



United States Department of the Interior



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In Reply Refer To:
3809 (NVB0100)
NVN-096610
NVN-094608
NVN-091305

APR 12 2019

CERTIFIED MAIL NO: 7010 1670 0001 5008 5618 RETURN RECEIPT REQUESTED

DECISION

McEwen Mining, Inc. :
Attn: Mike Worley : Surface Management
P. O. Box 633 :
Eureka, NV 89316 :

PLAN OF OPERATIONS APPROVAL DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT NOTICES VACATED

INTRODUCTION

The Bureau of Land Management (BLM) has evaluated the exploration Plan of Operations (Plan) titled *Gold Bar Exploration Project, Exploration Plan of Operations* (Project) and has prepared an Environmental Assessment (EA), DOI-BLM-NV-B010-2018-0038-EA, that analyzes the affected environment and environmental impacts, and identifies environmental protection measures associated with McEwen Mining Inc.'s (MMI) Plan. The final Plan was received in our office on April 12, 2019, 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-096610. Please refer to this number in all future correspondence.

BACKGROUND

MMI proposes to create up to 200 acres of surface disturbance under the Plan. The existing Notice-level disturbance will be completely subsumed in the Plan. Project-related activities associated with exploration will occur in phases. Under Phase I, approximately 25 acres of new surface disturbance on public lands will occur. The remaining surface disturbance (175 acres) will be utilized in subsequent phases. The subsequent phases of surface disturbance will consist

of the same type of activities as in the Phase 1 but the locations will be submitted in additional work plans to the BLM.

The exploration program is anticipated to be conducted over 10 years with total unreleased disturbance not exceeding 100 acres at any point in time (0.6 percent of the Plan Area) and with a total project reclaimed disturbance not exceeding 200 acres (1.1 percent of the Plan Area). MMI will preferentially use pre-existing unreclaimed areas of disturbance (up to 50 acres) from previous mining operations and will reclaim these areas if used by the Plan, with the intent of decreasing the overall amount of surface disturbance in the Plan Area over time.

All phases of exploration activities will include exploration drilling, road, drill pad and sump construction, utilization of overland travel, and the maintenance of existing pre-1981 roads within the Project Area. The specific locations of drill sites under subsequent phases will depend on the success of previous phases. By using a phased approach to drilling, MMI will assess the expansion needs of the Project based on current drill results and other pertinent data.

MMI is currently authorized to conduct 2.3 acres of surface disturbance, including constructed roads and drill sites, within the Project Area under the Afgan, and HP Notices (NVN-094608 and NVN-091305 respectively).

PUBLIC INVOLVMENT

The EA was made available for a 30-day public comment period ending on October 5, 2018. Notifications of the availability of the EA were sent to persons and agencies on the Project mailing list, and the EA and other relevant supporting documents were posted on the Battle Mountain District ePlanning website. Additionally, the BLM issued a press release the same day providing a link to the EA and other documents incorporated by reference and instructions on how to comment. Ninety-three comment letters were received. Substantive comments were evaluated and considered by the BLM during the decision-making process. The BLM reviewed and considered these comments and determined that they did not identify or present any significant new information or changed circumstances such that additional NEPA analysis was warranted.

All correspondence pertaining to this analysis and decision-making process is part of the public record and available for review at the Mount Lewis Field Office (MLFO).

DECISION

1. As a result of the analysis presented in the EA and making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public, it is my decision to select the Proposed Action in the EA as the preferred alternative, and to approve the Plan with 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, and the Applicant-

Committed Environmental Protection Measures as set forth in the EA and restated in this Decision under the Conditions of Approval.

This decision constitutes concurrence with MMI's use and occupancy of public lands as described in the approved Plan. MMI must maintain compliance with the Use and Occupancy regulations at 43 CFR 3715.2, 43 CFR 3715.2-1, and 43 CFR 3715.5 throughout the duration of the approved Plan. Concurrence by the BLM on MMI'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 the enclosed BLM Form 1842-1. MMI is responsible for obtaining any Federal, State, and local permits that may be required before operations begin.

This Decision has been prepared in accordance with, and meets, the requirements of Secretarial Order 3355.

AMOUNT OF FINANCIAL GUARENTEE

This office has determined that the amount of **\$219,396** is sufficient to meet all anticipated reclamation requirements for the Gold Bar Exploration Project. The amount of the reclamation cost estimate is based upon the operator complying with all applicable operating and reclamation requirements.

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

The operator must submit an acceptable financial guarantee in the amount of **\$219,396** to the Bureau of Land Management, Branch of Mineral Resources (Solids), 1340 Financial Blvd., Reno, NV 89502-7147. You must receive written notification from that office accepting and obligating your financial guarantee before you begin any surface disturbing operations.

The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact the Branch of Mineral Resources (Solids) at (775) 861-6400 for further information on the adjudication of financial guarantees.

The BLM's review of your proposed operations, approval of the Plan, finding that the activity will not cause unnecessary or undue degradation, and decision concerning the amount of the required financial guarantee does not relieve you, the operator, of your responsibility to comply with all applicable Federal, State, and local laws, regulations, and permit requirements. You are

responsible for preventing any unnecessary or undue degradation and for reclaiming all lands disturbed by your operations.

This decision does not constitute certification of ownership to any entity named in the Plan, recognition of the validity of any associated mining claims, or recognition of the economic feasibility of the proposed operations.

The amount of the financial guarantee is subject to change pending further review by the BLM and the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP-BMRR).

2. CONDITIONS OF APPROVAL

Work Plan

MMI will provide the BLM MLFO with a work plan prior to initiating any field activities that will result in surface disturbance. The work plan will include, but not be limited to: the number and type of all borings, depth of the borings and their GPS location; the size of all associated drill pads and sumps; the type and size of access roads (including pre-existing roads); the total planned disturbance (acres) and any other information deemed necessary by BLM. The work plan will include maps showing the location of all borings/drill pads. Field activities resulting in surface disturbance will not commence until MMI receives concurrence from the BLM MLFO that activities comply with the Plan.

Annual Report

MMI will provide the BLM MLFO an annual report on or before April 15 of each year that documents surface disturbance locations (including GPS coordinates), types of surface disturbance, total surface disturbance (acres), any completed concurrent reclamation and as-built maps.

MMI will implement the following applicant-committed environmental protection measures (EPMs) to ensure a safe and environmentally sound exploration project.

Air Quality

MMI, in compliance with the Nevada Division of Environmental Protection (NDEP) Air Quality Best Management Practices, will protect air quality by undertaking road maintenance activities to reduce fugitive dust emissions. Roads will be watered using fresh water to reduce fugitive dust emissions, based upon weather and road conditions. Water will be obtained from the Gold Bar Mine and transported to site with water trucks. Application of water by water trucks will be done, as needed, in areas of close-spaced drilling and related activity. MMI will use wet drilling methods to reduce the potential for fugitive dust emissions.

Speed limits will be maintained 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. Speed limits will be enforced consistent with those in effect for the Gold Bar Mine. Project vehicles will be maintained regularly to ensure they are operating in a manner to minimize vehicle emissions.

Water Quality

Drill holes will be plugged and abandoned in accordance with applicable NAC 534.4369 through 534.4371. Exploration drill holes will be plugged and abandoned immediately after obtaining necessary data from the drill hole. A drill hole may be left open for a period of time following the initial drilling if it is anticipated that the hole may be re-entered to drill deeper or to use down-hole geophysical techniques. In the annual summary report to the BLM and NDEP, MMI will identify which drill holes were left open and the reason for this action.

Given the depth to groundwater in the exploration target areas, MMI anticipates most of the drill holes will not reach the water table. To be conservative, MMI will comply with the abandonment methods described for wet holes, filling the hole from the Total Depth (TD) with bentonite to completely seal the drill hole with a 10-ft. cement seal from 10 feet below the surface to the top of the hole.

Nevada Stormwater Best Management Practices (BMPs) will be used for surface disturbance sites to minimize stormwater erosion. A stormwater plan is provided as Appendix B of this Plan.

Drill cuttings will be contained on site, and fluids managed utilizing appropriate control measures.

Sediment traps will be used as necessary and filled at the end of the drill program. MMI will follow the spill contingency plan. Only NSF/ANSI Standard 60 Certified fluids will be used in the drilling process.

Spill Contingency Plan

Materials and equipment necessary for spill cleanup will be kept at each drill rig. Equipment and materials will include, but not be limited to shovels, gloves, safety glasses, sorbent materials, sand, sawdust, and plastic/metal trash containers specifically for this purpose.

Well-maintained equipment will be used to perform the work required at the proposed Project. When practicable, equipment maintenance will be performed off-site. In the event of oil, fuel, lubricating grease or other equipment leaks, cleanup will be conducted as soon as possible. If the leak is on compacted soil, an oil-absorbing product, such as Absorb®, may be applied. Once the cleanup product has absorbed the released material, the product will be removed and placed in the petroleum-contaminated soil bin located at the exploration site, and the material disposed of according to state and federal regulations. Contaminated soil will be removed, managed, and disposed of at an off-site facility in compliance with state and federal regulations. In the event of oil, fuel, or hydraulic fluid leaks, cleanup will be conducted as soon as possible. In the event of a

major spill, the following actions will be taken in addition to federal, state, and local health and safety regulations:

Contain the spread or migration of the spill using the on-hand supply of erosion control structures and/or by creating dirt berms, as feasible and necessary.

Regulated wastes will be removed from the Plan Area and disposed of in a state, federal, or local designated area.

If a release of a petroleum constituent is considered to meet the reportable quantity per the NDEP guidelines or a reportable quantity for a hazardous substance is released based on the U.S. Environmental Protection Agency (EPA) guidelines established under Title III List of Lists (40 CFR Part 302), the NDEP and BLM will be notified within 24 hours and the appropriate remedial actions and confirmation sampling will be conducted under direction of the NDEP and BLM.

Soils and Erosion Prevention and Control

MMI will conduct exploration operations to minimize soil erosion. Erosion and runoff control measures, such as water bars, ditching, and other water control structures, will be implemented in areas of surface disturbance. After the exploration program is completed in an area, the surface disturbance will be graded, re-contoured, and available topsoil/growth medium replaced, and the area will be seeded with an appropriate and BLM-approved seed mixture in order to establish a ground cover and minimize erosion. Revegetation activities will continue to be commenced at the earliest feasible time following reclamation activities. BMPs will be utilized to control erosion and sedimentation. BMPs utilized to control erosion and sedimentation are detailed in Appendix B of the Plan.

Surface Water Resources

Natural drainage patterns will not be altered. Drill site construction within drainages will be avoided unless prior approval from the BLM is obtained. When drainages must be crossed with a road, BMPs will be followed to minimize the surface disturbance and erosion potential. Smaller drainage patterns that could be affected by trench or pad construction will be restored, and regrading will conform to the adjacent topography upon completion of the exploration program. The construction and maintenance practices from the BLM Gold Book, *Surface Operating Standards and Guidelines, Fourth Edition*, Revised 2007 will be implemented. Exploration activities will be conducted using BMPs such that sediments, cuttings, drilling fluids, or any other material or substance will be fully contained in sumps and not enter drainages.

Sumps will be excavated and managed to prevent overtopping and saturating the safety berms. MMI will monitor sumps regularly for seeps or other evidence of erosion and will direct drill crews to cease activity and notify supervisors if seepage is observed. MMI will ensure that sump evacuation proceeds for as long as drilling or other water-producing activities continue. If evacuation is not possible, MMI will cease drilling as soon as water levels approach the sump capacity. No trash will be placed in the sump

Disturbance to perennial stream reaches, seeps, springs, wetlands, and riparian communities, will be avoided. No new roads and drill pads will be constructed within 100 feet of a perennial stream reach, seep, spring, wetland, or riparian community. This will offer protection to riparian- and wetland-dependent species.

Solid and Hazardous Wastes

The proposed exploration Project will not generate or dispose of any hazardous 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). Diesel, oil, and lubricants will be transported to the site in portable containers (e.g., tanks in the pickup trucks for diesel fuel) but will not be stored on-site. If regulated materials (petroleum products) are spilled, measures will be taken under MMI spill response guidelines to control the extent of the release, and the appropriate agencies will be notified in accordance with the applicable federal and state regulations.

Solid waste will be collected at each drill pad and transported offsite periodically for disposal at an approved solid waste facility or at the permitted Gold Bar Class III waived landfill. It is not anticipated that additional temporary solid waste storage will be required for the Project.

Wildlife and Sensitive Species

In order to avoid potential impacts to breeding raptors, aerial surveys will be conducted by a BLM-approved biologist when proposed exploration activities involve ground disturbance during the nesting season, defined by the BLM as March 1 through July 31. As part of its applicant-committed EPMS, when active nests are located, or if other evidence of nesting is observed (e.g., mating pairs, territorial defense, carrying nesting material, transporting food), MMI's biologist will recommend to the BLM an avoidance buffer around the nest that the BLM, in coordination with the Nevada Department of Wildlife and the U.S. Fish and Wildlife Service (USFWS), will review and approve prior to surface disturbance. MMI's biologist will inform MMI when the birds have left the nest. MMI will not conduct drilling or surface disturbing activities within the exclusion zone until the biologist determines that the birds are no longer nesting.

Two aerial raptor nest surveys will be conducted annually by a qualified biologist during the avian nesting season (March 1 through July 31) to identify nests to be avoided during drilling activities. If active eagle nests are located, or if other evidence of nesting is observed, such as mated pairs, territorial defense, caring nesting material, or transporting food, a 1-mile buffer for active eagle nests will be delineated and the buffer area avoided until the young birds have fledged. The start and end dates of the seasonal restriction will be based on site-specific information, such as elevation and weather patterns, which affect breeding chronology.

Each year during the nesting season (March 1 to July 31), MMI will not conduct drilling or surface disturbing activities within a 0.5-mile radius of active raptor nests (non-eagle). Upon identifying an active raptor nest, MMI will immediately notify the BLM.

Speed limits are posted and vehicle speeds reduced in exploration surface disturbance areas to minimize the potential for fugitive dust emissions, to protect wildlife and livestock, and to maintain operational safety. Speed limits will continue to be enforced.

Existing topography will be utilized when possible and/or noise abatement methods will be used to comply with noise restrictions to reduce impacts to greater sage-grouse. MMI employees and contractors will be instructed to avoid harassment and disturbance of wildlife, especially during the breeding season. Harassment will include, but is not limited to feeding, chasing, approaching, luring, calling or other actions that could result in habituating wildlife to approach human activity.

Greater Sage-Grouse

MMI exploration staff and contractors will adopt and follow the EPMs established in the Gold Bar Mine Plan to ensure impacts to greater sage-grouse are avoided. The applicable EPMs for the exploration program include:

New hire and annual refresher training for all employees and contractors would include greater sage-grouse specific protection training that specifically addresses the commitment of MMI to implement the protection program and the need for all employees to avoid harassment and disturbance of greater sage-grouse, especially during the breeding season. MMI would work with NDOW in the development of training materials.

Hazardous material storage would include secondary containment to preclude contamination of surface water or groundwater resources that animals could access.

If surface disturbance and exploration activities occur within 3.1 miles of an active or pending lek during lekking season, March 1 through May 15, between 6 p.m. to 9 a.m., exploration activities will maintain the minimum setback distances as shown in Figure 4, in Resource Report 4, required to ensure that exploration drilling does not cause an ambient noise increase exceeding 10 dBA at any of the focus leks per the Approved Resource Management Plan Amendment (BLM 2019).

Other Special Status Species

In the event that other special status plant or wildlife species are identified within the Plan Area, MMI will conduct pre-disturbance surveys to avoid disturbance of the species. Trenches, sumps, and other small excavations that pose a hazard or nuisance to the public, wildlife, or livestock will be adequately fenced to preclude access or constructed with a sloped end for easy egress.

Cultural and Paleontological Resources

MMI will conduct exploration activities in accordance with applicable state and federal regulations.

As part of the baseline data collection to support the NEPA analysis for this proposed Project, MMI has conducted Class III-level cultural surveys within the Phase 1 exploration target areas to facilitate avoidance of adverse effects to cultural resources that are eligible or potentially eligible for the National Register of Historic Places (NRHP). Additional Class III cultural surveys will be conducted annually utilizing the following procedures:

For each year's work plan, MMI will provide a brief description, acreage, map, and GIS shapefiles showing planned disturbance location(s) to the BLM Cultural Resources Specialist (CRS). The CRS will determine the Area of Potential Effects (APE) for both direct and indirect effects (if any) of the project following the procedure outlined in the latest State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act, (Protocol), Part 1.IV. Additionally, the CRS will determine the information needed within the APE.

If the CRS determines that inventory is required for the Project Area, or any part of the Project Area, inventory and reporting standards will be completed following the latest edition of the BLM Nevada Guidelines and Standards for Archaeological Inventory, and latest edition of the Guidelines for Recording and Reporting Architectural Resources in Nevada, or any updated versions of these documents as applicable. Each inventory report will include an evaluation (or reasonable argument for leaving a resource unevaluated) of all identified archaeological and architectural resources following the Protocol Part 1.V.B. These recommendations will allow the BLM to determine which resources are eligible for listing on the National Register of Historic Places, which are not, and which remain unevaluated. Eligible resources are referred to as historic properties and unevaluated resources shall be treated as historic properties until such time as a formal determination of eligibility is made.

All historic properties and unevaluated resources known and identified within the Project Area will be avoided during ground disturbing activities using the standard measures outlined in the Protocol Part 1.V.D.2. Avoidance measures may include institution of a 30-meter protective buffer around historic properties where no disturbance is authorized without the presence of a permitted archaeological monitor to ensure no inadvertent damage to historic properties occurs. The BLM Authorized Officer will issue a Notice To Proceed (NTP) when the exploration work plan will result in No Effect, as defined in the Protocol Part 1.V.D, either Direct or Indirect, to identified historic properties. No ground disturbance will be authorized prior to the issuance of an NTP.

While conducting the exploration program, MMI will not knowingly disturb, alter, injure, or destroy scientifically important paleontological remains or historical or archaeological site, structure, building, or object on Federal lands.

MMI will not remove, disturb, alter, injure, or destroy historical or archaeological sites, structures, buildings, objects, or artifacts that meets criteria for listing on the National Register of Historic Places or has not been evaluated for National Register eligibility. MMI will be responsible for ensuring that employees, contractors, or any others associated with the proposed exploration Project do not damage, destroy, or vandalize archaeological or historical sites. Should damage to cultural resources within or near the proposed exploration Project occur

during the period of construction, operation, or rehabilitation due to the unauthorized, negligent, or inadvertent actions of MMI or other exploration Project personnel, MMI will be responsible for costs of rehabilitation or mitigation. Individuals involved in illegal activities could be subject to penalties under the Archaeological Resources Protection Act (16 U.S.C. 470ii), the Native American Graves and Repatriation Act (16 U.S.C. 1170), and other applicable statutes.

If human remains/burials or previously unidentified cultural (archaeological or historical) resources are discovered while conducting activities under the approved Plan, MMI will immediately cease activities within 100 meters of the discovery, ensure that the discovery is appropriately protected, and immediately notify the BLM Authorized Officer by telephone, followed with written confirmation. Work will not resume and the discovery will be protected until notified in writing by the BLM Authorized Officer that compliance with the provisions for mitigating unforeseen impacts as required by 36 CFR § 228.4(e) and additional consultation per 36 CFR § 800.13.b.3 have been satisfied. If the site is determined not to be eligible, MMI may resume surface disturbing activities upon notification by the BLM. Procedures for unanticipated discoveries or effects will follow the procedures outlined in Part I.VI.B of the Protocol.

If Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony are discovered during an undertaking involving BLM-managed lands, BLM will comply with Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR § 10, Subpart B.

MMI's employees and contractors will receive training on the potential for cultural resources and the procedures required by MMI to avoid disturbing, altering, or destroying remains or historical or archaeological site, structure, building, or object on Federal land.

MMI will minimize, to the extent practicable, impacts to recreational access to the Pony Express National Historic Trail. To avoid disturbance to the Trail, equipment travel will only cross the Trail at perpendicular angles. The Trail will not be fenced or blocked in a manner that will impede recreation travel or access. MMI will provide signage to assist the recreating public to stay on the Trail when exploration travel crosses the Trail.

If MMI discovers a vertebrate fossil deposit during surface disturbing activities, MMI will immediately cease further activities that may affect the deposit and notify the BLM so that the BLM may evaluate the discovery and establish an exclusion zone. MMI will not undertake further surface disturbance within the exclusion zone.

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, MMI will ensure that a Certified Federal Surveyor oversees and executes 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.

Fire Prevention and Control

MMI will comply with applicable federal and state fire laws and regulations, and will take reasonable measures to prevent and suppress fires in the area of operations. MMI and contractors are required to carry fire extinguishers, hand tools, and/or backpack-type water pumps in their vehicles to suppress small fires.

Invasive Non-Native Species

MMI will be responsible for controlling noxious weeds in newly disturbed areas until the reclamation activities have been determined to be successful and released by the BLM Authorized Officer.

A noxious weed management plan has been prepared and is included in Appendix C of the Plan. The purpose of the plan is to prevent, mitigate, and control the spread of noxious weeds during and following exploration activities. The plan prescribes a control protocol using disturbance categories and best applicable control methods for effectiveness. Disturbance categories are applied to areas of the proposed exploration Project based on frequency of disturbance. The plan also includes a list of five weed control alternative methods, including manual, chemical, and seeding of desirable species methods, which are applied to each disturbance category.

As part of weed control measures, MMI will require that the undercarriage of contractor vehicles be inspected prior to entering the Plan Area if the vehicle is coming from an area outside of northern Nevada.

Only chemicals approved for use on public land will be used for invasive, non-native weed treatment. MMI will conduct weed eradication programs annually in areas of their activities. Areas of known noxious weeds, invasive, and non-native species will be avoided during periods when weeds could be spread by vehicles (i.e., periods of potential seed dispersal). Re-establishment of vegetation in disturbance areas will be conducted as soon as practical to reduce the potential for wind and water erosion, minimize impacts to soils and vegetation, and help prevent the spread of noxious weeds, invasive, and non-native species.

Reclaimed areas will be seeded with BLM-approved seed mixes, application rates, and seeding methods. The BMPs of actively treating noxious weeds, invasive, and nonnative species upon discovery will also prevent these weed species from spreading and dominating the site.

Compliance with the noxious weed management plan in Appendix C of the Plan will ensure exploration activities follow proper BLM protocol regarding noxious weeds, invasive, and non-native species.

Vegetation Resources

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

MMI will minimize where possible removal of curl-leaf mountain mahogany during activities associated with drill pad and road construction.

Public Safety and Access

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

Drill sites, sumps, and excavations will be reclaimed as soon as practicable after completion of sampling and data logging.

Final reclamation of overland and constructed travel routes, sumps, and drill sites will consist of, if required, fully re-contouring disturbances to their original grade, and reseeding in the fall season immediately following completion of exploration activities. In the event that existing roads are re-disturbed as a result of MMI activities, MMI will reclaim them in the same manner as new disturbance under this Plan.

Roads will be designed to the minimum standards needed to accommodate intended safe use and to maintain surface resource protection. Where feasible, exploration roads will be constructed along existing contours. Exploration road construction will be conducted in such a manner as to minimize cuts and fills, including limiting road construction on steep slopes, where possible.

Wildland Fire Protection

Applicable state and federal fire laws and regulations will be complied with and reasonable measures will be taken to prevent and suppress fires in the Plan Area. In the event the proposed Project activities start or cause a wildfire, MMI will be responsible for the costs associated with the suppression.

MMI will comply with applicable state and federal fire laws and regulations and reasonable measures (e.g. vehicle hand tools, extinguisher, contact the BLM concerning fire controls on welding) will be taken to prevent and suppress fires in the Project area. Project vehicles will carry fire extinguishers and a minimum of ten gallons of water during the months of May through September.

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

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

Welding operations will be conducted in an area free from or mostly free from vegetation. A minimum of ten gallons of water and a shovel will be on hand to extinguish fires created from the sparks. Extra personnel will be at the welding site to watch for fires created by welding sparks.

Welding aprons will be used when conditions warrant (i.e., during red flag warnings).

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

Livestock and Range Allotments

MMI will protect fences, gates, stock ponds, and other range improvements within the Project. Gates will be closed and/or locked as appropriate. Range monitoring key areas in the Plan Area will be avoided.

Wild Horses

New hire and annual refresher training for all employees and contractors will include wild horse protection training that specifically addresses the commitment of MMI to implement the protection program. MMI will use the training materials developed with the BLM for the Gold Bar Mine. Site-specific training will include the protection measures specifically developed for Exploration that will also include internal contact numbers for reporting wild horse sightings in the Project Area as well as reporting procedures to BLM for wild horse mortalities, should they occur.

The BLM MLFO Wild Horse Specialist (775-635-4000) will be contacted if any wild horses are observed to be lame or sick, or if foals appear to be orphaned, or if any vehicle/wild horse collisions occur.

Wild horse movement through the Project Area, when observed by MMI and other site personnel, will be recorded by the exploration staff and reported to the Gold Bar Environmental Manager for use in the refinement of engineering and management protection measures during operations.

3. BLM Notices NVN-094608 and NVN-091305 are hereby vacated with the approval of the Plan and acceptance of the financial guarantee.

Once the financial guarantee is adjudicated for the Plan (NVN-096610) by BLM Nevada State Office, Branch of Minerals Adjudication, the remaining reclamation and financial guarantee requirements under NVN-094608 and NVN-091305 will be incorporated into the reclamation requirements of the Plan and the Notices terminated.

RATIONALE

The Plan, in combination with the preceding Conditions of Approval and the enclosed FONSI, show that all practicable means to avoid or minimize environmental harm have been adopted and that unnecessary or undue degradation of the public lands will not occur as a result of the activities at the Project.

The Plan is in conformance with the Shoshone-Eureka Resource Management Plan Record of Decision (ROD) which states: 1) "Make available and encourage development of mineral

resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals (page 29),” 2) “All public lands in the planning area will be open for mining and prospecting unless withdrawn from mineral entry (page 29),” and 3) final reclamation will ensure public safety and the return of the exploration disturbance to its pre-exploration land uses of grazing, wildlife habitat, and mineral exploration. Final reclamation will also reduce visual contrast created during the exploration operation.

The Plan is in conformance with the Approved Resource Management Plan Amendment (BLM, 2019) regarding conservation of greater sage-grouse habitat.

The Plan is in conformance with the President’s National Energy Policy Act of 2005 as per Instruction Memorandum (IM-2002-053), as put forth in Executive Order 13212, and will not have an adverse impact on energy development, production, supply, and/or distribution. The EA and FONSI support this decision.

AUTHORITY

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.); General and Title V of the Federal Land Management and Policy Act of 1976 (FLPMA); 43 CFR Part 3800 Subpart 3809 – Surface Management (16 USC et. seq.); and 43 CFR Part 3710 Subpart 3715 – Use and Occupancy Under the Mining Laws.

APPEAL OF THE DECISION

If you are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision. If you request a State Director Review, the request must be received in the BLM Nevada State Office at:

BLM Nevada State Office
State Director
1340 Financial Blvd.
Reno, Nevada 89502-7147

no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal with this office at 50 Bastian Road, Battle Mountain, NV 89820, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 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 pertaining to this decision, please contact Rick Singer, Environmental Protection Specialist, at (775) 635-4067 or at the above address.



Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosure: BLM Form 1842-1

cc: BLM, Branch of Mineral Resources (Solids) (LLNV921000)

Nevada Division of Environmental Protection
Bureau of Mining Regulation and Reclamation
Attn: Todd Suessmith
901 South Stewart Street, Suite 4001
Carson City, NV 89701

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- | | |
|-----------------------------|--|
| 1. NOTICE OF APPEAL..... | A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
| 2. WHERE TO FILE | Department of the Interior
Bureau of Land Management |
| NOTICE OF APPEAL..... | Mount Lewis Field Office
50 Bastian Road
Battle Mountain, NV 89820 |
| WITH COPY TO SOLICITOR... | Department of the Interior
Regional Solicitor, Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890 |
| 3. STATEMENT OF REASONS | Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). |
| WITH COPY TO SOLICITOR..... | Department of the Interior
Regional Solicitor, Pacific Southwest Region
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890 |
| 4. ADVERSE PARTIES..... | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). |
| 5. PROOF OF SERVICE..... | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
| 6. REQUEST FOR STAY..... | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2331.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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

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

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

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)