated with the BLM and is consistent with the previous CMPs. The updated CMP includes 198 surface water sites identified within the 10-foot drawdown contour plus one mile buffer. NGM will be responsible for providing regular CMP trigger criteria analysis, computations, interpretations, evaluations, and conclusions for all surface water sites necessary for the BLM to review, confirm, and validate whether CMP trigger criteria are met and require mitigation projects be implemented. The potential impacts from the implementation of mitigation projects were analyzed previously in the Cortez Hills Supplemental EIS, the Deep South Expansion Project EIS, and the Goldrush EIS.

Water Resources-2

NGM would be responsible for monitoring groundwater levels between the mine and water supply wells, groundwater rights, and surface water rights within the projected mine-related groundwater drawdown area as part of the water resources monitoring program. Adverse impacts to water wells and water rights will be mitigated, as required by the Nevada Division of Water Resources. Mitigation for impacts to water rights would depend on the actual impact and site-specific conditions and could include a variety of measures. Methods for addressing impacts to water rights may include, but would not be limited to, the following: for wells, mitigation could include lowering the pump, deepening an existing well, drilling a new well, or providing a replacement water supply of equivalent yield and general water quality; for surface water rights, mitigation could require providing a replacement water supply of equivalent yield and general water quality.

Greater Sage-grouse (*Centrocercus urophasianus*)

Impacts from the Proposed Action to Greater Sage-grouse (GRSG) will be offset by either the use of the Bank Enabling Agreement (BEA) between the United States Fish and Wildlife Service (USFWS), BLM, and NGM (formerly Barrick Cortez, Inc.) or through the Nevada Conservation Credit System (CCS). NGM will use the BEA or CCS program to ensure net conservation gain of GRSG. Potential impacts to GRSG habitat will be calculated in accordance with the terms of the BEA. The BEA relies on the approved habitat model developed by The Nature Conservancy with input from expert agency personnel and stakeholders to calculate debits from mining activities and credits from conservation actions. Under the BEA, Barrick Cortez, Inc. obtains credits for successfully implementing approved habitat enhancement, restoration, and/or preservation measures to achieve a net conservation gain. Those credits may then be used to offset habitat impacts from NGM projects, including the Proposed Action. The BLM and USFWS have approved project plans for public and private lands, respectively.

The CCS is administered by the State of Nevada Sagebrush Ecosystem Program and led by the Sagebrush Ecosystem Council. The CCS provides a regulatory mechanism for GRSG habitat protection that ensures habitat effects from anthropogenic disturbances (debits) are fully compensated by long-term enhancement and protection of habitat that result in a net benefit for the species (credits). Net benefit for GRSG is achieved through mitigation offsets in the CCS, and overall program risk is limited by awarding management action-based credit releases only as much as one third of the anticipated credits and using a combination of additional mechanisms, including mitigation ratios, the reserve account, and financial assurances. The use of the CCS is required to fulfill mitigation requirements for disturbances to GRSG habitat on public lands. As outlined in Nevada Administrative Code 232.400-232.480, the Proposed Action was analyzed using the CCS Habitat Quantification Tool to calculate a debit obligation based on the proposed Goldrush disturbance following habitat field verification. The Sagebrush Ecosystem Technical Team completed a formal quality assurance review of the results of the Habitat Quantification Tool. If the CCS were to be utilized, the direct and indirect impacts from the Project will result in 2,224 Term Debits and 1,004 Permanent Debits. Mitigation has been committed to by NGM as an ACEPM to mitigate impacts to GRSG habitat.

Management Considerations

The rationale for the above decision is supported by the Surface Management Regulations (43 CFR § 3809 *et seq.*), the Federal Land Policy and Management Act of 1976 (FLPMA), and the Mining Law of 1872, as amended. The Plan has been analyzed under the Council on Environmental Quality implementing regulations for NEPA (40 CFR § 1500 *et seq.*). Selection of the BLM's Preferred Alternative authorizes NGM to carry out a legitimate use of the public lands in an environmentally sound manner without causing unnecessary or undue degradation.

The Proposed Action and the No Action Alternative were analyzed in the Draft EIS. As a result of public comments and Cooperating Agency coordination following publication of the Draft EIS, the Wildlife Alternative was developed and analyzed in the FEIS. The Wildlife Alternative includes additional protection measures and project layout changes to further reduce potential impacts to wildlife species, specifically Greater Sage-grouse. In addition, 14 alternatives were considered but eliminated from detailed analysis. The action alternatives were considered in the context of addressing the identified purpose and need, their technological and economic feasibility, as well as their potential to address environmental issues and reduce potential

impacts. The BLM's selection of the Preferred Alternative was primarily based on the avoidance and minimization of impacts to environmental resources, including GRSG.

The BLM, NGM, and the Cooperating Agencies have collaborated to develop measures designed to reduce environmental impacts that may result from the Project. ACEPMs identified in the Plan and the mitigation measures outlined above will reduce adverse environmental impacts identified in the FEIS. Monitoring requirements of the Plan and the FEIS will assist NGM, the BLM, and others in identifying, mitigating, or avoiding unforeseen environmental impacts that may occur.

Land Use Plan Conformance

The BLM has the responsibility and authority to manage the surface and subsurface resources on public lands located within the jurisdiction of the MLFO, and the public lands within the Project area are open for mineral exploration and development. The Preferred Alternative is in conformance with the Shoshone-Eureka Resource Management Plan (RMP). Specifically, the Preferred Alternative is in conformance with the following objectives:

- Make available and encourage development of mineral resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals.
- Assure that mineral exploration, development, and extraction are carried out in such a way as to minimize environmental and other resource damage and to provide, where legally possible, for the rehabilitation of lands.
- Develop detailed mineral resource data in areas where different resources conflict so that informed decisions may be made that result in optimum use of the lands.

Management decisions for locatable minerals and current mineral production areas includes:

- All public lands in the planning areas will be open for mining and prospecting unless withdrawn or restricted from mineral entry.
- Recognize these areas as having the highest and best use for mineral production and encourage mining with minimal environmental disturbance. Make thorough mineral examinations of all sites proposed for other Bureau programs in these areas.

The Preferred Alternative is also in conformance with the Elko RMP, specifically with the following objectives for locatable minerals:

- Maintain public lands open for exploration, development, and production of mineral resources while mitigating conflicts with wildlife, wild horses, recreation, and wilderness resources.
- Designate the resource area open to mineral entry for locatable minerals, except for the district's 11-acre administrative site.
- Locatable mineral exploration and development on public land will be regulated under 43 CFR §§ 3802/3809 to prevent unnecessary or undue degradation of the land. To the extent feasible and allowed by regulation, mineral exploration activities will be restricted

during wet ground conditions. In areas of unsuitable or highly erodible soils, consultation with the Authorized Officer is required prior to entry.

The Preferred Alternative is also in conformance with the 2015 Nevada and Northeastern California Greater Sage-grouse Approved Resources Management Plan Amendment (ARMPA). The 2015 ARMPA provides guidance on measures to avoid and minimize potential impacts resulting from proposed projects in addition to providing appropriate measures to compensate for impacts that are unavoidable on GRS habitat resulting from development projects. The MLFO requires that the intended disturbance area and vicinity be analyzed by the BLM's Nevada State Office and by the State of Nevada Department of Wildlife (NDOW) per 43 CFR § 3809.40l(c), and the 2015 ARMPA, subject to valid and existing rights and applicable law. The ROD is consistent with the 2015 ARMPA, subject to valid and existing rights and applicable law.

The Preferred Alternative is in conformance with the Lander County Master Plan for mineral resources development, and the Eureka County Master Plan for natural resources and federal or state land uses.

Summary of the Proposed Action and Other Alternatives

Proposed Action

The Proposed Action would include construction, operation, reclamation, and closure of a new underground mining project in the Cortez Mining Area of Lander and Eureka Counties, Nevada. The proposed Plan boundary is a total of 19,853 acres, of which 772 acres would be on private land controlled by NGM and 19,081 acres of public lands administered by the BLM MLFO and BLM Elko District, Tuscarora Field Office. Most of this area is within existing exploration and mine plans approved by the BLM and includes facilities and surface disturbance associated with the authorized plans. To create the new Goldrush Mine Plan boundary, NGM proposes boundary modifications and/or reclassification of acres within the following existing NGM-owned exploration and mine Plan boundaries: Horse Canyon Mine Plan (NVN-66896) administered by the BLM Elko District; HC/CUEP Plan (NVN-66621) administered by the BLM Battle Mountain District; West Pine Valley Exploration Project Plan (NVN-77213) administered by the BLM Elko District; and use of existing infrastructure at the Cortez Mine (NVN-67575) administered by the BLM Battle Mountain District. No proposed boundary modifications or surface disturbance re-classification from the Cortez Mine Plan to the Goldrush Mine Plan would occur. Under the Proposed Action, construction of the 120-kV power line with two switching stations and contact water pipeline would occur partially within the Cortez Mine Plan boundary and the proposed Goldrush Mine Plan boundary.

The Proposed Action would create an additional 1,694 acres of new surface disturbance on public land administered by the BLM, including approximately 210 acres of exploration disturbance that could occur anywhere within the proposed Goldrush Mine Plan boundary. In addition, approximately 1,064 acres of existing authorized disturbance would be within the Proposed Action footprint, and approximately 12 acres of existing authorized disturbance would be reclassified as part of the Proposed Action.

The proposed underground mining and surface support activities for the Goldrush Mine would include a materials handling system for transporting ore and waste rock from the underground workings to the surface and transporting aggregate and supplies to the underground workings and surface backfill plant; a dewatering system including: wells, pipelines and pipeline corridors,

a WTP, RIBs, and a multi-use shop; contact water pipeline; ventilation raises; a backfill aggregate paste plant and crusher; a shotcrete/CRF plant; two new power lines including a 120-kV power line with two switching stations, and a 13.8-kV power line; new ancillary surface facilities including: bulk material storage, access roads, power supply, stormwater controls, laydown and parking areas, lighting, growth media stockpiles, dewatering and monitoring wells, gravel pit expansion, potable water and septic systems, dry facilities (change rooms), service boreholes for electrical and fuel delivery, fire suppression system, water truck refill stations, emergency helipads, fencing, and modular information technology (IT), and communications buildings; dual use of authorized facilities within the close-by Cortez Mine Plan boundary; and continued surface and underground exploration activities.

Wildlife Alternative (BLM Preferred Alternative)

The Wildlife Alternative would include construction, operation, reclamation, and closure of a new underground mining project in the Cortez Mining District of Lander and Eureka Counties, Nevada. The anticipated impacts associated with the Wildlife Alternative are less than those associated with the Proposed Action and are within the scope of the analyzed alternatives. The proposed Plan boundary under the Wildlife Alternative would consist of 19,871 acres, of which 772 acres would be on private land controlled by NGM and 19,099 of public lands administered by the BLM MLFO and BLM Elko District, Tuscarora Field Office. The same reclassification of acres from existing authorizations would occur as described under the Proposed Action, except a total of 888 acres would be transferred from the West Pine Valley Exploration Plan (NVN-77213) to the Goldrush Mine Plan boundary. The Wildlife Alternative would create an additional 1,626 acres of new surface disturbance on public land administered by the BLM, including approximately 210 acres of exploration disturbance that could occur anywhere within the proposed Goldrush Mine Plan boundary. In addition, approximately 1,027 acres of existing authorized disturbance would be within the Wildlife Alternative footprint, and approximately five acres of existing authorized disturbance would be reclassified as part of the Wildlife Alternative.

The proposed underground mining and surface support activities for the Goldrush Mine under the Wildlife Alternative would include the same features as described for the Proposed Action, except the following would occur: eliminate the WTP and multi-use shop; eliminate the surface paste plant in Horse Canyon, paste plant access road to Horse Canyon, and associated aggregate haulage; a secondary CRF plant would be constructed on the proposed portal pad expansion; relocate the laydown yard to be constructed adjacent to the West Pine Valley RIB; and, adjust the alignment of the 13.8-kV power line to relocate the poles below the crest of the canyon wall in Horse Canyon. The only changes to the underground mining operations would be increasing the diameter of the ventilation raises to 21 feet in diameter and eliminating the use of the aggregate paste fill as backfill. All other facilities described under the Proposed Action would remain under the Wildlife Alternative.

No Action Alternative

Under the No Action Alternative, the development of the Goldrush Mine would not be authorized and NGM would not construct, operate, and close a new underground mine (i.e., the Goldrush Mine). Modifications or reclassification of acres as proposed under the Proposed Action would not occur, the dual use of facilities between the Cortez Mine and Goldrush Mine

operations would not occur. NGM would continue current authorized mining and exploration activities under the previously approved plans.

NGM is presently conducting authorized mining or exploration activities in the proposed Goldrush Mine Plan boundary under four separate Plans: Horse Canyon Mine Plan (NVN-66896); HC/CUEP Plan (NVN-66621); West Pine Valley Exploration Project Plan (NVN-77213); and Cortez Mine Plan (NVN-67575). All authorized activities would be expected to continue under the No Action Alternative. Total authorized disturbance under the No Action Alternative is 22,433 acres and the additional disturbance from the Proposed Action would not occur.

Alternatives Considered but Eliminated from Detailed Analysis

An additional 14 alternatives were identified but were eliminated from further analysis. These included road design alternatives, mine design component alternatives, transportation alternatives, and waste rock handling alternatives. These 14 alternatives were considered relative to their means of addressing the identified purpose and need for the Project; their technical and economic feasibility; as well as their potential to address environmental issues and reduce potential impacts. Consideration of these alternatives was made by the BLM in conjunction with Cooperating Agencies. Each of these 14 potential alternatives was ultimately rejected and not further analyzed in the FEIS for the reasons outlined in **Table 2**. Complete discussion of the components of these 14 alternatives is provided in Section 2.4 of the FEIS.

Table 2 Alternatives Considered but Dismissed from Detailed Analysis

Alternative Category	Alternative Considered but Eliminated from Detailed Analysis	Rationale For Elimination of Alternative
Road Design Alternatives	Post-Mining Road Alternative	Not Environmentally Reasonable
	Road Construction Within Jurisdictional Waters Alternative	Not Environmentally Reasonable
Design Component Alternatives	Open Pit Mine Alternative	Not Environmentally Reasonable
	Dewatering Well Design Component Alternative	Not Environmentally Reasonable
	Process Facility Design Component Alternative	Not Environmentally Reasonable
	Ventilation Raises/Fans Design Component Alternative	Not Environmentally Reasonable
	Power Line Route Design Component Alternative	Not Environmentally Reasonable
	Alternatives Water Disposal Via Injection Well Alternative	Not Economically Feasible/Not Economically Practical and Feasible/Not Environmentally Reasonable
	Alternative Underground Access Alternative	Not Environmentally Reasonable
	Rapid Infiltration Basin Alternative	Not Economically Feasible
Transportation Alternatives	Off-Site Ore Transportation Alternative Via Rail, Slurry Line or Dedicated Haul Road	Not Economically Feasible
	Ore Transportation by Rail from Goldrush Underground Mine to the Surface at Cortez Mine Open Pit Alternative	Not Economically Feasible/Environmentally Reasonable
	On-Site Processing Alternative	Not Economically Feasible/Environmentally Reasonable
Waste Rock Handling Alternative	Pediment Backfill Alternative	Not Technically Practical

Goldrush Mine Project Plan of Operations Approval

DECISION

DEC 08 2023

Plan of Operations Approval Determination of Required Financial Guarantee

Introduction

The Bureau of Land Management (BLM) has reviewed the Plan of Operations (Plan) titled *Goldrush Mine Plan of Operations (NVN-097532) and Reclamation Permit Application* and has prepared an Environmental Impact Statement (EIS), DOI-BLM-NV-B010-2021-0006-EIS that analyzes the affected environment, environmental impacts, and identifies applicant-committed environmental protection measures and mitigation associated with the Nevada Gold Mines LLC (NGM) Goldrush Mine Project (Project). The final Plan was updated to reflect the BLM Preferred Alternative and received by the BLM on April 6, 2023, in accordance with the BLM Surface Management Regulations 43 Code of Federal Regulations (CFR) § 3809, as amended. It has been assigned BLM case file number NVN-97532. The Plan will result in a total of 1,626 acres of new surface disturbance at the Project, including 210 acres of exploration disturbance. The Plan boundary includes approximately 1,063 acres of existing authorized disturbance. The Plan boundary will consist of 19,871 acres located on private land controlled by NGM and BLM-administered land in Lander and Eureka Counties in Township (T) 25 North (N) Range (R) 48 ½ East (E) Section 1; T. 25 N., R. 49 E., Section 6; T. 26 N., R. 47 E., Sections 1, 12, and 13; T. 26 N., R. 48 E., Sections 1 through 17, 20 through 29, and 32 through 36; T. 26 N., R. 49 E., Sections 7, 14, 15, 18, 19, 22, 23, 27 through 32, and 34; and T. 27 N., R. 48 E., Sections 14, 15, 22, 23, 26 through 28, and 33 through 36.

Background

NGM maintains four authorized Plans of Operations in the proposed location of the Goldrush Mine, including: the Horse Canyon Mine, the Horse Canyon/Cortez Unified Exploration Project (HC/CUEP), West Pine Valley, and Cortez Mine. Under the Proposed Action, the proposed Goldrush Mine Plan boundary would encompass all or portions of each of these Plan areas. The Proposed Action would result in changes to the boundaries of the Horse Canyon Mine Plan, HC/CUEP Plan, West Pine Valley Exploration Plan, and Cortez Mine Plan. To create the proposed Goldrush Mine Plan boundary, NGM will make the Plan boundary modifications and/or reclassification of acres within the following existing BLM-approved plan boundaries:

- The Horse Canyon Mine Plan (NVN-66896) administered by the BLM Elko District;
- The HC/CUEP Plan (NVN-66621) administered by the BLM Battle Mountain District;

- The West Pine Valley Exploration Project Plan (NVN-77213) administered by the BLM Elko District; and
- Use of existing infrastructure at the Cortez Mine (NVN-67575) administered by the BLM Battle Mountain District. No proposed boundary modifications or surface disturbance re-classification from the Cortez Mine to the Goldrush Mine Plan would occur. Under the Preferred Alternative, construction of the 120-kilovolt (kV) power line with two switching stations, infiltration distribution pipeline, Lower Horse Canyon Road and contact water pipeline would occur partially within the Cortez Mine Plan boundary and the proposed Goldrush Mine Plan boundary.

The proposed Goldrush Mine Plan boundary would modify portions of the West Pine Valley Plan boundary, and the HC/CUEP Plan boundary. The Horse Canyon Mine Plan and associated Reclamation Permit would be closed, and the authorized disturbance and reclamation obligations would be transferred to the Goldrush Mine Plan.

Under the Goldrush Mine Project, NGM is proposing to construct, operate, reclaim, and close a new underground mining project in the Cortez Mining District Area of Lander and Eureka Counties, Nevada. The proposed underground mining and reasonably incident surface support activities for the Goldrush Mine Project would include:

- A materials handling system for transporting ore and waste rock from the underground workings to the surface and transporting aggregate and supplies to the underground workings and surface backfill plant;
- A groundwater dewatering system including wells, pipelines and pipeline corridors, and rapid infiltration basins.
- Contact water pipeline;
- Ventilation raises;
- A shotcrete/cemented rock fill (CRF) plant;
- Two above ground power lines including a 120-kV power line with two switching stations, and a 13.8-kV power line.
- Ancillary surface facilities including: bulk material storage, access roads, power supply, stormwater controls, laydown and parking areas, lighting, growth media stockpiles, dewatering and monitoring wells, gravel pit expansion, potable water and septic systems, dry facilities (change rooms), service boreholes for electrical and fuel delivery, fire suppression system, water truck refill stations, emergency helipads, fencing, and modular IT, and communications buildings;
- Dual use of existing facilities within the close-by Cortez Mine Plan boundary; and
- Continued surface and underground exploration activities.

A fleet of over-the-road haul truck and trailer units would be used to transport ore north of Carlin, Nevada to either the NGM-operated and existing Goldstrike or Gold Quarry processing facilities.

Decision

As a result of the analysis presented in the EIS, and after carefully considering the comments and input received from the public, it is the Decision of the Authorized Officer to approve the Plan dated April 6, 2023, with the financial guarantee requirements. The BLM approval of the Plan will be subject to operating, reclamation, and monitoring measures in the Plan, the performance standards set forth in 43 CFR § 3809.420, the mitigation, and Applicant-Committed Environmental Protection Measures, as set forth in the EIS and restated in this Decision under the Conditions of Approval.

Approval of the Plan of Operations by the BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the mining and exploration operation. The Goldrush Plan of Operations does not include the construction or expansion of any tailings or waste rock storage facilities and will utilize existing, approved, and operating facilities. Additionally, the existing tailings facility and the portion of waste rock storage facility where the Goldrush waste rock will be stored are on private land or mill sites located in accordance with BLM regulations at 43 CFR § 3830.5. BLM has reviewed the Plan of Operations and has made an administrative determination that this Project is in compliance with the provisions of the Ninth Circuit Court of Appeals in Center for Biological Diversity v. United States Fish and Wildlife Service, 33 F.4th 1202 (9th Cir. 2022) (Rosemont Decision). NGM 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 NGM's use and occupancy of public lands as described in the approved Plan. NGM must maintain compliance with the Use and Occupancy regulations at 43 CFR §§ 3715.2, 3715.2-1, and 3715.5, throughout the duration of the approved Plan of Operations. Concurrence by BLM on NGM's proposed use and occupancy is not subject to State Director review but may be appealed by adversely affected parties directly to the Interior Board of Land Appeals as outlined in enclosed BLM form 1842-1.

This Decision is issued pursuant to 43 CFR § 3809.803. It is effective immediately and will remain in effect while appeals are pending before the Interior Board of Land Appeals (IBLA) unless IBLA grants a stay under 43 CFR § 4.21 (b). The Plan of Operations for this Project is hereby approved subject to the Conditions of Approval required to implement the Project in order to prevent unnecessary or undue degradation.

Financial Guarantee

Amount of Financial Guarantee

The BLM Mount Lewis Field Office has determined that the amount of **\$43,961,607** is sufficient to meet all anticipated reclamation requirements. The reclamation cost estimate is based upon the operator complying with all applicable operating and reclamation requirements as outlined in the Plan of Operations and the regulations at 43 CFR § 3809.420. Note that this amount is subject to change pending further review by the BLM and the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation.

All line items contained in the approved reclamation cost estimate are not to be considered as the limits of financial guarantee expenditures in that respective category or task should forfeiture of the financial guarantee become necessary. The line items listed are solely for the purpose of arriving at a total amount for the financial guarantee. This total amount may be spent however the BLM deems necessary to implement the approved reclamation plan and does not represent a reclamation cost limit or constraint, nor does it preclude you, the operator, from financial liability for reclamation costs.

Required Financial Guarantee

A financial guarantee in the amount of **\$43,961,607** must be submitted to and accepted by the Bureau of Land Management, Nevada State Office, Branch of Mineral Resources (Solids) at 1340 Financial Blvd., Reno, Nevada 89502-7147. You must receive written notification from that office accepting and obligating your financial guarantee before you begin any surface-disturbing operations.

The BLM will create a Long-Term Funding Mechanism (LTFM) to assure completion of long-term post-closure monitoring and mitigation obligations (after reclamation and financial guarantee release) of NGM for the Project. The LTFM will be reviewed annually during the operation phase of the Project and potentially increased to meet the monitoring and mitigation needs associated with the Project. If necessary, this long-term financial assurance may be used by the BLM to complete the post-closure obligations.

Conditions of Approval¹

In addition to the Applicant-Committed Environmental Protection Measures (ACEPMs) already in place under the authorized Plans that the Goldrush Mine Project will modify, NGM will implement numerous environmental protection and management practices based on current technology, Best Management Practices (BMPs), the International Cyanide Management Code, the International Organization for Standardization 14001 Environmental Management System, and federal, state, and local laws and regulations. In compliance with 43 CFR § 3809.420, NGM has developed specific performance standards. Collectively, these are referred to as ACEPMs; these ACEPMs have been adopted and incorporated into the Project and Plan as design features. The purposes of these measures are to ensure responsible mining operations, reduce adverse impacts, avoid undue and unnecessary effects to human health and the environment, and to reclaim disturbed areas. All ACEPMs that will be implemented at the Project are described in full below:

Air Quality

- In accordance with the NDEP Bureau of Air Pollution Control (BAPC) regulations, the Goldrush Mine air quality operating permits must be authorized by the BAPC prior to construction.
- Fugitive dust controls, including water application on roads and other disturbed areas, chemical dust suppressant application (e.g., magnesium chloride), where appropriate, and application of other BMPs as approved by the BAPC will be implemented. Committed air quality practices will include dust control for mine unit operations.

¹ All citations refer to EIS number DOI-BLM-NV-B010-2021-0006-EIS

- NGM will seed temporary disturbance areas (e.g., growth media stockpiles, cut and fill embankments, etc.) with a BLM-approved interim seed mix, and concurrent reclamation will be implemented on completed portions of the waste rock facilities (WRFs) when safe and practical to do so, thereby minimizing fugitive dust emissions.
- To control combustion emissions, all manufacturer installed pollution control equipment will be operated and maintained in good working order. Speed limits will be posted, and vehicle speeds reduced in areas of disturbance to minimize the potential for fugitive dust emissions, to protect wildlife and livestock, and to maintain operational safety. Vehicles will be maintained regularly to ensure they are operating in a manner to minimize vehicle emissions.
- The processing facilities at Goldstrike and Gold Quarry are designed to capture mercury emissions. In addition, mercury emissions from thermal sources at the Cortez Mine will be controlled as described in the Cortez Hills Expansion Project Final EIS.

Cultural Resources

A Programmatic Agreement (PA) was developed for NGM projects with an Area of Implementation that includes the Goldrush Mine Project. The September 2018 PA applies to this Project because the Project activities are consistent with the September 2018 PA's Area of Implementation, Project activities are consistent with the categories of activities covered by the September 2018 PA, which is signed by Barrick Cortez, Inc. the predecessor to NGM. The September 2018 PA was developed by the BLM, Mount Lewis and Tuscarora Field Offices, the Nevada State Historic Preservation Office (SHPO), and NGM. The September 2018 PA guides how Section 106 consultation under the National Historic Preservation Act of 1966 is conducted for undertakings within the defined Area of Implementation. The BLM consulted with and invited the following Tribes as consulting parties to the September 2018 PA: the Te-Moak Tribe of Western Shoshone Indians, the Yomba Shoshone Tribe, the Duckwater Shoshone Tribe of the Duckwater Reservation, the Ely Shoshone Tribe, and the Shoshone-Paiute Tribe of the Duck Valley Reservation (Tribes). The September 2018 PA addresses undertakings which include existing and new mining operations and mineral exploration projects within the defined Area of Implementation. Many of the ACEPMs currently in place under the authorized plans relating to cultural resources and Native American concerns have been enhanced and included into the September 2018 PA and are legally applicable to the Goldrush Project. NGM will implement the following ACEPMs:

- NGM will implement its obligations under the PA.
- Facilities in the proposed Goldrush Mine Plan boundary have been located and designed to avoid new disturbance within and maintain access to the Mount Tenabo/White Cliffs and the Horse Canyon Property of Cultural and Religious Importance. Access to these areas via public roads will be maintained throughout the life of the Goldrush Mine. Facilities have also been designed to avoid the historic Cortez and Shoshone Wells town sites. NGM will provide for continued access to the historic Cortez townsite and has erected a marker designed in coordination with the BLM at the town site to provide historical information for visitors.

- Cultural resources not previously identified which are discovered while conducting any approved undertakings are subject to all the terms outlined in the September 2018 PA. All ground-disturbing activities within 50 meters of the initial location of discovery or unanticipated physical effect will cease immediately and the Proponent shall take adequate steps to ensure the protection of the discovered resource and notify the BLM Authorized Officer within 24 hours after the discovery. Activity within 50 meters of the initial location of the discovery or unanticipated physical effect will remain halted until the BLM Authorized Officer issues a Notice to Proceed following the procedure outlined in the September 2018 PA. If the site is eligible for inclusion in the National Register of Historic Places, adverse effects will be avoided or mitigated consistent with the September 2018 PA and Historic Properties Treatment Plan.
- NGM will continue to train employees and contractors not to engage in the illegal collection of historic and prehistoric (or pre-contact) materials, cultural resources avoidance procedures, and off-road travel procedures. If the undertaking will adversely affect an historic property, directly or indirectly, then BLM in consultation with NGM, the Tribes, and SHPO, will develop and implement a mitigation plan prior to authorizing ground disturbance as outlined in Stipulations G and H of the PA.

Erosion and Sediment Control

- BMPs will be used to limit erosion and reduce sediment in precipitation runoff from the Goldrush facilities and disturbed areas during construction, operations, and initial stages of reclamation. These BMPs may include, but are not limited to, diversion and routing of stormwater using accepted engineering practices, such as diversion ditches, and the placement of erosion control devices such as sediment traps and rock and gravel cover.
- Revegetation of disturbed areas will reduce the potential for wind and water erosion. Following construction activities, NGM will seed disturbed areas and growth media stockpiles as soon as practical and safe. Concurrent reclamation will be maximized to the extent practical to accelerate revegetation of disturbed areas. Sediment and erosion control measures will be inspected periodically and after storm events, and repairs will be performed as needed.
- The proposed Goldrush Mine Plan boundary will be covered under the NDEP's general stormwater permit (NVR300000). The Goldrush Stormwater Pollution Prevention Plan (SWPPP) will address the proposed facilities. To limit erosion and reduce sediment transport from disturbance areas, erosion control measures, as outlined in the SWPPP and proposed Plan, will be installed and maintained. Stormwater diversions will be installed around the Goldrush facilities, as needed, to divert stormwater runoff around disturbance areas. Facilities will be monitored following spring snowmelt and intense rain events to ensure that drainage and sediment control measures are effective and operating properly. In addition, implementation of concurrent reclamation will further reduce erosion potential.

Geology and Minerals

- Geotechnical monitoring will be conducted during active mining. In addition, operational procedures for controlling blasting and reducing ground vibrations will facilitate underground mining.
- A Waste Rock Management Plan was developed which characterizes waste rock geochemistry, describes the mine plan and anticipated waste rock tonnages. This plan discusses the strategy for classification, underground sampling and identification, waste rock placement, and stormwater management. The management plan is protective of water resources. Waste rock from the Goldrush Mine will be sampled and analyzed per the Water Pollution Control Permit.
- The geochemical characterization indicated that Goldrush Mine waste rock is overall acid-neutralizing. Based on the results, any potentially acid generating (PAG) waste rock will be placed internal to the Canyon WRF, located at the Cortez Mine, and encapsulated or blended with acid-neutralizing waste rock prior to placement. There will be adequate capacity to buffer the anticipated PAG material from the Goldrush Mine. Maintaining circumneutral conditions within the Canyon WRF will limit potential for development of elevated solute concentrations associated with acidic effluent.
- NGM's current operations at the Cortez Mine include a Subsidence and Earth Fissure Monitoring Plan. The plan is currently under revision and incorporates the maximum extent of the four-inch subsidence contour projected at the end of mining at the Goldrush Mine. Baseline Interferometric Synthetic Aperture Radar (InSAR) studies in Pine Valley began in 2018.
- Conventional drilling and blasting techniques will be used to facilitate the proposed underground mining. Blasting techniques will include monitoring with blasting seismographs, and using acceptable vibration standards and techniques to predict and control blast vibrations that reduce the risk of off-site damage. Blasting activities will maintain the minimum safe vibration threshold for residential structures of 0.5 inches per second within a site-to-source distance of up to 1,500 feet.
- Underground workings are expected to encounter mineralized and altered rock with poor rock quality. The underground workings will be backfilled with CRF, paste fill, or waste rock.
- WRF designs are based on industry standards for the minimum static and pseudostatic factors of safety for design of WRFs. These designs include estimations of design peak ground acceleration that will be generated by an operational basis earthquake (i.e., the earthquake for which the structure is designed to resist and remain operational).

Hazardous Materials and Solid Waste

- Petroleum products will be used on site. Petroleum products are excluded as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act section 101(14). If regulated materials are spilled, measures will be taken

under NGM spill response guidelines to control the extent of the spill, and the appropriate agencies will be notified in accordance with the applicable federal and state regulations.

- Solid waste will be collected and transported off site periodically for disposal at an approved solid waste facility.
- Hazardous waste generated in the proposed Goldrush Mine Plan area will be taken to the temporary hazardous waste storage area at the Cortez Mine that is operated pursuant to NRS 459.400 to 459.600.
- The hazardous substances to be used in mining activities under the Proposed Action will be transported to an approved offsite facility in accordance with U.S. Department of Transportation (USDOT) and applicable Nevada Department of Transportation (NDOT) regulations. All shippers will be licensed by the USDOT, the NDOT, and other applicable agencies.
- Chemicals will be stored and handled in accordance with manufacturer's recommendations and applicable regulations. The Safety Data Sheets for materials used at the Goldrush Mine will be kept at locations that are accessible to the working personnel in accordance with the Mine Safety and Health Administration (MSHA) Hazard Communication Standard. The hazardous materials to be used at the Goldrush Mine will be handled as recommended on the manufacturer's Safety Data Sheets.
- An Emergency Response Plan will be maintained and implemented, as needed, throughout the life of the mine. This plan will describe the system that will be used for the prevention, response, containment, and safe cleanup of any spills or discharges of substances that potentially may degrade the environment. The procedures outlined in this plan will apply to potential leaks and spills that will remain within the mine boundary or flow off site.
- Transportation and handling of fuel, lubricants, reagents, and explosives will be conducted by licensed carriers and properly trained workers in accordance with applicable federal, state, and local regulations.
- Tanker trucks will be inspected by NDOT and USDOT and will have a Certificate of Compliance issued by the Nevada Motor Vehicle Division.
- Hazardous materials transporters are required to maintain an emergency response plan which details the appropriate response, treatment, and cleanup for a material spilled onto land or into water. Companies contracted to transport reagents and hazardous substances to the Goldrush Mine will follow all applicable State and Federal safety regulations and will have their own company-specific spill and contingency plans. Contracted carriers will notify local emergency response personnel, the National Response Center (for discharge of reportable quantities of hazardous substances), Eureka County, and the USDOT in the event of an accident involving hazardous materials.
- All shipping containers and vehicles will be USDOT-approved for the specific materials. All shipments of hazardous substances will be properly identified and placarded to

comply with regulations concerning labeling. Shipping papers will be accessible and must include information describing the substance, immediate health hazards, fire and explosion risks, immediate precautions, firefighting information, procedures for handling leaks or spills, first aid measures, and emergency response telephone numbers.

- The Solid and Hazardous Waste Management Plan and the Emergency Response Plan will outline the procedures for the handling of solid and hazardous waste generated at the site, as well as reagent storage, transportation, and handling requirements.
- All hazardous substances will be handled in accordance with applicable MSHA or Occupational Safety and Health Administration regulations (Titles 30 and 29 of the CFR).
- A training program to inform employees of their responsibilities regarding proper waste disposal procedures will be implemented for the Goldrush Mine.
- Blasting agents will be stored in appropriate storage bins separate from the explosive magazine. Blasting initiation devices will be stored in magazines that conform with federal and state regulations. Explosives materials for the Goldrush Mine will be stored in compliance with applicable Department of Homeland Security, Bureau of Alcohol, Tobacco, Firearms and Explosives, and MSHA regulations.
- Materials not spent or consumed (e.g., petroleum oils and antifreeze) will be recycled to the extent possible or disposed of off-site in an approved depository in accordance with all applicable federal and state regulations.
- NGM will have the necessary spill containment and cleanup equipment available at the site, and personnel will be able to quickly respond. All spills, including transportation and loading/unloading spills occurring on site, will be cleaned up as soon as possible.
- NGM will continue to provide annual inventories of hazardous materials to the appropriate agencies, including the State Fire Marshal's office. All materials proposed for use at the Goldrush Mine are currently in use at the existing adjacent operations areas. NGM has previously provided information relative to hazardous materials on hand at the existing operations to the State Fire Marshal, state and local planning agencies, and local fire departments as required by the Emergency Planning and Community Right-to-Know Act.
- All hazardous materials will be shipped to and from the site in accordance with applicable USDOT hazardous materials regulations.
- The existing and proposed facilities that will be used under the proposed Goldrush Mine were designed to minimize the potential for an upset that could result in a major spill.
- The proposed Goldrush Mine Plan will provide the structures, procedures, and training to minimize the effects of a potential spill of a hazardous material to soils, vegetation, wildlife, and water resources.

- The authorized Petroleum-Contaminated Soils (PCS) Management Plan Cortez Hills, Pipeline Project, Pipeline Infiltration Project, and HC/CUEP Crescent Valley, Nevada will be revised to include PCS generated within the proposed Goldrush Mine Plan area.

Land Use, Transportation and Access

- With the exception of the historic Horse Canyon Mine Plan pits, concurrent reclamation will be conducted on inactive mine and exploration areas when reclamation is practical and safe, and the area is no longer needed.
- With the exception of stormwater controls, concrete sets for the portal and rockfall fencing above the portal pad, 120-kV power lines and two switching stations, culverts, and roads selected by BLM for post-mining use, all of the surface disturbance associated with the mine components will be reclaimed.
- Following closure and final reclamation, the proposed Goldrush Mine Plan area will support the multiple land uses of livestock grazing, wildlife habitat, and recreation. Post-closure land uses will be in conformance with the BLM Battle Mountain Resource Management Plan (RMP), Eureka-Shoshone RMP, the BLM Final Elko Proposed RMP and Final EIS Elko Resource Area, and Lander County and Eureka County zoning ordinances.
- NGM will conduct a traffic study to determine increased traffic effects in relation to the capacity of the roadway system.
- For safety reasons, NGM will limit access through Horse Canyon and the proposed active operations site.
- Site access to the portal pad area will be restricted to employees and authorized visitors for safety and security reasons.

Monitoring

- Monitoring of meteorological conditions, surface water quality and quantity, groundwater quality and quantity, revegetation, air quality, cultural resources, noxious weeds, reclamation, slope stability, stormwater, traffic, waste rock chemistry, and wildlife will be conducted in accordance with approved monitoring plans and applicable federal, state, and local permits. Noxious weed monitoring will be undertaken in conjunction with revegetation monitoring. Migratory bird surveys will be undertaken prior to construction activities. Geotechnical monitoring, consisting of geologic structure mapping and stability analyses, will be conducted during active mining to assist in optimizing underground mine designs.

Native American Traditional Values

- NGM continues to support the BLM's consultation with the Tribes and, upon BLM and Tribal request, facilitates field visits and meetings among the Tribes, NGM and the BLM.
- NGM also engages in ongoing outreach with tribal communities. This includes quarterly Dialogue Meetings and a Western Shoshone Cultural Advisory Group that visits NGM

projects and sites, advises NGM on matters of cultural importance, and reports back to their communities on NGM's operations.

- Formally trained cultural specialists will be provided the opportunity to be present during Goldrush Mine-related construction activities (i.e., new surface disturbance) to provide information and/or recommendations to the BLM, as well as during any data recovery (i.e., archaeological excavation) within the proposed Goldrush Mine Plan boundary. NGM and the BLM will follow the procedures in Stipulation L and Appendix D of the PA, which generally provides that NGM will contact a cultural specialist from a list provided by the Western Shoshone. If the contacted cultural specialist is not available upon two days' notice, a different cultural specialist may be selected. If none are available within a reasonable period, NGM will document that a reasonable attempt was made to contact the Tribes and obtain an observer and notify the BLM.
- For safety reasons, NGM will limit access through Horse Canyon and the proposed active operations site.

Noise

- NGM has incorporated sound reduction measures in the engineering design of the Goldrush Mine. The ventilation fans will be located underground in the ventilation raises to reduce the potential for sound propagation.
- NGM will conduct routine fleet maintenance on all fleet vehicles.

Paleontological Resources

- If vertebrate fossils are discovered during construction, operation, or reclamation, construction activities will be halted in the area of discovery, and NGM will contact the BLM Authorized Officer and if requested, may also contact a qualified paleontologist. The BLM Authorized Officer and/or the qualified paleontologist will evaluate the discovery within five working days of being notified. If the discovered paleontological resource is determined significant, appropriate measures will be developed to mitigate potential adverse effects. Activities will not resume until a notice to proceed is granted by the BLM Authorized Officer.

Public Safety, Fire Protection, and Access

- Public safety will be maintained throughout the life of the Goldrush Mine. All equipment and other facilities will be maintained in a safe and orderly manner. Site access to the portal pad area will be restricted to employees and authorized visitors for safety and security reasons.
- The Cortez Mine's fire protection plan will be implemented for the Goldrush Mine. The procedures as outlined in the fire protection plan are in accordance with MSHA and applicable state and county fire code regulations. Adequate fire protection equipment, as needed, to implement the plan will be maintained on site during operation. A fire water reserve will be maintained in the facility water supply tanks.

- Goldrush Mine will operate in conformance with all MSHA safety regulations (30 CFR 1-199).
- NGM will take all reasonable measures to prevent and suppress fires in the area of operations.
- NGM employees and contractors will carry fire extinguishers, hand tools, and/or backpack-type water pumps in their vehicles to suppress small fires.
- NGM will accept responsibility for all the costs associated with suppression in the event Goldrush activities start or cause a wildfire.
- Regularly inspect and clean vehicle catalytic converters of brush and grass debris.
- Only permit smoking in designated areas that are free of flammable materials and only if allowed by state law or federal regulations.
- Immediately contact the appropriate firefighting entity in the event of a fire and report all wildland fires to the BLM Central Nevada Interagency Dispatch Center.

Range Resources

- NGM will protect fences, gates, stock ponds, and other range improvements within the proposed Goldrush Mine Plan area. Gates will be closed and/or locked as appropriate.
- BLM-approved range fencing will be installed around the RIB galleries to prevent livestock from entering the infiltration basins.
- Livestock watering troughs will be installed to deter livestock and wildlife from attempting to access water in the RIB galleries and will be operated on a rotational basis in coordination with the BLM and grazing permittees. The troughs will be located within the Place of Use as authorized by the State Engineers Office. Meters will be installed to record the amount of water going to the troughs.
- Areas undergoing concurrent reclamation will be fenced as necessary to minimize livestock and wildlife access until vegetation has re-established. In addition, concurrent reclamation will be conducted on inactive mine and exploration areas when reclamation is practical and safe, and the area is no longer needed.
- NGM will monitor the water-related range improvements that potentially may be affected by mine-related groundwater drawdown. If effects to these water sources as a result of mine-related drawdown are identified, NGM will coordinate with the BLM to determine the appropriate placement and type of water-related range improvement to be developed. NGM routinely will inspect the replaced water-related range improvements to ensure that they are operating in an appropriate manner.
- The proposed disturbance area will be reclaimed in accordance with the site's reclamation plan and ACEPMs. Following closure and final reclamation, the proposed Goldrush Mine Plan area will support the multiple land uses of livestock grazing, wildlife

habitat, and recreation. Post-closure land uses will be in conformance with the BLM Battle Mountain RMP, Eureka-Shoshone RMP, the BLM Final Elko Proposed RMP and Final EIS Elko Resource Area, and Lander County and Eureka County zoning ordinances.

- NGM is not proposing new fencing to restrict livestock access within the proposed Goldrush Mine Plan area.

Recreation

- Following closure and final reclamation, the proposed Goldrush Mine Plan area will support the multiple land uses of livestock grazing, wildlife habitat, and recreation. Post-closure land uses will be in conformance with the BLM Battle Mountain RMP, Eureka-Shoshone RMP, the BLM Final Elko Proposed RMP and Final EIS Elko Resource Area, and Lander County and Eureka County zoning ordinances.
- A public access road will be constructed to connect the Horse Canyon haul road to a Eureka County road that accesses Horse Canyon.

Social and Economic

- The proposed Goldrush Mine overall will benefit the economic conditions of the study area, and while any new proposed industry will place some burdens on public infrastructure, NGM remains committed to supporting Nevada socioeconomic environment, with particular focus on support of local communities.

Soils, Vegetation, and Invasive and Non-Native Species

- To minimize the introduction and spread of noxious weeds, the Goldrush Mine will utilize the Noxious Weed Control Plan. The plan contains a risk assessment, management strategies, provisions for annual monitoring and treatment evaluation, and provisions for treatment. The monitoring results will be the basis for updating the plan and developing annual treatment programs.
- Wet topsoil handling will be minimized, when possible, during soil salvage and reclamation.
- NGM will implement a fire control plan to minimize potential fire-related impacts to vegetation and soil.
- NGM will conduct noxious weed management activities in coordination with Eureka County.
- Growth media stockpiles will be recontoured to slopes of 2.5H:1V as well as seeded with an interim seed mix to minimize wind and water erosion.
- The potential for erosion and sedimentation in precipitation runoff from the Goldrush Mine facilities and disturbed areas will be minimized during construction, operations, and initial stages of reclamation through the following BMPs:

- Diversion and routing of stormwater using accepted engineering practices, such as diversion ditches, and the placement of erosion control devices such as sediment traps and rock and gravel cover.
 - Revegetation of disturbed areas will reduce the potential for wind and water erosion.
 - BMPs such as silt fences or staked weed-free straw bales will be used, as necessary, to control sediment transport.
 - The Goldrush Mine area is covered under the NDEP's general stormwater permit (NVR300000); erosion control measures as outlined in the SWPPP and Goldrush Mine Plan will be installed and maintained: stormwater diversions installed, inspections following intense events conducted to ensure effectiveness; implement concurrent reclamation to reduce erosion potential.
- A reclamation plan will be implemented which addresses earthwork and recontouring, revegetation and stabilization, and monitoring operations necessary to satisfactorily reclaim the proposed disturbance.
- Prior to seeding and following the placement of growth media, disturbance areas will be recontoured, surfaces will be ripped or scarified (as needed), and growth media will be redistributed.
- Seeding will typically occur between the months of October and April to take advantage of the winter/spring moisture. The individual species and application rates have been selected to promote optimum seed germination and plant growth and have been approved by the BLM. The seed mixes contain native species with characteristics suitable for site conditions while affording erosion protection and facilitating the post mining land uses of wildlife habitat and livestock grazing.
- Surface disturbance will be limited to that which is reasonably incidental to the development of the Goldrush Mine.
- Where suitable as a growth media, surface soils and some alluvium will be managed as a growth media resource and removed, stockpiled, and used during reclamation.
- The Goldrush Mine reclamation plan includes NDEP permit applications that will be reviewed by appropriate bureaus within the agency. The NDEP reviews and approvals also involve BLM through various MOUs, particularly with respect to reclamation and water quality. A reclamation plan will be implemented which addresses earthwork and recontouring, revegetation and stabilization, and monitoring operations necessary to satisfactorily reclaim the proposed disturbance.
- Following the placement of growth media, reclamation practices will include contouring, seedbed preparation, decompaction (if necessary).

Survey Monuments

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

Sustainability Activities

- NGM will continue to take a comprehensive approach to sustainability for the Goldrush Mine. This includes health and wellness programs for its workforce to continually improve on attraction, retention, and employee performance. Environmental stewardship is also integrated into all activities including close collaboration with: Native American communities who have traditional ties to the lands where NGM operates; environmental and sportsmen's organizations; universities conducting research; and regulators to update mining plans from development to post-closure. Through this engagement, NGM has developed and is implementing a strategy to maintain stakeholder engagement. This includes conducting social risk assessments; keeping extensive stakeholder matrices and maps; conducting ongoing engagement; making social investments focused in the areas of education, environment, cultural heritage, and community development; and maintaining a complaint management mechanism.

Vegetation

- Following closure and final reclamation, the proposed Goldrush Mine Plan area will support the multiple land uses of livestock grazing, wildlife habitat, and recreation. Post-closure land uses will be in conformance with the BLM Battle Mountain RMP, Eureka-Shoshone RMP, the BLM Final Elko Proposed RMP and Final EIS Elko Resource Area, and Lander County and Eureka County zoning ordinances.
- Reclamation measures are described in the reclamation plan that will control runoff and reduce erosion. Seed mix species and application rates have been selected to promote optimum seed germination and plant growth. The mixes are based on species effectiveness in providing erosion protection, the ability to grow within the constraints of the low annual precipitation experienced in the region, species suitability for site aspect, and the site elevation and soil type. The selected mixtures will provide forage and cover species similar to the pre-disturbance conditions, facilitating the post-mining land uses of livestock grazing and wildlife habitat.
- Post-mining monitoring of revegetation will be conducted in accordance with applicable federal, state, and local permits.
- Growth media stockpiles will be reclaimed with an interim seed mix to stabilize the growth media, reduce soil erosion, and minimize the potential for the establishment of noxious weeds or invasive species.
- Annual pre-disturbance surveys for Beatley buckwheat (*Eriogonum beatleyae*) will be conducted between May and August (when the species is known to flower) in potential habitat (dry, exposed areas and weathered knolls with sagebrush, pinyon-juniper

woodlands, mountain mahogany). If Beatley buckwheat are located during the survey, NGM will coordinate with the BLM to evaluate the potential extent of impacts and determine if additional mitigation is necessary.

Visual Resources

- Impacts to visual resources will be minimized through careful location, minimal disturbance, and reclamation activities that provide for a more natural, post-mining landscape. The color of buildings will be selected to blend with adjacent landscape. Following the completion of mining operations, structures and buildings will be dismantled and removed from the site.
- To minimize effects from lighting, hooded stationary lights and light plants will be used. Lighting will be directed onto the work area 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 will be hooded and shielded as appropriate. Lighting designed to reduce the impacts to night skies will be used.
- Final reclamation will include grading and contouring to resemble surrounding landforms and seeded with native vegetation to re-establish pre-Goldrush Mine vegetation communities.
- Berms required for haul roads will naturally block vehicle lights emanating from haul roads that may be directed toward public roads during travel. In the Goldrush Mine area, the lights will be naturally shielded by distance from main access roads.

Water Resources

- Mineral exploration and development drill holes, groundwater monitoring wells, piezometers, boreholes, ventilation raises, and production dewatering wells will be properly abandoned following completion of their functions.
- Process components will be designed, constructed, and operated in accordance with the NDEP regulations.
- Culverts will be used as necessary to route diverted surface flow underneath access roads. The culvert outlet elevation(s) will be designed at or near the existing ground elevations to minimize any hydraulic jump and reduce the potential for erosion as the stormwater flows from the culvert(s) onto natural ground.
- When drainages must be crossed with a road, BMPs will be followed to minimize the surface disturbance and erosion potential. Temporary culverts and/or straw bales will be utilized to protect drainages.
- The Goldrush Mine SWPPP will identify BMPs that will be used such that sediments, cuttings, drilling fluids, or any other material or substance will not enter flowing drainages. NGM also maintains the Goldrush Mine Spill Prevention, Control, and Countermeasures Plan that describes measures implemented to prevent oil discharges from occurring and to prepare NGM to respond in a safe, effective, and timely manner to

mitigate the impacts of oil discharges. If regulated materials are spilled, measures will be taken under NGM spill response guidelines to control the extent of the spill, and the appropriate agencies will be notified in accordance with the applicable federal and state regulations. If a spill exceeds reportable quantities, it will be reported to the Nevada Division of Emergency Management, NDEP-BMRR, United States Environmental Protection Agency, National Response Center, BLM, Lander County Emergency Response Coordinator, Eureka County Emergency Response Coordinator, and local authorities in compliance with all agency-specific communication time limits.

- In areas where there are temporary roads with a structure that requires replacement, NGM will replace like-for-like under the Clean Water Act (CWA) maintenance exemption without prior notice to the United States Army Corps of Engineers (USACE) or the NDEP. Permanent roads that need a culvert to be enlarged or a change in culvert location, or design will be evaluated on a case-by-case basis and may require prior notification to both the USACE under Section 404 of the CWA and NDEP for water quality certification under Section 401 of the CWA.

Wetlands and Riparian Areas

- NGM will apply a 30-meter buffer around wetlands and riparian areas, even if existing disturbance occurs within the 30-meter buffer.

Wildlife

- Fencing will be installed around lined ponds.
- In order to avoid potential impacts to breeding migratory birds, NGM will have a third-party biologist perform ground surveys each year of all areas proposed for surface disturbance for the presence of active nests. Surface disturbance clearance surveys will be conducted following BLM's Statewide Wildlife Protocols during the nesting season, defined by the BLM as March 1 through July 31. Goldrush Mine-related disturbance for a specific location will be conducted within 14 days of the survey, or another survey will be conducted. When active nests are located, or if other evidence of nesting is observed (e.g., mating pairs, territorial defense, carrying nesting material, transporting food), the biologist will notify BLM and confirm an appropriate avoidance buffer around the nest. The biologist will inform BLM and NGM when the birds have left the nest. NGM will not conduct any surface-disturbing activities within the avoidance buffer until the biologist determines that the birds are no longer nesting.
- Should surface disturbance at the Goldrush Mine occur during raptor nesting season (March 1 through July 31), a ground survey will be conducted. Goldrush Mine-related disturbance for a specific location will be conducted within 14 days of the survey, or another survey will be conducted. The protocol for burrowing owl surveys will be coordinated with the BLM Battle Mountain biologist prior to ground disturbance. If active nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer will be established around the nest. No construction will occur within the avoidance buffer until the birds are no longer actively breeding or rearing young, or until the young have fledged.

- Aerial raptor surveys will be conducted annually during the overall raptor breeding season utilizing the methods outlined in Pagel et al. for the life of the mine. The survey area will include the operations area plus a 10-mile buffer. The annual survey report will be provided to the BLM, USFWS, and NDOW. Additionally, NGM will implement their Bird and Bat Conservation Strategy (BBCS), which addresses the Migratory Bird Treaty Act. NGM is coordinating with the USFWS and BLM on the appropriate survey distances and the development of an Eagle Conservation Plan and Eagle Incidental Take Permit associated with but not the Purpose of the Activity. Should a permit be issued by USFWS, the Eagle Take Permit conditions will supersede any requirements provided by the BLM should they differ (e.g., survey distances). If NGM chooses to operate in the absence of an Incidental Eagle Take Permit, a two-mile blasting buffer and a one-mile nest protection buffer will be implemented for all disturbance to protect eagles.
- Transmission lines will be designed and constructed in accordance with applicable regulations to minimize raptor electrocution and collision potential. To minimize the collision potential for foraging raptors and other birds, standard safe designs as outlined in Reducing Avian Collisions with Power Lines will be incorporated, as applicable. To minimize the potential for electrocution of raptor species attempting to perch on the lines in areas of identified avian concern, standard safe designs as outlined in Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 and Avian Protection Plan Guidelines will be incorporated, as applicable.
- NGM will ensure that all appropriate personnel undergo training on the issues and protocols outlined in the BBCS. This training ensures that all appropriate personnel have a thorough understanding of the BBCS and their responsibility to bird and bat protection and regulatory compliance. As part of this training, personnel will be well versed on what actions need to be taken when nests are encountered as well as when injured or deceased bird and bat species are encountered.
- Potential impacts to Greater Sage-grouse (GRSG) habitat from the Goldrush Mine will be evaluated under the terms of the Bank Enabling Agreement (BEA) between the USFWS, BLM, and NGM or through the Nevada Conservation Credit System (CCS). NGM is committed to sage-grouse mitigations via the BEA, which is recognized in Nevada Administrative Code (NAC) 232.460I. Compensatory mitigation will be determined in accordance with the BEA or the state system. NGM will implement approved habitat restoration, enhancement, and/or preservation actions to offset impacts with a net conservation gain for GRSG habitat.
- NGM will adhere to the ACEPMs as established by the 2015 ARMPA Management Decision regarding noise limits and seasonal restrictions (March 1 to June 15) during construction, operation, and maintenance of the RIBs to not exceed 10 decibels (dB) above ambient sound levels at least 0.25 mile from active and pending leks from two hours before to two hours after sunrise and sunset during the breeding season (March 1 to June 30, Lek: March 1 to May 15, and Nesting: April 1 to June 30). NGM will adhere to the above restrictions for early brooding between May 15 through June 15.

- Predictive modeling incorporating any engineering controls will be conducted to confirm noise is below the 10 A-weighted decibels (dBA) threshold. NGM will install sound attenuation enclosures for the four skid-mounted 350-horsepower electric pumps at the Grass Valley pump station and three pumps at the Cortez Hills station or other engineering controls to reduce noise impacts as an ACEPM for the Goldrush Mine Plan.
- To reduce noise impacts to leks, NGM will use drilling setbacks distances for typical drilling operations set forth in Tables 1 through 3 of the report entitled Cumulative Noise Levels for the NGM's Goldrush Project, Eureka County, Nevada dated October 30, 2020.
- NGM will install flight diverters on fencing around the RIBs as recommended by the Natural Resource Conservation Service program.
- NGM will construct berms over the dewatering conveyance pipelines leading to the RIB galleries.
- The ACEPMs will be applicable to potentially affected active and pending active leks within four miles of the proposed Goldrush Mine Plan boundary, as listed below. The ACEPMs will subject to review by a BLM biologist and NDOW and will be adjusted based on annual surveys of lek activity. Upon identifying any previously unknown GRSG lek/strutting ground, nesting or brood rearing area, NGM will notify the NDOW.
 - The Quartz Road lek, Horse Canyon lek 1, and the New Cortez Grass Valley lek are all active leks. The Horse Creek leks 2 and 3 are also active leks but are likely not distinct and are part of a multi-lek complex.
 - Three new leks were discovered in 2017: Curlow Flat 1, Curlow Flat 2, and Rocky Hills 1. The newly discovered Curlow Flat lek is likely a multi-lek complex.
 - The New Brock Canyon Lek is excluded from ACEPMs due to topographical features, which reduce or eliminate noise generated from the Proposed Action.
- NGM has incorporated sound reduction measures in the engineering design of the Goldrush Mine. The ventilation fans will be located underground in the ventilation raises to reduce the potential for sound propagation.
- Prior to conducting an extensive ground disturbance (approximately five acres or more), NGM will conduct a desktop analysis to identify all historic mine workings within 0.25 mile of the proposed disturbance areas. The desktop analysis will be submitted to the BLM, NDOW, and the Nevada Division of Minerals for assessment of sites that potentially may provide suitable bat habitat.
- Prior to conducting an extensive ground disturbance (approximately five acres or more), NGM will conduct a pygmy rabbit (*Brachylagus idahoensis*) survey in accordance with the BLM Wildlife Survey Protocols and Ulmschneider et al. Broad-based burrow surveys will be conducted in areas known to have potentially suitable habitat. Where burrows are encountered, nine- to 15-meter spaced transects will then be established to map the extent of active burrows. All past locations of burrows will be surveyed to generate an updated

status in these areas. If active pygmy rabbit burrows are observed, NGM will coordinate with NDOW and BLM regarding potential mowing in the vicinity of the active burrows in advance of ground disturbance to minimize potential impacts to this species.

- NGM will obtain the necessary project permits for water quality protection, including a Water Pollution Control Permit, Section 401 certification, and an industrial artificial pond permit. Adherence to stipulations in these permits will protect all wildlife against mortalities using the following means:
 - Minimum facility design and containment requirements are to be followed to prevent degradation of waters of the State.
 - All artificial or man-made bodies of water that contain any chemical in solution at levels lethal to wildlife must be covered or contained in a manner that shall preclude access by birds and bats. All covers or containers shall be maintained in a manner that shall continue to preclude access by wildlife for as long as the pond or container can hold water.
 - Any chemical-laden fluids that are the result of any process and that are impounded in a pond that is too large to cover or contain a non-lethal level at the point where the fluid flows from a pipe into the pond or open conveyance system. Chemical neutralization and dilution are among methods that may be used to reduce chemical concentration.
- Following closure and final reclamation, the proposed Goldrush Mine Plan area will support the multiple land uses of livestock grazing, wildlife habitat, and recreation. Post-closure land uses will be in conformance with the BLM Battle Mountain RMP, Eureka-Shoshone RMP, the BLM Final Elko Proposed RMP and Final EIS Elko Resource Area, and Lander County and Eureka County zoning ordinances.
- Remedial actions may be taken based upon the information gathered from site investigations and reported. In consultation with the USFWS, BLM, and NDOW, NGM will determine whether implementation of remedial protection measures is warranted to protect birds and bats.
- NGM will develop cuts into the haul road berms where there are mule deer (*Odocoileus hemionus*) migration corridors to facilitate mule deer migration and drainage of stormwater.
- NGM will relocate impacted populations of western toads (*Anaxyrus boreas*) to suitable habitat with a current population of western toads. Prior to any relocation, NGM will develop a western toad relocation plan to be approved by the BLM and NDOW.
- Construction of roads, pipelines, and RIBs from the mouth of Horse Canyon to the RIBs will only occur between July 1 to February 28 with no construction from March 1 to June 30.
- Daily inspections and routine maintenance of the RIBs and pipelines from the mouth of Horse Canyon to the RIBs will not occur two hours before to two hours after sunrise and

two hours before to two hours after sunset between March 1 and May 15. Emergency maintenance will still occur as needed.

Mitigation Measures

NGM shall conform with all mitigation measures presented in the Record of Decision for the Goldrush Mine Project Final Environmental Impact Statement. Those mitigation measures are carried forward and applicable to this Decision.

Authority

This Decision is in conformance with the National Environmental Policy Act, the Federal Land Management and Policy Act, and the BLM's regulations at 43 CFR Subpart 3809 and Subpart 3715.

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 IBLA. You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at 50 Bastian Road, Battle Mountain, NV 89820, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR § 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 50 Bastian Road, Battle Mountain, NV 89820 within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

If you wish to file a petition pursuant to regulations 43 CFR § 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.


Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.

Contact

If you have any questions or concerns, please contact the Mount Lewis Field Office at 775-635-4000 or at 50 Bastian Rd., Battle Mountain, NV 89820.



Douglas W. Furtado
District Manager
Battle Mountain District