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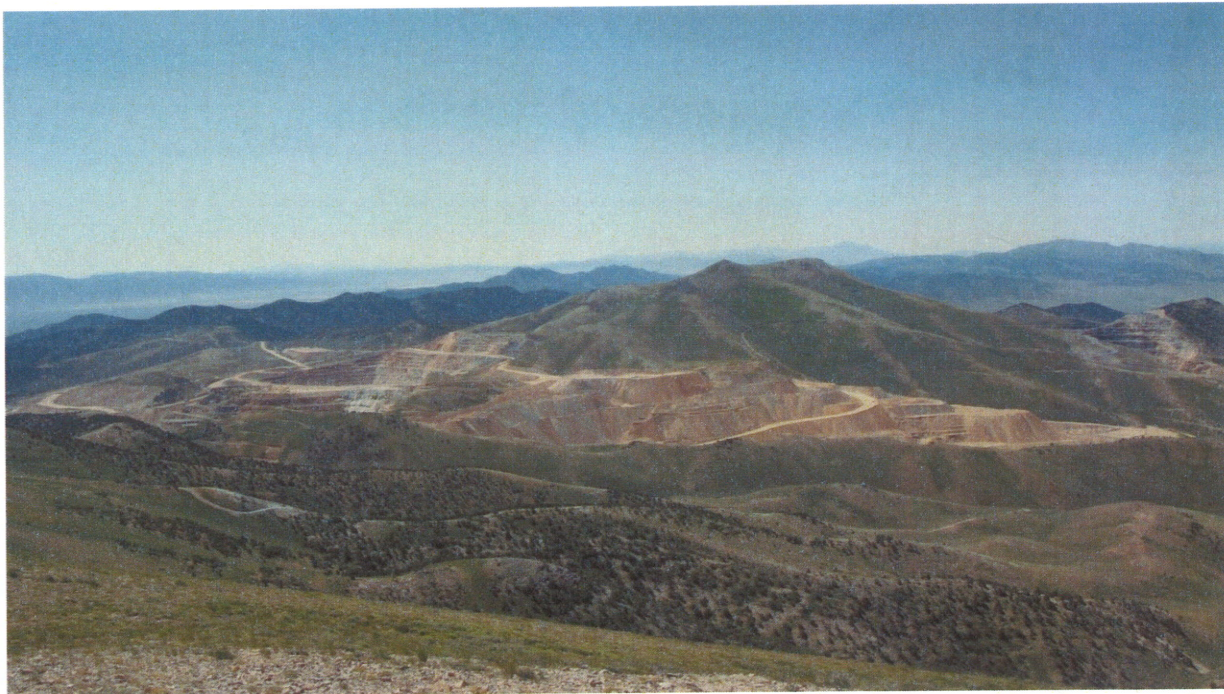
**Environmental Impact Statement
BLM/NV/EL/ES/15-03+1792**

DATE: July 2016

**BALD MOUNTAIN MINE NORTH AND SOUTH
OPERATIONS AREA PROJECTS**

**RECORD OF DECISION
AND
PLAN OF OPERATIONS
AMENDMENT APPROVAL**

File Number: NVN-090443
File Number: NVN-082888



Cooperating Agencies:
Eureka County Board of Commissioners
Nevada Department of Wildlife
State of Nevada Sagebrush Ecosystem Program
U.S. Fish and Wildlife Service
White Pine County Commission

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BUREAU OF LAND MANAGEMENT MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

BALD MOUNTAIN MINE NORTH AND SOUTH OPERATIONS AREA PROJECTS

RECORD OF DECISION AND PLAN OF OPERATIONS AMENDMENT APPROVAL

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and NVN-090443

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Bureau of Land Management
Ely District Office,
Egan Field Office
Ely, Nevada

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RECORD OF DECISION AND PLAN OF OPERATIONS APPROVAL:



Jill A. Moore Egan Field Manager

8/17/16

Date Signed

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SUMMARY

Barrick Gold U.S. Inc. (Barrick) submitted Plans of Operations (PoOs) and Reclamation Permit Applications for the Bald Mountain Mine (BMM) North and South Operations Area Projects (projects) to the Bureau of Land Management (BLM), Egan Field Office of the Ely District in October 2011 in compliance with Title 43 Code of Federal Regulations (CFR), subpart 3809 (43 CFR §3809), as amended. Revised versions of the PoOs were submitted to BLM in June 2012, April 2016, and July 2016.

The project will be located in the Bald Mountain Mining District in White Pine County, Nevada, approximately 65 miles northwest of Ely and 40 miles northeast of Eureka. The proposed project expands existing gold mine facilities and constructs and operates new facilities at Barrick's BMM North and South Operations Area projects. The proposed North Operations Area (NOA) project expands and combines the current BMM NOA PoO (NVN-082888) and Casino/Winrock PoO (NVN-068251) into one PoO. The proposed South Operations Area (SOA) project expands and combines the existing Alligator Ridge Mine (NVN-068655) and the Yankee Mine (NVN-068259) into one PoO (NVN-090443). The proposed consolidation of mine plans and boundary modifications eliminates overlap between various plan boundaries and approved activities.

Barrick completed the sale of the BMM to Kinross Gold Corporation (Kinross) in January 2016 prior to completion of the EIS process. Kinross has assumed ownership of the BMM and the proposed expansion of the project. The Final Environmental Impact Statement (EIS) and Record of Decision (ROD) have retained the name of Barrick in the documents, but Kinross is the new operator of the BMM and proponent of the project.

The proposed project will expand existing gold mining operations to include the following activities: modification and development of open pits; modification and development of rock disposal areas (RDAs); modification and development of heap leach facilities (HLFs) and associated process facilities; modification and development of power lines and substations; modification of existing support facilities and development of new support facilities; improvement to existing roads and rerouting of public access; continuation of exploration drilling activities within the proposed PoO boundaries; development of a transportation utility corridor to connect the proposed SOA and NOA projects; modification of the Regional Exploration PoO boundary to remove overlap with the proposed NOA and SOA project boundaries; and other administrative actions. Construction and operation of the project will result in approximately 3,097 acres of authorized disturbance, 3,093 acres of which are on public land administered by the BLM and 4 acres are on private lands. Concurrent reclamation occurs in the first year and will be conducted throughout the operation of the mine. Upon completion of the 10-year mine life of the project, remaining mine facilities will be reclaimed. Pit backfill areas that extend beyond the surface will be reclaimed while other pit bench slopes will naturally degrade as the wall rock weathers and erodes.

The Project's mining activities on public lands and/or federal mineral estate are subject to review and approval by the BLM pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the BLM's Surface Management regulations (43 CFR Subpart 3809). The BLM's review and approval of a mine Plan under the Surface Management regulations constitutes a federal action that is subject to the National Environmental Policy Act of 1969 (NEPA). The BLM determined that the Project constitutes a major federal action and determined that an EIS was required to fulfill the NEPA requirements.

On April 16, 2012, a Notice of Intent to prepare an EIS was published in the Federal Register (Volume 77, No. 73, Monday, April 16, 2012, pages 22608 and 22609). Four public scoping meetings were held May 7, 8, 9, and 10 in 2012, in Ely, Elko, Eureka, and Reno, Nevada, respectively. The scoping period ended on May 16, 2012. The BLM received a total of 32 comment submittals (e.g., letter, comment form, or email) containing 186 individual comments during the scoping period. All comments were considered in preparation of the Draft EIS.

On August 14, 2015 a Notice of Availability was published in the Federal Register (Volume 80, No. 157, Friday, August 14, 2015, pages 48913 and 48914) releasing the Draft EIS to the public for a 45-day comment period. The BLM extended the public comment period an additional 15 days to a total of 60 days. Four public comment meetings were held in 2015 on September 15, 16, 17, and 18 in Elko, Reno, Eureka, and Ely, Nevada, respectively. The comment period on the Draft EIS ended October 13, 2015. During the formal 60-day comment period, the BLM received a total of 65 unique submittals on the Draft EIS, in the form of letters and emails from agencies, businesses, organizations, and individuals. In addition to the unique submissions, the BLM received approximately 7,700 “form letters” (i.e., letters containing identical or near identical text submitted by different people). These form letters were submitted by the members of several nongovernmental organizations (NGOs). Form letter submissions began in February 2015, prior to the formal Draft EIS comment period, and continued into the formal comment period. All comments received were considered in preparing the Final EIS. Each comment, as well as a corresponding response, is provided in Appendix J of the Final EIS.

The Environmental Protection Agency (EPA) published a Notice of Availability for the Final EIS in the Federal Register (Volume 81, No. 122 / June 24, 2016, pages 41330 and 41331) on June 24, 2016, releasing the Final EIS and initiating the 30-day public availability period. The Final EIS is available on the BLM Ely District website at: http://www.blm.gov/nv/st/en/fo/ely_field_office.html.

The BLM’s selection of a Preferred Alternative was based on the BLM’s NEPA analysis of the Project, including comments received throughout the NEPA process. The decision of the Egan Field Manager, BLM Ely District, is to select the Western Redbird Modification (WRM) Alternative along with the applicant committed environmental protection measures included in the Plan and the mitigation measures specified in Chapter 3 and Appendix A of the Final EIS, as the BLM’s Preferred Alternative. The Preferred Alternative is the alternative that best fulfills the agency’s statutory mission and responsibilities, considering economic, environmental, technical, and other factors. The BLM 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.

Table of Contents

RECORD OF DECISION	1
INTRODUCTION	1
DECISION.....	3
Mitigation Measures	4
MANAGEMENT CONSIDERATIONS	9
Land Use Plan Conformance	10
SUMMARY OF THE PROPOSED ACTION AND OTHER ALTERNATIVES	10
Proposed Action.....	10
North and South Area Operations Reconfiguration Alternative.....	12
No Action Alternative.....	13
BLM's Preferred Alternative	13
Alternatives Considered But Eliminated From Detailed Analysis	14
PUBLIC INVOLVEMENT	16
COOPERATING AGENCY COORDINATION.....	17
NATIVE AMERICAN CONSULTATION AND COORDINATION	17
APPEAL STATEMENT	18
 PLAN OF OPERATIONS APPROVAL.....	 19
INTRODUCTION	19
DECISION.....	19
RECLAMATION COST ESTIMATE – FINANCIAL GUARANTEE REQUIREMENTS	20
OTHER REQUIREMENTS	21
43 CFR § 3809 APPEAL STATEMENT	21
Appeal of the Decision	21
Request for a Stay	22
Standards for Obtaining a Stay	23

LIST OF TABLES

Table 1. North Operations Area Legal Description of PoO Area	2
Table 2. South Operations Area Legal Description of PoO Area	2
Table 3. WRM Alternative – Surface Disturbance	3
Table 4. Range of Temporary Conservation Credit Obligations for the Preferred Alternative.....	8
Table 5. Reconfiguration Alternative – Surface Disturbance Comparison	13
Table 6. WRM Alternative – Surface Disturbance Comparison	14

ATTACHMENTS

Attachment 1. Summary of Design Features and Applicant-committed Environmental Protection Measures

Attachment 2. Form 1842-1: Information on Taking Appeals to the Interior Board of Land Appeals

**RECORD OF DECISION AND PLAN OF OPERATIONS
AMENDMENT APPROVAL**

**Bald Mountain Mine North and South Operations Area Projects
Final Environmental Impact Statement**

**Plan of Operations Number: NVN-082888 and NVN-090443
Environmental Impact Statement: BLM/NV/EL/ES13-6+1793**

**Prepared By:
Bureau of Land Management
Egan Field Office
Ely District
Ely, Nevada**

**Cooperating Agencies:
Eureka County Board of Commissioners
Nevada Department of Wildlife
State of Nevada Sagebrush Ecosystem Program
U.S. Fish and Wildlife Service
White Pine County Commission**

INTRODUCTION

In October of 2011, Barrick Gold U.S. Inc. (Barrick) submitted two Plans of Operations (PoO) for the Bald Mountain Mine North Operations Area (NOA [NVN-082888]) and South Operations Area (SOA [NVN-090443]) Projects (projects) to the Bureau of Land Management (BLM), Egan Field Office of the Ely District, in compliance with 43 Code of Federal Regulations (CFR) § 3809 and § 3715. Revised PoOs were submitted to the BLM in June 2012, April 2016, and July 2016.

The project will be located in the Bald Mountain Mining District in White Pine County, Nevada, approximately 65 miles northwest of Ely and 40 miles northeast of Eureka. The proposed project expands existing gold mining operations to include the following activities: modification and development of open pits; rock disposal areas (RDAs); heap leach facilities (HLFs) and associated process facilities; power lines and substations; modification of existing support facilities and development of new support facilities; improvement to existing roads and rerouting of public access; continuation of exploration drilling activities within the proposed PoO boundaries; development of a transportation utility corridor to connect the proposed SOA and NOA projects; modification of the Regional Exploration PoO boundary to remove overlap with the proposed NOA and SOA project's boundaries; and other administrative actions.

Construction and operation of the project will result in approximately 3,097 acres of authorized disturbance, 3,093 acres of which are on public land administered by the BLM and 4 acres are on

Record of Decision

private lands. The proposed project has a mine life of 10 years. Upon completion of mining activities, final reclamation, reclamation monitoring, closure, and post-closure monitoring activities would occur. Reclamation and closure of mine operations will be completed in an environmentally responsible manner and are designed to meet BLM and State of Nevada requirements. Reclamation and associated monitoring include stabilization of mine features and structures and would extend 15 years beyond completion of mining activities. Post-Closure monitoring activities would be conducted for at least 5 years and could continue up to 30 years following completion of heap leach processing. The legal property description for the BMM project is summarized in **Table 1** (North Operations Area) and **Table 2** (South Operations Area).

Table 1. North Operations Area Legal Description of PoO Area

Township	Range	Sections
23N	57E	Portions of sections 1-3 and 12
23N	58E	Portions of sections 5-7
24N	56E	Portions of sections 1, 11-15, and 22-25
24N	57E	All of sections 7, 13, 14, 17-27 Portions of sections 1, 4-6, 8 - 12, 15, 16, 28-30, and 33-36
24N	58E	All of sections 5-8, 17-19, 30, and 31 Portions of sections 4, 9, 16, 20, 21, 29, and 32
25N	57E	Portions of sections 25 and 36
25N	58E	All of section 31 Portions of sections 29, 30, 32, and 33

Source: North Operations Area Project (NVN-082888/Reclamation Permit No. 0025) Plan of Operations Amendment #4 and Reclamation Permit Application – July 2016.

Table 2. South Operations Area Legal Description of PoO Area

Township	Range	Sections
21N	57E	Portions of 1, 2, 10-13, 15, 22, 24-27, and all of 14 and 23
21N	58E	Portions of 6, 19, 30
22N	57E	Portions of 2, 11, 14, 15, 22-27, 34, and all of 35 and 36
22N	58E	Portions of 19, 30, 31
23N	57E	Portions of 13, 24-26, 35
23N	58E	Portions of 7, 18, 19

Source: South Operations Area Project (NVN-090443/Reclamation Permit No. 0013) Plan of Operations Amendment and Reclamation Permit Application – July 2016.

The NOA project would result in approximately 2,852 acres of new surface disturbance, and also would withdraw 2,169 acres of previously authorized disturbance for an overall increase in approved surface disturbance of approximately 683 acres over the No Action Alternative. The NOA PoO boundary area would increase to encompass 31,572 total acres, of which 31,330 acres are BLM-administered land and 242 acres of private land.

The SOA project would result in approximately 2,414 acres of new surface disturbance. The SOA PoO would total 10,865 acres, all of which occur on BLM-administered lands.

Record of Decision

The combined SOA and NOA projects total new surface disturbance would be 5,266 acres (5,266 acres of BLM-administered lands and 4 acres on private lands). With consideration of the withdrawal of previously authorized disturbance acreages in the NOA (all of which is on BLM lands), the total increase in surface disturbance that would be authorized under this action would be 3,097 acres (**Table 3**). Of this total, 3,093 acres would be located on BLM-administered lands.

Table 3. WRM Alternative – Surface Disturbance

Category	Proposed Surface Disturbance	Withdrawn Authorized Disturbance	Total Increase in Surface Disturbance
Open Pits	780	-224	556
Rock Disposal Areas	2,345	-1,461	884
Heap Leach Facilities	678	0	678
Support Facilities	1,373	-484	889
Exploration	90	0	90
Total	5,266	-2,169	3,097

The "Support Facilities" category includes 4 acres of private land

Mining activities located on public lands are subject to review and approval by the BLM pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the BLM's Surface Management regulations (43 CFR Subpart 3809). The BLM's review and approval of a mine plan of operations under the Surface Management regulations constitute a federal action that is subject to the National Environmental Policy Act of 1969 (NEPA). The BLM determined that the project constitutes a major federal action and determined that an environmental impact statement (EIS) was required to fulfill the NEPA requirements. The BLM served as the lead agency for preparing the EIS; the Eureka County Board of Commissioners, the Nevada Department of Wildlife (NDOW), the State of Nevada Sagebrush Ecosystem Program, U.S. Fish and Wildlife Service (USFWS), and the White Pine County Commission served as cooperating agencies for preparation and review of the EIS. The EIS considered the quality of the natural environment based on the physical impacts to the public and private lands that may result from implementation of the project.

The Proposed Action, the North and South Operations Area Reconfiguration Alternative (Reconfiguration Alternative), the North and South Area Operations Western Redbird Modification (WRM) Alternative and the No Action Alternative were analyzed in the Final EIS. In addition, five alternatives were considered but eliminated from detailed analysis. The action alternatives were considered relative to their means 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 No Action Alternative considered the continuation of Barrick's currently authorized exploration and mining activities, without the development of the BMM North and South Operations Area Projects.

DECISION

The decision of the Egan Field Office Field Manager, BLM Ely District, is to select the WRM Alternative along with the applicant-committed environmental protection measures included in the PoOs and the mitigation measures specified in the Final EIS. This Record of Decision (ROD) and PoO Amendment Approval authorizes the BMM PoOs dated July 2016. The BLM decision is based on the final PoOs (NVN-082888 and NVN-090443), submitted to the BLM on July 15, 2016

Record of Decision

pursuant to 43 CFR § 3809 and 3715, and the analysis in the Final EIS. In making this decision, the BLM is relying on the Final EIS and the data and analyses prepared in connection with that document. The BLM has determined that implementation of this decision with the identified applicant-committed environmental protection measures, as stated in the PoO and restated in Section 2.4.3 of the Final EIS, along with the monitoring and mitigation measures included in Chapter 3 (Affected Environment and Environmental Consequences) and Appendix A (Project Consistency with Greater Sage-grouse Approved Resource Management Plan Amendment [GRSG Amendment]) of the Final EIS will not cause unnecessary or undue degradation of the public lands and is consistent with other applicable legal requirements.

All mitigation measures that have been developed and adopted are consistent with regulations and policies in order to reduce environmental impacts resulting from the selection of the BLM's Preferred Alternative. The applicant-committed environmental protection measures have been adopted and are described in Attachment 1 of the ROD. 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

Methods to minimize environmental effects from the BLM's Preferred Alternative have been identified in the Final EIS and made part of this ROD. A full discussion of these measures can be found in Chapter 3 and Appendix A of the Final EIS. BLM will implement and adhere to all mitigation measures within the BLM's authority as identified below.

WATER RESOURCES

Mitigation Measure WR-1: Spring and Seeps. Barrick will expand the Water Management and Monitoring Plan to include biannual (May and October) monitoring of flow and water quality at all springs, seeps and annual mapping of associated wetland areas located within the maximum predicted drawdown area, and within 1 mile of the maximum predicted drawdown areas, as identified in Final EIS Figure 3.3-23 (WRM Alternative) as appropriate. Although impacts to spring baseflows in the four hydrographic basins study area (Ruby, Huntington, Newark, and Long valleys) are not anticipated under the Western Redbird Modification (WRM) Alternative based on groundwater modeling results, if monitoring data show impacts as the result of mining operations, then Barrick will implement a mitigation plan to offset potential impacts to baseflow and associated wetlands. The plan will define offsite mitigation to restore or reclaim natural spring and wetland areas on BLM land in the district.

VEGETATION

Mitigation Measure V-1: Additional reclamation measures will be implemented to assist in the reclamation of sagebrush communities where determined appropriate by the BLM. Additional reclamation measures to be considered for implementation include:

- Application of mulch;
- Inoculation with arbuscular mycorrhizae;
- Reduced seeding rate of grasses and forbs in the reclamation seed mixes to reduce competition;

Record of Decision

- Reclamation with native seeds that are representative of the indigenous species present in the adjacent habitat except for the seeding of non-native species to produce a temporary cover crop to out-compete invasive weeds;
- Growth media will be direct-placed, when possible; and
- Planting of sagebrush in small patches carried out in accordance with the project Reclamation Plan.

Mitigation Measure V-2: Basin big sagebrush (*A. tridentata* ssp. *tridentata*), and mountain big sagebrush (*A. tridentata* ssp. *vaseyana*) will be required in the final seed mixture to be used during reclamation (Tables 2.4-60 and 2.4-61 in the Final EIS).

WILDLIFE RESOURCES

Wildlife Guzzlers

Mitigation Measure WL-1: To offset the loss of two available water sources (Alligator Guzzler and Yankee Guzzler) within the NOA and SOA plan boundaries, two wildlife guzzlers will be installed and maintained by BMM prior to the removal of the existing guzzlers. The two guzzlers have already been installed at locations determined by NDOW to support wildlife populations that are currently utilizing existing guzzlers.

Mule Deer

Mitigation Measure WL-2: Barrick will implement adaptive management actions if either of the following trigger events occur:

- Excessive Snowfall – A combination of visual observations of mule deer (i.e., helicopter tracking surveys, video monitoring, on-site real-time monitoring) or radio-collar data indicate that less than 30 percent of mule deer are unable to successfully migrate through the BMM within a 5-day period AND a cumulative snow depth greater than 10 inches for a period of 5 or more days is measured at strategically located weather stations within mule deer migration corridors identified by the BLM, in coordination with NDOW.
- Unsuccessful Passage – Less than 70 percent of collared or marked migratory mule deer, that cross into the NOA boundary, successfully migrate through the NOA during either the autumn (30 November – 5 January) or spring (15 March – 30 April) migration period. This represents a reduction of 30 percent from the baseline conditions documented prior to the expansion project. The northern and southern extent of the NOA boundary will serve as the geographic reference to determine if passage was successful for an individual marked mule deer. An autumn migration is considered successful when an individual mule deer crosses the southern extent of the NOA boundary during the autumn period (30 November – 5 January). A spring migration is considered successful when an individual mule deer crosses the northern extent of the NOA boundary during the spring period (15 March – 30 April). The adaptive management trigger will be enacted if more than 30 percent of the migratory mule deer fail to successfully migrate during either migration period.

A Wildlife Working Group (WWG) comprised of resource specialists from the BLM, NDOW, and the applicant will be convened to monitor and assess the success of adaptive management measures. Adaptive management actions will be assessed by the WWG based on collared mule deer activities on the ground and their relationship of these activities to aerial imagery and “as-built” development

Record of Decision

activities to determine the most appropriate actions and strategies to maximize opportunities to mitigate and alter impacts to migration. For example, if monitoring by the WWG reveals that mule deer are moving back and forth along a perimeter feature that relates to ground-based activities (e.g., road, noise, facilities), adaptive management actions will seek to provide a route for mule deer to move through the problem feature. Changes in stopover activity durations of collared mule deer also will be analyzed to determine the most appropriate actions to maximize opportunities to mitigate and alter impacts to migration. Adaptive management actions considered by the WWG could include, but are not limited to, one or more of the following:

- Creation of a travel path suitable for mule deer by compacting snow with a track vehicle (i.e., snowcat, lighter weight track-mounted vehicle), plowing existing roads that are not essential to mine operations, or other actions that may allow easier passage for mule deer.
- Creation of additional temporary berm-cuts, openings, or gaps as allowable by the Mine Safety and Health Administration (MSHA) to facilitate ease of mule deer movement across haul roads and the above travel paths. Locations of such openings will likely vary from year-to-year depending on conditions (e.g., snow depth, mine activities) and mule deer use.
- Limit non-essential vehicular traffic and personnel within corridors identified by the Wildlife Working Group during extended crepuscular hours (5 AM to 8 AM and 3 PM to 6 PM) during the autumn migration (30 November – 5 January) and spring migration (15 March – 30 April) periods.
- Conduct concurrent reclamation of select features to enlarge migration corridors or create improved passage where practicable.
- Where feasible, alter operations or sequencing to shift mining activities from areas and during periods of high density of mule deer migration.
- Where feasible, cluster haul traffic (i.e., send haul trucks in groups with rest intervals) during periods of high density of mule deer migration.
- Where NDOW and Barrick come to an agreement, Barrick will conduct habitat improvement or restoration in mule deer stopover areas to improve migration conditions.

The suggested adaptive management actions may change over time and will be dependent on understanding how the mule deer utilize the active mine site. If the adaptive management actions are not effective in protecting mule deer, BLM will work collaboratively with NDOW and Barrick to develop other adaptive management actions based on the conditions present at the time of the event to mutually develop a solution.

SPECIAL STATUS SPECIES

Greater Sage-grouse

Mitigation Measure SSS-1: For the proposed NOA and SOA projects, noise surveys following protocols required under the GRSG Amendment will be conducted at the perimeter of active greater sage-grouse leks within 3.1 miles of mining activity. Lek distances to mining activity are presented in Table 3.8-2 and Table 3.8-7 of the Final EIS. Noise monitoring will therefore be required at leks potentially affected by noise generated from the proposed project. Potential leks to be monitored for noise include Beck Pass 3, Beck Pass 4, Blue Jay Road, Buck Mountain East 2, Long Valley Well 2, and Ruby Valley South leks. The final list of leks selected for noise monitoring will be determined during development of the Noise Mitigation Plan. The measured ambient noise levels

Record of Decision

(L₉₀) at these leks are listed in Table 3.8.3 of the Final EIS. Noise generated by the project will be managed so that it does not exceed 10 dBA¹ above the measured ambient levels during the period of 1 hour before sunrise until 3 hours after sunrise at the perimeter of each of the aforementioned leks during the active breeding season of March 1 through May 15. If exceedances occur, mitigation measures will be implemented to limit noise to less than 10 dBA above ambient. Barrick, in coordination with the BLM and NDOW, is actively developing a Bald Mountain Mine Noise Mitigation Plan that outlines the lek noise monitoring protocols and specific adaptive mitigation measures to be implemented in response to observations of noise conditions of 10 dBA above observed ambient noise levels at lek perimeters. The Plan will be approved by the BLM and put in place no later than 90 days following the signing of the ROD for the project. Mitigation measures included in the final Bald Mountain Mine Noise Mitigation Plan may include but will not be limited to:

- Seasonal mining traffic restrictions or closures of roads within close proximity to active leks during the breeding season;
- Installation of noise limiting technology on mining and construction equipment to be used during the breeding season in close proximity to active leks;
- Seasonal operational restrictions of construction and mining activity that are determined to produce noise levels above 10 dBA above observed ambient noise levels at lek perimeters;
- Shielding of both exploration and blasting related drilling activity and equipment within close proximity of active leks on an as needed basis to be determined by monitoring; and
- Seasonal restriction of blasting activity in areas that could be determined to adversely impact breeding greater sage-grouse.

Mitigation Measure SSS-2: For the proposed NOA and SOA projects, the installation of fencing located within greater sage-grouse Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA), and Other Habitat Management Areas (OHMA) (based upon lek proximity and topography) should be minimized to the extent possible. In areas where the installation of fencing is unavoidable, in coordination with the BLM and NDOW, fencing will be modified or marked in a manner that results in increased visibility to greater sage-grouse. NDOW currently recommends using the Natural Resources Conservation Service (NRCS) Fence Collision Risk Tool to determine the need for fence marker placement.

Mitigation Measure SSS-3: Within greater sage-grouse PHMA, GHMA, and OHMA, proposed transmission lines will be constructed using monopole towers with perch deterrents to minimize predation and with line-strike diverters to minimize strike potential. Specific tower and strike diverter types will be determined on a case by case basis, in coordination with BLM and NDOW biologists.

Greater Sage-grouse Compensatory Mitigation

The proposed project is a non-discretionary 43 CFR 3809 action, and discretion is limited to preventing unnecessary and undue degradation. The proponent has proposed a robust suite of applicant-committed environmental protection measures into their Proposed Action and all Alternatives, to incorporate Design Features and Management Decisions from the GRSG Amendment. In addition, Barrick shall utilize the State of Nevada's Conservation Credit System

¹ dBA refers to decibels on the A-weighted scale using the L₉₀ metric.

Record of Decision

(CCS) to offset impacts of proposed project surface disturbance (GRSG Amendment, Mitigation MD MIT1). The Nevada CCS is a relatively new program, and sufficient credits to offset project impacts may not be available for purchase in time for when the BMM project ROD is signed. As agreed between the Nevada Sagebrush Ecosystem Technical Team and the BLM, Barrick shall obtain credits based on the credit obligation determined by the CCS's associated Habitat Quantification Tool (HQT) within 6 months of such credits being available for purchase through the CCS. The final number of credits obtained will be determined based on proximity to the BMM project. Results of the CCS HQT analysis of the Preferred Alternative indicate that the Barrick credit obligation range of 5,251 to 6,039 will be required to fully offset the anticipated temporary impacts during the life of the BMM as presented in **Table 4**. The credit obligation range is not the result of uncertainty in the results of the CCS HQT analysis of the Preferred Alternative, but rather from the application of a Proximity Ratio that incentivizes Barrick to obtain credits to offset BMM impacts from projects located within the local Butte/Buck/White Pine greater sage-grouse Population Management Unit (PMU). Utilizing the CCS to obtain credits based on functional acres lost in addition to the implementation of voluntary applicant-committed environmental protection measures (Table 2.4-54 of the Final EIS) and other mitigation measures discussed in Section A7.0 of Appendix A in the Final EIS will result in net conservation gain for the species.

Table 4. Range of Temporary Conservation Credit Obligations for the Preferred Alternative

Area of Credit Purchase	Base Credit Obligation	Proximity Ratio Multiplier	Adjusted Credit Obligation
Within Butte/Buck/White Pine/Ruby Valley PMU ¹	5,251	1.0	5,251
Within Ruby or Butte/Buck/White Pine BSU ²	5,251	1.05	5,514
Within WAFWA ³ Zone III	5,251	1.1	5,776
Outside WAFWA Zone III	5,251	1.15	6,039

¹ Population Management Unit.

² Biologically Significant Unit.

³ Western Association of Fish and Wildlife Agencies.

Pygmy Rabbits

Mitigation Measure SSS-4: Pre-construction clearance surveys for pygmy rabbits will occur prior to any surface disturbance. Pygmy rabbits are known to be active above ground throughout the year, therefore clearance surveys will be required to be conducted regardless of the season. If occupied pygmy rabbit habitat is identified during pre-construction clearance surveys and occupied (especially natal) burrows are found, then new disturbance will not occur within 200 feet of those areas. If disturbance of these areas is determined to be unavoidable, consultation with the appropriate BLM and NDOW wildlife biologists will occur to develop avoidance strategies and mitigation techniques.

LIVESTOCK GRAZING

Mitigation Measure LG-1: Barrick will install four-strand fencing (three-stranded barbed wire and a smooth bottom strand) range fence around new HLFs, process facilities and freshwater ponds. Newly constructed fences will be maintained by Barrick throughout the life of the project, until the project component is no longer in operation, and the component has been reclaimed in accordance

Record of Decision

with BLM and State of Nevada closure requirements. During project decommissioning, Barrick will remove all exclusion fencing within the project area.

Mitigation Measure LG-2: If spring flow at JBR #14 and South Water Canyon is reduced or eliminated, water will be provided for livestock use in an alternative location to be determined by the BLM.

VISUAL RESOURCES

Mitigation Measure VR-1: For the proposed NOA and SOA projects, to be consistent with disturbed soils within the mine boundary, new facilities and buildings within the mined area will be painted the color Carlsbad Canyon as listed on the BLM Environmental Color Chart. New facilities and buildings outside of the mined area that will be surrounded with vegetation or at the tree line will be painted the color Shadow Gray, as listed on the BLM Environmental Color Chart.

MANAGEMENT CONSIDERATIONS

The rationale for the above decision is supported by the Surface Management regulations (43 CFR § 3809 et seq.), Rights-of-Way regulations (43 CFR § 2800 et seq.), FLPMA, and the Mining Law of 1872, as amended. The Project has been analyzed under the Council on Environmental Quality implementing regulations for NEPA (40 CFR § 1500 et seq.) and none of the alternatives that were analyzed in detail were found to result in unnecessary or undue degradation of public lands. Selection of the BLM's Preferred Alternative will allow Barrick to undertake a legitimate use of the public lands in an environmentally sound manner without causing unnecessary or undue degradation to the public lands.

The BLM has identified the WRM Alternative as the Agency Preferred Alternative. The BLM selected this alternative because it both meets the BLM Purpose and Need and the operator's objective (as described in Chapter 1 of the Final EIS), while providing for the long-term sustainability of the natural and cultural resources in the affected environment as mandated by FLPMA. The WRM Alternative does this by 1) reducing overall surface disturbance affecting multiple resources (by 56 percent as compared to the Proposed Action); 2) eliminating the potential baseflow reductions to the South Water Canyon and JBR No.14 springs expected under the Proposed Action and Reconfiguration Alternative; 3) minimizing impacts to mule deer by maintaining more mule deer migration corridors than under the Proposed Action and wider migration corridors than under the Reconfiguration Alternative; 4) reducing impacts to greater sage-grouse habitat, leks and the species by eliminating some mine features in the North Operations Area compared to the Proposed Action, and 5) reducing visual impacts at the Pony Express Trail, Ruby Lake NWR, Fort Ruby National Historic Landmark and other key observation points as compared to both the Proposed Action and Reconfiguration Alternatives. Permitting the WRM Alternative will allow Barrick to continue to employ a workforce that would vary from an estimated maximum of 498 employees (368 full time employees/130 contractors) in 2017 to a minimum of 41 employees (36 full time employees/5 contractors) in year 2025.

The BLM, NDOW, USFWS, State of Nevada Sagebrush Ecosystem Program, Eureka County Board of Commissioners, White Pine County, and Barrick have collaborated to develop measures designed to reduce environmental impacts that may result from the project. Applicant-committed environmental protection measures contained in the PoOs and the mitigation measures will reduce

Record of Decision

adverse environmental impacts identified in the Final EIS. Monitoring and adaptive management requirements of the PoOs and the Final EIS will assist Barrick, the BLM, and others in identifying, mitigating, or avoiding unforeseen environmental impacts that may occur.

The BLM in coordination with the Nevada Division of Environmental Protection (NDEP) has determined that a reclamation bond adequate to cover surface reclamation of the project facilities is required.

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 Egan Field Office and has designated lands within the project area as open for mineral exploration and development. The objectives for Geology and Mineral Extraction in the ROD and the Ely District Approved Resource Management Plan (RMP) are to provide for the responsible development of mineral resources to meet local, regional, and national needs, while providing for the protection of other resources and uses.

The management decisions applicable to these objectives are as follows:

- **Locatable minerals.** “Open to locatable - Allow locatable mineral development on approximately 9.9 million acres of federal mineral estate, subject to the prevention of unnecessary or undue degradation of public lands.”

The Preferred Alternative is in conformance with the Ely District RMP and its ROD. The Preferred Alternative also is consistent with the 2015 Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment. The BLM prepared this amendment (referred to elsewhere in this document as the GRSG Amendment) to identify and incorporate appropriate measures in existing land use plans. It is intended to conserve, enhance, and restore greater sage-grouse habitat by avoiding, minimizing, or compensating for unavoidable impacts on greater sage-grouse habitat in the context of the BLM’s multiple use and sustained yield mission under FLPMA.

SUMMARY OF THE PROPOSED ACTION AND OTHER ALTERNATIVES

The BMM project EIS analyzed three alternatives in addition to the Proposed Action: the Reconfiguration Alternative, the WRM Alternative, and the No Action Alternative.

Proposed Action

NORTH OPERATIONS AREA

Under the Proposed Action, Barrick would combine and expand the existing BMM NOA PoO boundary and the existing Casino/Winrock Mine PoO boundary into a unified PoO boundary called the proposed NOA project. The proposed NOA project includes development and/or expansion of mining and exploration activities within the area currently permitted as the existing BMM NOA and Casino/Winrock PoO, which includes the BMM, Mooney Basin Operations Area, Little Bald Mountain (LBM) Mine, Casino Mine, and Winrock Mine. Under the Proposed Action, existing/authorized facilities, including active open pits; RDAs; HLFs; ore process areas; interpit areas; access and haul roads; growth media stockpiles (GMS); and ancillary and support facilities, would be expanded and developed within the proposed NOA project. The Proposed Action for the

Record of Decision

NOA project also includes the expansion of mining and exploration activities within the reclaimed White Pine Mine. Proposed activities within the proposed NOA project would include:

- Modification of six existing open pits and development of five new open pits;
- Modification of 13 existing RDAs and development of seven new RDAs;
- Modification of three existing HLFs and one associated process facility, and development of two new HLFs and four associated process facilities;
- Modification of existing support facilities and development of new support facilities;
- Removal of previously authorized underground operations in the Top Pit Complex (an administrative action);
- Modification of the Regional Exploration PoO (NVN-078825) boundary to remove overlap with the proposed NOA project boundary;
- Continuation of exploration drilling activities within the proposed NOA project boundary; and
- Construction of four transmission lines ranging in capacity from 24.9 kilovolts (kV) to 69 kV to provide power at the Redbird Pit, Top pit, LBM pit, Winrock process area, South Poker Flats process area, and the LBM communication site.

The proposed NOA project would increase the total approved surface disturbance from 9,381 acres to 13,739 acres, for a net increase of 4,357 acres. The proposed NOA PoO area would increase to encompass 30,843 acres of BLM-administered land and 242 acres of private land.

SOUTH OPERATIONS AREA

Under the Proposed Action, the existing Alligator Ridge Mine and Yankee Mine PoO boundaries would be expanded and combined into a unified PoO boundary called the SOA project. The proposed SOA project would include the development and/or expansion of mining activities within the areas currently permitted as the existing Alligator Ridge Mine and Yankee Mine. Under the Proposed Action, existing/authorized facilities including open pits; RDAs; HLFs; ore process areas; interpit areas; access and haul roads; GMS; and ancillary and support facilities would be expanded and developed within the proposed SOA project.

Proposed activities within the proposed SOA project would include:

- Modification of three existing open pits and development of one new open pit;
- Modification of four existing RDA and development of three new RDAs;
- Modification of two existing HLFs and development of one new HLF and associated process facilities;
- Improvement to existing roads and reroute public access;
- Development of new support facilities;
- Modification of the Regional Exploration PoO boundary to remove overlap with the proposed SOA project boundary;
- Implementation of exploration drilling activities within the proposed SOA project boundary;
- Construction of two new transmission lines ranging from 24.9 kV to 69 kV to provide power at the Vantage Pit and Gator process area;

Record of Decision

- Extension of an existing 69-kV power line to provide power at the Yankee process area;
- Construction of new substations at the Vantage Pit and Yankee process area;
- Development of upgrades to the existing Vantage Substation;
- Development of a Transportation Utility Corridor (TUC) to connect the proposed SOA and NOA projects by improving an existing road to haul road specifications; and
- Construction of a new landfill located at the Vantage and Yankee South RDA disturbance areas.

The proposed SOA project would increase the total surface disturbance from 944 acres to 3,684 acres, for a net increase of 2,740 acres. The SOA PoO would total 10,865 acres, all of which occur on BLM-administered lands. The combined SOA and NOA projects total surface disturbance would be 7,097 acres.

Construction and operation of the Proposed Action would be initiated in 2016, following Barrick's receipt of all required permits and approvals. The life of the mine would include approximately 20 years of active mining and ore processing. Reclamation and monitoring would continue for an additional 20 years following completion of operations.

North and South Area Operations Reconfiguration Alternative

The North and South Operations Area Facilities Reconfiguration Alternative (Reconfiguration Alternative) was developed to address potential impacts to mule deer migration; greater sage-grouse leks and associated habitats; visual impacts affecting the cultural setting of the Pony Express National Historic Trail, Ruby Valley Pony Express Station, Ruby Lake Marsh National Natural Landmark, and Fort Ruby National Historic Landmark; and visual impacts affecting visitor aesthetics at the Ruby Lake National Wildlife Refuge (NWR). The Reconfiguration Alternative would eliminate 1,429 acres of disturbance from the Proposed Action and an additional 1,934 acres of previously authorized disturbance would not be constructed, representing a 3,352-acre (47 percent) reduction in comparison to the Proposed Action as shown in **Table 5**. The total proposed disturbance under the Reconfiguration Alternative would be 5,668 acres. The Reconfiguration Alternative also would reduce the life of mine from 20 years to 10 years in comparison to the Proposed Action.

Record of Decision

Table 5. Reconfiguration Alternative – Surface Disturbance Comparison

Project Component	Proposed Action Surface Disturbance (acres) ^{1,2}		Reconfiguration Alternative Surface Disturbance (acres) ¹		Difference (acres/percent) ¹
	Proposed Surface Disturbance	Withdrawn Authorized Disturbance ⁵	Proposed Surface Disturbance	Withdrawn Authorized Disturbance ⁵	
Open Pits	1,210	0	885	-163	-488 / -40
Rock Disposal Areas	2,787	0	2,550	-1,325	-1,562 / -56
Heap Leach Facilities ³	1,156	0	678	0	-478 / -41
Support Facilities ⁴	1,855	-11	1,465	-447	-826 / -45
Exploration	90	0	90	0	0
Total	7,097	-11	5,668	-1,934	-3,352 / -47

¹ Acreage values were determined from geographic information system (GIS) data that combined the NOA and SOA project components.

Acreage values may vary due to rounding.

² Refer to **Table 2.4-1** for detailed acreages by project component.

³ Heap leach facilities include heap leach facilities, tailing impoundments, and process areas.

⁴ Support facilities include haul roads, interpit areas, secondary/exploration roads and pads, well access roads, maintenance/administrative facilities, silt pits, GMSs, monitoring wells, communication sites, transmission line corridors, and other ancillary disturbances. Support facility acreage includes 12 acres of facilities for which locations are not yet known. These acreages are not included in the GIS.

⁵ Acreage values refer to the portions of surface disturbance that is already authorized under previous NEPA documents that would not be developed under the alternative.

Source: SRK 2015, 2014a, 2012a.

No Action Alternative

Under the No Action Alternative, activities associated with the proposed project would not occur and construction of all previously authorized expansion and associated facilities would continue. Barrick would continue its operations and closure and reclamation activities within the existing NOA and SOA boundaries under the terms and current permits and approvals as authorized by the BLM and State of Nevada. Exploration activities would continue in accordance with the Regional Exploration PoO and existing plan amendments. Selection of this alternative would not comply with 43 CFR § 3809.411(d).

BLM's Preferred Alternative

The BLM's Preferred Alternative is the North and South Operations Area WRM Alternative along with the applicant-committed environmental protection measures included in the PoOs and the mitigation measures specified in Chapter 3 and Appendix A of the Final EIS.

The WRM Alternative was developed to further address potential impacts to mule deer migration through the NOA. Barrick proposed the modifications to the Numbers and Redbird area facilities during the preparation of the Draft EIS to address potential impacts to mule deer migrating through the western side of the NOA project.

The WRM Alternative would eliminate 1,831 acres of disturbance from the Proposed Action and an additional 2,169 acres of previously authorized disturbance would not be constructed, representing a 3,989-acre (56 percent) reduction in comparison to the Proposed Action as shown in **Table 6**. The total authorized disturbance under the WRM Alternative would be 3,097 acres (5,266 acres of total proposed disturbance minus 2,169 acres of withdrawn authorized disturbance). The WRM

Record of Decision

Alternative also would reduce the life of mine from 20 years to 10 years in comparison to the Proposed Action.

Table 6. WRM Alternative – Surface Disturbance Comparison

Project Component	Proposed Action Surface Disturbance (acres) ^{1,2}		WRM Alternative Disturbance (acres) ¹		Difference (acres/percent) ¹
	Proposed Surface Disturbance	Withdrawn Authorized Disturbance ⁵	Proposed Surface Disturbance	Withdrawn Authorized Disturbance ⁵	
Open Pits	1,210	0	780	-224	-654 / -54
Rock Disposal Areas	2,787	0	2,345	-1,461	-1,903 / -68
Heap Leach Facilities ³	1,156	0	678	0	-478 / -41
Support Facilities ⁴	1,855	-11	1,373	-484	-955 / -51
Exploration	90	0	90	0	0 / 0
Total	7,097	-11	5,266	-2,169	-3,989 / -56

¹ Acreage values were determined from geographic information system (GIS) data that combined the NOA and SOA project components.

Acreage values may vary due to rounding.

² Refer to Table 2.4-1 in the Final EIS for detailed acreages by project component.

³ Heap leach facilities include heap leach facilities, tailing impoundments, and process areas.

⁴ Support facilities include haul roads, interpit areas, secondary/exploration roads and pads, well access roads, maintenance/administrative facilities, silt pits, , GMSs, monitoring wells, communication sites, transmission line corridors, and other ancillary disturbances. Support facility acreage includes 12 acres of facilities for which locations are not yet known. These acreages are not included in the GIS.

⁵ Acreage values refer to the portions of surface disturbance that is already authorized under previous NEPA documents that would not be developed under the alternative.

Source: SRK 2015.

The BLM's Preferred Alternative will result in a total of 5,266 acres of new surface disturbance; with consideration of existing authorized disturbance acreages in the NOA that are withdrawn, the Preferred Alternative would authorize a total of 3,097 acres of surface disturbance (3,093 acres on BLM-administered lands and 4 acres on private lands). Under the BLM's Preferred Alternative, the PoO boundary will increase to 42,437 acres, of which 42,195 areas are BLM lands and 242 acres are private lands.

The BLM, in selecting the WRM Alternative, along with the applicant-committed environmental protection measures of the PoOs, and the identified mitigation measures, has ensured that all practicable means to avoid, minimize, and offset environmental impacts were adopted for the BMM project as required by the Council on Environmental Quality. As a result, the BLM's Preferred Alternative also is the Environmentally Preferred Alternative.

Alternatives Considered But Eliminated From Detailed Analysis

Five alternatives were identified and proposed by the BLM, NDOW, and Barrick but were eliminated from further analysis. These included alternatives such as full backfill of open pits, partial backfill of open pits, only allow for the expansion of mining operations at either the BMM NOA or the SOA, preclude development of pits below groundwater level, and several facility specific alternatives. These five alternatives were considered relative to their means of addressing the identified purpose and need for the project; their technological and economic feasibility; as well as their potential to address environmental issues and reduce potential impacts. Each of these five

Record of Decision

potential alternatives was ultimately rejected and not further analyzed in the EIS for the following reasons:

1. Complete Pit Backfilling - Complete backfilling of proposed pits would not be economically feasible and is not consistent with common industry practice because the waste rock material would have to be handled twice; first, to haul the waste rock material to RDAs, and second, to haul the waste rock material back into the pits.
2. Partial Pit Backfilling - This alternative also was eliminated from consideration for the same reasons as the complete backfilling of pits alternative: it would not be economically feasible.
3. No Expansion or Development of Either the NOA or SOA - Removal of the SOA expansion would reduce overall estimated production of the mine by approximately 30 percent; removal of the NOA expansion would reduce overall estimated production of the mine by approximately 70 percent. Therefore, this alternative was eliminated from detailed analysis because it does not meet the purpose and need of the federal action to allow Barrick the opportunity to construct and operate an expanded and new gold mine and associated facilities in the project area or BLM's need to respond to Barrick's PoO Amendment and application while preventing unnecessary or undue degradation of public land and ensuring future post-mining land uses.
4. No Development of Pits Below Groundwater Level - This alternative would preclude the downward expansion of the Redbird Pit and Top Pit Complex. The WRM Alternative substantially reduces the size and depth of the Redbird Pit such that the proposed pit will no longer intersect the groundwater table. The combined leached material for the Redbird and Top Pit Complex would be reduced to 45 million tons under the WRM Alternative. Removing the Top Pit from the project would not meet the purpose and need of the federal action to allow Barrick the opportunity to construct and operate an expanded and new gold mine and associated facilities in the project area or BLM's need to respond to Barrick's PoO Amendment and application while preventing unnecessary or undue degradation of public land and ensuring future post-mining land uses. Additionally, potential issues related to groundwater depletion would be addressed under all alternatives through partial pit backfilling with carbonate-rich material of all existing and/or proposed pits that intercept groundwater. Under all alternatives, these pits would be backfilled with carbonate-rich material to an elevation above the projected groundwater rebound elevation.
5. Facility Specific Configurations - Several combinations of facility reconfigurations were initially considered during the development of alternatives. These reconfigurations included moving the Redbird RDA to the west, removal and/or reclamation of haul roads near Horseshoe Pit, complete removal of the Duke and South Duke facilities, partial backfill of Poker Flats pit with material from the East Sage RDA, phasing of construction and operations of the Duke, South Duke, Poker Flats and Casino pits, building overpasses for mule deer migration, increasing the capacity of the Mooney Heap Leach Facility to elimination the need for the LBM HLF, elongating the Redbird RDA to the north and south, consolidating the south Poker Flats and Winrock processing facilities, and placing the Royale haul road adjacent to and paralleling the Ruby Valley County Road. These proposed reconfigurations were reviewed and eliminated from detailed analysis because they either: 1) did not meet the project purpose and need, 2) were not technically or economically feasible to implement, or 3) did not address identified resource concerns.

Record of Decision

PUBLIC INVOLVEMENT

On April 16, 2012, a Notice of Intent to prepare an EIS was published in the Federal Register (Volume 77, No. 73, Monday, April 16, 2012, pages 22608 and 22609). Four public scoping meetings were held May 7, 8, 9 and 10 in 2012, in Ely, Elko, Eureka, and Reno, Nevada respectively. The scoping period ended on May 16, 2012. The BLM received a total of 32 comment submittals (e.g., letter, comment form, or email) containing 186 individual comments during the scoping period. All comments were considered in preparation of the Draft EIS.

Issues identified during the scoping period included: (1) potential degradation of surface water or groundwater quality and potential depletion of groundwater from pit lakes and/or from water withdrawals for mine operations; (2) potential impacts to mule deer habitat and migration corridors; (3) potential impacts to Greater Sage-Grouse habitat and strutting grounds; (4) potential impacts to Wild Horse Herd Management Areas (HMAs), including herd access to surface water sources; (5) potential air quality impacts from fugitive dust containing mercury, arsenic, or other contaminants; and (6) potential impacts to visual resources including the visual setting of the Pony Express Trail and the Ruby Lake National Wildlife Refuge. More information on the scoping process and specific concerns can be found in Sections 1.6 and 4.1.1 of the Final EIS.

On August 15, 2015 a Notice of Availability of the Draft EIS was published in the Federal Register (Volume 80, No. 157, Friday, April 14, 2015, pages 48913 - 48914) beginning a 45-day public comment period. The BLM extended the public comment period an additional 15 days to a total of 60 days.

The Draft EIS was posted on the BLM's website for review and download (at http://www.blm.gov/nv/st/en/fo/ely_field_office.html). An accompanying press release provided a project summary, link to the Draft EIS files, and announced the upcoming public meeting dates and locations. Based upon requests from interested parties made during public scoping or other periods during the project, the BLM also mailed 67 hard copies and 50 electronic copies of the Draft EIS, and 30 Draft EIS availability notification letters to various individuals, non-governmental organizations (NGOs), tribes, and cooperating agencies.

Public comment meetings on the Draft EIS were held on September 15, 16, 17, and 18 in Elko, Reno, Eureka, and Ely, Nevada, respectively. The BLM received a total of 65 unique submittals, in the form of letters and emails from agencies, businesses, organizations, and individuals providing comments on the Draft EIS. In addition to unique submissions, the BLM received approximately 7,700 form letters (i.e., letters containing identical or near identical text submitted by different people). These form letters were submitted by members of several NGOs. Form letter submission began in February 2015, prior to the formal Draft EIS comment period, and continued into the formal comment period. All comments received were considered in preparing the Final EIS, including comments received during the development of alternatives and analyses of issues. Each comment, as well as a corresponding response, is provided in Appendix J of the Final EIS.

The BLM published a Notice of Availability for the Final EIS in the Federal Register (Volume 81, No. 122 / June 24, 2016, pages 41330 and 41331) on June 24, 2016, releasing the Final EIS for public review.

Record of Decision

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, biweekly conference calls were held between the BLM, Barrick, and the Cooperating Agencies to provide status updates, discuss emergent issues, and gather feedback and information requests from the Cooperating Agencies. Additionally, individual meetings were held between the BLM and each of the Cooperating Agencies when necessary to address individual concerns raised through comments on the Draft EIS and other points in the project. Specific dates and times are documented in the Administrative Record.

NATIONAL PARK SERVICE, NATIONAL TRAILS INTERMOUNTAIN REGION AND U.S. FISH AND WILDLIFE SERVICE SECTION 106 CONSULTATION

Pursuant to Title 54 U.S.C. §300101, et. seq., commonly known as the National Historic Preservation Act of 1966, as amended (NHPA), and Title 54 U.S.C. §306108, commonly known as Section 106 of the NHPA (Section 106), Federal agencies must consult with interested parties, which include representatives of local governments, applicants, and certain individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties, per the National Programmatic Agreement (Preamble) and 36 CFR § 800.2(c)(3-5).

The Nevada State Protocol Agreement, 2014 (SPA) defines how BLM and State Historic Preservation Office (SHPO) will interact under the National Programmatic Agreement (NPA) for implementing the NHPA, including Section 106 (§ 800.3 through 800.7) and by what method consultation efforts are to be carried out.

In accordance to the Nevada SPA, the BLM formally initiated Section 106 consultation with the National Park Service (NPS), National Trails Intermountain Region (NPS) and the USFWS in response to their requests for the opportunity to consult on Cultural Resource issues during the BMM DEIS public comment period. Letters of Invitation to Concurring Parties were completed by the BLM and accepted by the NPS and USFWS. Opportunities to consult continue to be available for the potential for adverse effects and associated mitigation strategies for the Pony Express National Historic Trail (with the NPS), and the Fort Ruby National Historic Landmark (with the USFWS).

NATIVE AMERICAN CONSULTATION AND COORDINATION

Under Executive Order (EO) 13084, the BLM is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on the development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities. On June 11, 2012, the BLM initiated government-to-government consultation for the proposed BMM NOA and SOA projects by sending letters to the following federally recognized Native American tribes: South Fork Band Council, Ely Shoshone Tribe of Nevada, Battle Mountain Band Council, Wells Band Council, Te-Moak Tribe of the Western Shoshone Indians of Nevada,

Record of Decision

Confederated Tribes of the Goshute Indian Reservation, Duckwater Shoshone Tribe of the Duckwater Reservation, Moapa Band of Paiute Indians of the Moapa River Reservation, Yomba Shoshone Tribe of the Yomba Reservation, and Las Vegas Paiute Tribe of the Las Vegas Indian Colony. The letters were sent to inform the various tribes of the proposed undertaking and to solicit their concerns regarding the possible presence of properties of traditional religious and cultural importance in the NOA and SOA plan boundaries.

Section 4.3 of the Final EIS details the BLM's consultation with the tribes on the BMM project. BLM consultation with tribes and tribal organizations is currently ongoing and will continue until project completion to address concerns and to work together in developing appropriate measures to protect sites of tribal importance.

APPEAL STATEMENT

This Decision is subject to appeal pursuant to 43 CFR Section 3809.800. A party that is adversely affected may file such an appeal in accordance with the procedures in 43 CFR Part 4. An appeal shall be filed not later than 30 days after the date the ROD is issued.