

## NOTICE TO LESSEE

Provisions of the Mineral Leasing Act (MLA) of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, affect an entity's qualifications to obtain an oil and gas lease. Section 2(a)(2)(A) of the MLA, 30 U.S.C. 201(a)(2)(A), requires that any entity that holds and has held a Federal coal lease for 10 years beginning on or after August 4, 1976, and who is not producing coal in commercial quantities from each such lease, cannot qualify for the issuance of any other lease granted under the MLA. Compliance by coal lessees with Section 2(a)(2)(A) is explained in 43 CFR 3472.

In accordance with the terms of this oil and gas lease with respect to compliance by the initial lessee with qualifications concerning Federal coal lease holdings, all assignees and transferees are hereby notified that this oil and gas lease is subject to cancellation if: (1) the initial lessee as assignor or as transferor has falsely certified compliance with Section 2(a)(2)(A) or (2) because of a denial or disapproval by a State Office of a pending coal action, i.e., arms-length assignment, relinquishment, or logical mining unit, the initial lessee as assignor or as transferor is no longer in compliance with Section 2(a)(2)(A). The assignee or transferee does not qualify as a bona fide purchaser and, thus, has no rights to bona fide purchaser protection in the event of cancellation of this lease due to noncompliance with Section 2(a)(2)(A).

Information regarding assignor or transferor compliance with Section 2(a)(2)(A) is contained in the lease case file as well as in other Bureau of Land Management records available through the State Office issuing this lease.

**ENDANGERED SPECIES ACT**  
**SECTION 7 CONSULTATION STIPULATION**

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modifications of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act, 16 USC § 1531 et seq., as amended, including completion of any required procedure for conference or consultation.

## **CULTURAL RESOURCES AND TRIBAL CONSULTATION**

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations (e.g., State Historic Preservation Officer (SHPO) and tribal consultation) under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

## ARCHAEOLOGICAL STIPULATION

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-056	ALL LANDS
NV-11-06-058	ALL LANDS
NV-11-06-060 THRU	
NV-11-06-065	ALL LANDS
NV-11-06-068 THRU	
NV-11-06-070	ALL LANDS
NV-11-06-073 THRU	
NV-11-06-075	ALL LANDS
NV-11-06-078 THRU	
NV-11-06-081	ALL LANDS
NV-11-06-085 THRU	
NV-11-06-088	ALL LANDS
NV-11-06-090 THRU	
NV-11-06-096	ALL LANDS

ARCH-ZONE 1

## ARCHAEOLOGICAL STIPULATION

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-044	ALL LANDS
NV-11-06-054 THRU NV-11-06-065	ALL LANDS
NV-11-06-069 THRU NV-11-06-075	ALL LANDS
NV-11-06-077 THRU NV-11-06-081	ALL LANDS
NV-11-06-083	ALL LANDS
NV-11-06-085 THRU NV-11-06-087	ALL LANDS
NV-11-06-090	ALL LANDS
NV-11-06-092 THRU NV-11-06-095	ALL LANDS

ARCH-ZONE 2

## ARCHAEOLOGICAL STIPULATION

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>	
NV-11-06-041 THRU NV-11-06-044	ALL LANDS	
NV-11-06-054 THRU NV-11-06-060	ALL LANDS	
NV-11-06-065	ALL LANDS	
NV-11-06-066	ALL LANDS	
NV-11-06-068 THRU NV-11-06-072	ALL LANDS	
NV-11-06-074	ALL LANDS	
NV-11-06-075	ALL LANDS	
NV-11-06-084	ALL LANDS	
NV-11-06-085	ALL LANDS	
NV-11-06-087 THRU NV-11-06-089	ALL LANDS	
NV-11-06-091	ALL LANDS	
NV-11-06-092	ALL LANDS	
NV-11-06-094	ALL LANDS	ARCH-ZONE 3

## **ARCHAEOLOGICAL STIPULATION**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-045	ALL LANDS
NV-11-06-059	ALL LANDS
NV-11-06-065	ALL LANDS
NV-11-06-068	ALL LANDS
NV-11-06-070 THRU	
NV-11-06-072	ALL LANDS
NV-11-06-089	ALL LANDS

ARCH-ZONE 4

## ARCHAEOLOGICAL STIPULATION

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-058	ALL LANDS
NV-11-06-060	ALL LANDS
NV-11-06-061	ALL LANDS
NV-11-06-065	ALL LANDS
NV-11-06-076 THRU	
NV-11-06-083	ALL LANDS
NV-11-06-090	ALL LANDS
NV-11-06-093	ALL LANDS
NV-11-06-094	ALL LANDS

ARCH-ZONE 5

## ARCHAEOLOGICAL STIPULATION

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

These parcels are located outside of the area defined by the Railroad Valley Predictive Model. Only 2 to 5 percent of this total area has been surveyed for cultural resources. Most of the surveys conducted within these areas have been linear surveys for roads or seismic lines. Cultural sites were identified during most of those surveys. A Class III cultural survey will be required for projects located in these areas if that area has not been adequately surveyed in the last 10 years.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-019	ALL LANDS
NV-11-06-021 THRU NV-11-06-024	ALL LANDS
NV-11-06-036 THRU NV-11-06-040	ALL LANDS
NV-11-06-046 THRU NV-11-06-048	ALL LANDS
NV-11-06-050 THRU NV-11-06-053	ALL LANDS
NV-11-06-067	ALL LANDS

ARCH-ZONE 6

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operations and maintenance of production facilities.

#### Sage Grouse Winter Habitat

Sage grouse winter habitat from February 15 to May 15.

For the purpose of:

- a. Protection of sage grouse winter habitat and during periods of stress for the birds, Tonopah RMP, p. 8 and Plan Maintenance Sheet 3.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. For guidance on the use of the stipulation, see BLM Manual 1624 and 3103.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-050	ALL LANDS
NV-11-06-051	ALL LANDS
NV-11-06-053	ALL LANDS
NV-11-06-067	ALL LANDS
NV-11-06-071	ALL LANDS
NV-11-06-072	ALL LANDS
NV-11-06-087 THRU	
NV-11-06-089	ALL LANDS
NV-11-06-091	ALL LANDS

NSO-065-06

**TIMING LIMITATION STIPULATION**

No surface use is allowed during the following time period(s). This stipulation does not apply to operations and maintenance of production facilities. On the land described below:

Sage Grouse Lek(s)

A 2 mile radius around a sage grouse lek(s) from March 15 to May 1. All valleys throughout the BLM Battle Mountain Resource Area.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-068	ALL LANDS
NV-11-06-071	ALL LANDS
NV-11-06-072	ALL LANDS
NV-11-06-089	ALL LANDS

NSO-065-07

### TIMING LIMITATION STIPULATION

No surface use is allowed during the following time period(s). This stipulation does not apply to operations and maintenance of production facilities.

Deer Habitat from January 15 to May 15

For the purpose of:

a. Protection of mule deer winter habitat, restrict activities which might be disturbing to mule deer between January 15 and May 15, Tonopah RMP, p. 8. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3103.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-050	ALL LANDS
NV-11-06-051	ALL LANDS
NV-11-06-053	ALL LANDS
NV-11-06-067	ALL LANDS
NV-11-06-068	ALL LANDS
NV-11-06-070 THRU	
NV-11-06-072	ALL LANDS
NV-11-06-088	ALL LANDS

NSO-065-08

**TIMING LIMITATION STIPULATION**

No surface occupancy is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities.

Bighorn Lambing Area

Bighorn lambing from February 1 to May 15.

**PARCEL**

**DESCRIPTION OF LANDS**

NV-11-06-089

T.0060N, R.0570E, 21 MDM, NV  
Sec. 030, PROT ALL.

**NATIVE AMERICAN CONSULTATION REQUIRED**

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-018 THRU NV-11-06-024	ALL LANDS
NV-11-06-036 THRU NV-11-06-048	ALL LANDS
NV-11-06-050 THRU NV-11-06-096	ALL LANDS

NV-060-NA1

**TIMING LIMITATIONS AND CONTROLLED SURFACE USE LEASE STIPULATIONS**

Wetland areas: Protection of riparian and wetland habitat. This stipulation would be applied within 500 feet of riparian or wetland vegetation to protect the values and functions of these areas. Measures required will be based on the nature, extent, and value of the area potentially affected.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-018 THRU NV-11-06-024	ALL LANDS
NV-11-06-036 THRU NV-11-06-048	ALL LANDS
NV-11-06-050 THRU NV-11-06-096	ALL LANDS

### OFF HIGHWAY VEHICLE RESTRICTION STIPULATION

All construction and vehicular traffic shall be confined to existing roads and trails. New and amended right-of-way within the following areas will have to be compatible with special values of the area.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-045	T.0070N, R.0540E, 21 MDM, NV Sec. 013, PROT ALL; Sec. 024, PROT ALL; Sec. 025, PROT ALL.
NV-11-06-056	T.0060N, R.0550E, 21 MDM, NV Sec.006, PROT ALL.
NV-11-06-062	T.0070N, R.0550E, 21 MDM, NV Sec. 022, W2 ; Sec. 027, W2; Sec. 028, PROT ALL.
NV-11-06-081	T.0080N, R.0560E, 21 MDM, NV Sec. 004, LOTS 1-4; Sec. 004, S2N2,SW; Sec. 005, LOTS 1,2; Sec. 005, S2NE,S2; Sec. 008, ALL; Sec. 009, ALL.
NV-11-06-096	T.0090N, R.0570E, 21 MDM, NV Sec. 016, SWNE; Sec. 021, NESE,S2SE; Sec. 029, N2SE; Sec. 031, NENE,S2NE,SE; Sec. 032, W2; Sec. 033, SWSW,SE; Sec. 034, S2.

NV-065-21

## **MIGRATORY BIRDS**

Surface disturbing activities during the migratory bird nesting season (March to July) may be restricted in order to avoid potential violation of the Migratory Bird Act. Appropriate inventories of migratory birds shall be conducted during analysis of actual site development. If active nests are located, or if other evidence of nesting is observed (mating pairs, territorial defense, carrying of nesting material, transporting of food), the proponent shall coordinate with BLM to establish appropriate protection measures for the nesting sites. Protection measures may include avoidance or restricting or excluding development in certain areas until nests and nesting birds will not be disturbed. After July 31, no further avian survey, will be conducted until the following year.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-018 THRU NV-11-06-024	ALL LANDS
NV-11-06-036 THRU NV-11-06-048	ALL LANDS
NV-11-06-050 THRU NV-11-06-096	ALL LANDS

## GENERAL OCCUPANCY

Surface occupancy may be restricted for specific periods by the land management agency's authorized officer for reasons including, but not limited to (a) extended periods of high soil moisture or runoff when unusual road damage or land surface rutting can occur, and (b) when occupancy would have significant effect upon sage grouse mating and brood-rearing, eagle or falcon nesting, and crucial deer wintering areas.

(Warming and cooling trends during winter, spring runoff events and other large seasonal precipitation events (primarily throughout the summer and fall) can and will contribute to extended periods of high soil moisture or runoff when unusual road damage or land surface rutting can occur. Potentially, these issues can be compounded in areas where there is no slope or slope greater than 30%.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-001 THRU NV-11-06-017	ALL LANDS
NV-11-06-025 THRU NV-11-06-035	ALL LANDS
NV-11-06-049	ALL LANDS

NVB0100-01

## WILDLIFE

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-001 THRU NV-11-06-017	ALL LANDS
NV-11-06-025 THRU NV-11-06-035	ALL LANDS
NV-11-06-049	ALL LANDS

NVB0100-04

## MIGRATORY BIRDS

**March 1st – August 31st for raptors**

**April 1st – July 31st for other birds**

It is recommended that any land clearing or other surface disturbance associated with proposed actions within the project area be timed to avoid potential destruction of bird nests or young, or birds that breed in the area. Such destruction may be in violation of the Migratory Bird Treaty Act (MBTA). Under the MBTA, nests with eggs or young of migratory birds may not be harmed, nor may migratory birds be killed. Therefore, we recommend land clearing be conducted outside the avian breeding season. If this is not feasible, we recommend a qualified biologist survey the area prior to land clearing. These surveys are only good for 10-14 days, if activity is not completed before that window is finished then another survey may be needed. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting of food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided preventing destruction or disturbance to nests until they are no longer active.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-001 THRU NV-11-06-017	ALL LANDS
NV-11-06-025 THRU NV-11-06-035	ALL LANDS
NV-11-06-049	ALL LANDS

NVB0100-05

## **WATER, RIPARIAN AND WETLANDS**

The district contains live waters that are critical to the survival of various wildlife species. Therefore, prior to entry onto lands containing live waters, the lessee (operator) will discuss the proposed activities jointly with the area oil and gas supervisor and the district manager who may require additional measures for the protection of the water and its environment. Such measures may include:

- No use of the water
- No surface occupancy on some or all of the adjacent lands within ¼ mile of the water.
- Limitations on the type of equipment that may be used
- Restrictions of activities during certain times of the year.
- All drilling sites within ½ mile of live of ephemeral waters must have impermeable reservoirs capable of retaining wastes and spoils.
- Drill sites will be of sufficient distance from cold water springs to reduce the chance of flow interference.
- Federally owned or controlled springs and water development may be used only with the prior written approval or the authorized officer.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-006	T.0250N, R.0500E, 21 MDM, NV Sec. 013, SESW, SWSE.
NV-11-06-007	T.0250N, R.0500E, 21 MDM, NV Sec. 023, E2NE, NESE; Sec. 024, W2NE, E2NE, W2SE, NESE, W2NW, NENW, E2SW.
NV-11-06-008	T.0250N, R.0500E, 21 MDM, NV Sec. 036, E2NE.
NV-11-06-016	T.0250N, R.0510E, 21 MDM, NV Sec. 030, S2SW; Sec. 031, E2NW.

NVB0100-06

## CULTURAL RESOURCES

Any proposed activities to be conducted under a lease should be evaluated on a case by case basis for compliance with Section 106 of the National Historic Preservation Act. Prior to any project implementation or ground disturbing activities, including exploration plans, adequate inventory, evaluation and mitigation (if necessary) of cultural resources must occur pursuant to Section 106 of the National Historic Preservation Act and as articulated in the Nevada State Protocol Agreement.

Furthermore, the Native American Graves Protection and Repatriation Act (NAGPRA: 43 CFR 10), protects items of cultural patrimony, Native American funerary items, Native American remains and sacred objects. In addition, the Archaeological Resources Protection Act (ARPA: 43 CFR 7.4, 7.14, 7.15, 7.16) provides for civil and/or criminal penalties for the disturbance of archaeological resources on federal lands. If cultural resources, Native American skeletal remains, funerary items, sacred items, or objects of cultural patrimony, are discovered during any phase of project implementation, all operations must cease in the vicinity of the discovery and adequate protection must be provided to the discovery. The BLM must be notified immediately, by telephone, with written confirmation to follow (43 CFR 10.4 (c), (d), (g); Nevada State Protocol Agreement VIII (b) . Notification should be made to Doug Furtado, District Manager, Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV, 89820, (775-635-4000). No activity in the vicinity of the discovery should resume until the operator has been issued a Notice to Proceed by the Authorized Officer.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-001 THRU NV-11-06-017	ALL LANDS
NV-11-06-025 THRU NV-11-06-035	ALL LANDS
NV-11-06-049	ALL LANDS

NVB0100-07

## **NATIVE AMERICAN CONSULTATION**

In accordance with the National Historic Preservation Act (P.L. 89-665), the National Environmental Policy Act (P.L. 91-190), the Federal Land Policy and Management Act (P.L. 94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (p.L. 101-601) and Executive Order 13007, the BLM must also provide affected tribes an opportunity to comment and consult on the proposed project. BLM must attempt to limit, reduce, or possibly eliminate any negative impacts to Native American traditional/cultural/spiritual sites, activities, and resources.

BLM reserves the right to deny or alter proposed activities associated with any surface occupancy that results from Oil, Gas, and Geothermal leasing. Maintaining physical and spiritual integrity of certain locations within the Mount Lewis Field Office administrative boundary is detrimental to present and future cultural/spiritual/traditional activities. In accordance with Federal legislation and executive orders, Federal agencies must consider the impacts their actions may have to Native American traditions and religious practices. Consequently, the BLM must take steps to identify locations having traditional/cultural or religious values to Native Americans and insure that its actions do not unduly or unnecessarily burden the pursuit of traditional religion or traditional lifeways.

(All parcels are recommended to include this stipulation. Due to the sensitivity of the unique resources of the Roberts Mountains and Sulphur springs Range, Native American related stipulations should be applied. Companies or individuals moving forward with lease purchases within or in close proximity to sensitive areas noted above can expect an extensive, complex, and lengthy Native American consultation process.)

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-001 THRU NV-11-06-017	ALL LANDS
NV-11-06-025 THRU NV-11-06-035	ALL LANDS
NV-11-06-049	ALL LANDS

NVB0100-09

### **PYGMY RABBITS (BRACHYLAGUS IDAHOENSIS)**

In the sagebrush habitat (particularly big basin sagebrush, mountain big sagebrush and Wyoming sagebrush) there should be some awareness of possible pygmy rabbits and their burrows. It is advised that the proponent have a qualified biologist survey (for pygmy rabbits, sign and burrows) these habitats in the notice area prior to exploration.

Suspected pygmy rabbit burrows and the habitat immediately surrounding them, should be avoided, if at all possible, by a minimum of 40 meters (Utah Endangered Species Mitigation Fund: 2006-2007. Annual Report, Flinders. J.T.). Disturbance to mature big sagebrush stands that are connected to occupied pygmy habitat should also be avoided. The presence of numerous small, round pellets of uniform size is a good indication of pygmy occupancy.

Pygmy rabbits are North America's smallest rabbits, and the only rabbits that commonly construct their own burrows, usually in stands of tall, dense sagebrush in locations with deep, loose soils. Pygmies are patchily distributed throughout most of the Great Basin. Though locally common, these animals have apparently never been generally abundant during historical times, and may have undergone serious population declines, habitat and population fragmentation, and local extinction in recent decades. Pygmy rabbits are sagebrush obligates and their decline is probably closely related to loss and degradation of sagebrush habitats. Very little is known about population dynamics of this species..

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-001 THRU NV-11-06-017	ALL LANDS
NV-11-06-025 THRU NV-11-06-035	ALL LANDS
NV-11-06-049	ALL LANDS

NVB0100-011

**GREATER SAGE GROUSE (CENTROCERCUS UROPHASIANUS)**

This notice is located within greater sage-grouse habitat; specifically it is located within summer and winter range. Some of the stipulations below may apply, and while traveling the roads speed should be appropriate to avoid collisions.

**March 1st – May 15th**

Avoid mineral or energy related facilities within 2 miles of active leks (strutting grounds). Minimize human activity within view (or by at least 0.6 mile) of leks especially between midnight and 10:00 AM (see Management Guidelines for Sage Grouse and Sagebrush Ecosystems in Nevada, October 2000, and Guidelines to Manage Sage Grouse Populations and Their Habitats. Wildlife Society Bulletin 28(4):967-985)

**April 15th- July 30th**

Avoid nesting areas, the majority of which are within a two mile radius of lek sites in big sage.

**June 1st- November 1st**

Avoid brood rearing areas (especially riparian areas where broods concentrate beginning usually in June) by 0.6 mile.

**Dates will vary:**

Avoid sage grouse wintering areas by 0.6 mile while occupied.

Minimize disturbance to vegetation in all known sage grouse habitats.

Do not allow dogs to run loose on project sites. Disturbance of nesting or brood rearing sage grouse by dogs may cause the grouse to abandon nest or young.

Sage Grouse Lek within 2-miles:

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-001	ALL LANDS
NV-11-06-002	ALL LANDS
NV-11-06-005	T.0250N, R.0500E, 21 MDM, NV Sec. 002, LOT 4, S2SW SWSE; Sec. 011, ALL.

NV-11-06-006	T.0250N, R.0500E, 21 MDM, NV Sec. 012, SW, S2NW SWSE; Sec. 013, N2, SW, N2SE, SESE; Sec. 014, ALL.
NV-11-06-007	T.0250N, R.0500E, 21 MDM, NV Sec. 023, ALL; Sec. 024, NE, N2NW, E2SW, SWSW, N2SE, SWSE; Sec. 026, N2, SW, N2SE.
NV-11-06-008	T.0250N, R.0500E, 21 MDM, NV Sec. 025, NW; Sec. 036, E2NE, E2SW, SWSW, SE.
NV-11-06-009	ALL LANDS
NV-11-06-010	ALL LANDS
NV-11-06-011	T.0220N, R.0510E, 21 MDM, NV Sec. 026, PROT ALL; Sec. 035, PROT ALL; Sec. 036, PROT ALL.
NV-11-06-015	T.0250N, R.0510E, 21 MDM, NV Sec. 028, SW, SWSE; Sec. 033, NW, S2, NWNE, S2NE.
NV-11-06-016	T.0250N, R.0510E, 21 MDM, NV Sec. 029, S2NE, W2, SE; Sec. 030, LOTS 4; Sec. 030, E2NE, SWNE, E2SW, SE; Sec. 031, LOTS 1-4; Sec. 031, E2, E2W2; Sec. 032, ALL.

## FERRUGINOUS HAWK (BUTEO REGALIS)

March 15th- July 1<sup>st</sup>

Species is extremely sensitive to nest disturbance early in nesting season. Nests are frequently found in lone Juniper trees overlooking large expanses of open area. Avoid active nests by 0.5 miles.

Ferruginous hawk

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-001	T.0220N, R.0490E, 21 MDM, NV Sec. 035, S2,S2NE,S2NW.
NV-11-06-002	T.0220N, R.0490E, 21 MDM, NV Sec. 027, NENW,NWNE; Sec. 034, S2,S2NE,S2NW.
NV-11-06-004	T.0250N, R.0490E, 21 MDM, NV Sec. 036, SENE,E2SE.
NV-11-06-005	T.0250N, R.0500E, 21 MDM, NV Sec. 011, SENE,E2SE.
NV-11-06-006	T.0250N, R.0500E, 21 MDM, NV Sec. 012, NWNE,S2NE,W2,SE; Sec. 013, NWNE,S2NE,W2,SE; Sec. 014, W2,NWNE,S2NE,SE.
NV-11-06-007	T.0250N, R.0500E, 21 MDM, NV Sec. 023, NWNE,N2NW; Sec. 024, NWNE,N2NW.
NV-11-06-029	T.0170N, R.0530E MDM NV Sec. 021, NESW,S2SW; Sec. 021, PROT NW; Sec. 028, W2; Sec. 033, N2NE,NENW,SWNW,W2SW; Sec. 034, N2N2.
NV-11-06-030	T.0170N, R.0530E, 21 MDM, NV Sec. 017, PROT ALL; Sec. 018, PROT ALL; Sec. 019, PROT ALL; Sec. 020, S2; Sec. 020, PROT ALL.

NVB0100-13

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NV-11-06-031

T.0170N, R.0530E, 21 MDM, NV  
Sec. 025, ALL;  
Sec. 026, W2NE,SENE,W2,SE;  
Sec. 035, N2N2,S2NE;  
Sec. 036, ALL.

NV-11-06-032

T.0170N, R.0530E, 21 MDM, NV  
Sec. 031, PROT ALL;  
Sec. 032, ALL.

NVB0100-013  
2 of 2

**Lahontan Cutthroat Trout (*Oncorhynchus clarkii henshawi*)**

Pete Hansen Creek is a Lahontan cutthroat trout (LCT) stream, and Henderson Creek is considered a LCT recovery stream. Lahontan cutthroat trout is a federally listed threatened species under the Endangered Species Act. The range for LCT has been reduced in size of the past 200 years, occupying 8.6 percent of the historical stream habitat. Pete Hanson creek is located within the Pine Creek watershed; within this watershed, LCT occupies approximately 1.7 percent of the historical habitat. One of the factors that are threatening the species is small isolated populations and Pete Hanson creek is a small isolated population. Pine Creek may be one of the most vulnerable watersheds in the Eastern Lahontan Basin. Natural or human disturbance is a concern with LCT in Pete Hanson creek. Thus, careful measures need to be taken to prevent any unnecessary and undo degradation to any LCT and its habitat

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-005	T.0250N, R.0500E, 21 MDM, NV Sec. 001, LOT 1,E2SE,SENE.
NV-11-06-006	T.0250N, R.0500E, 21 MDM, NV Sec. 012, E2E2,NWNE; Sec. 013, E2E2.
NV-11-06-007	T.0250N, R.0500E, 21 MDM, NV Sec. 024, E2E2,SWSE; Sec. 026, NWSE,SENE,SWSW,S2SE.
NV-11-06-008	T.0250N, R.0500E, 21 MDM, NV Sec. 025, NE,N2SW,S2NW; Sec. 035, E2NW,NWNE; Sec. 036, NENE,NESW,SWSW.
NV-11-06-012	T.0250N, R.0510E, 21 MDM, NV Sec. 007, LOTS 1-4; Sec. 007, W2NE,E2SW,SE; Sec. 018, LOTS 1-4; Sec. 018, E2,E2W2; Sec. 019, LOTS 1-4; Sec. 019, E2,E2NW,NESW.
NV-11-06-013	T.0250N, R.0510E, 21 MDM, NV Sec. 026, SESE,S2SW; Sec. 027, SW,NWSE,S2SE.
NV-11-06-014	T.0250N, R.0510E, 21 MDM, NV Sec. 017, S2SW; Sec. 020, ALL; Sec. 021, W2SW.

NVB0100-14

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NV-11-06-015

T.0250N, R.0510E, 21 MDM, NV  
Sec. 028, ALL;  
Sec. 033, NE,N2NW,SE,SE,SE;  
Sec. 034, NW,SE,N2SW,SWNE.

NV-11-06-016

T.0250N, R.0510E, 21 MDM, NV  
Sec. 029, E2,N2NW,SE,SE,SE;  
Sec. 030, LOT 4;  
Sec. 030, SWNE,E2SW,NWSE.

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2 of 2

**GOLDEN EAGLES (AQUILA CHRYSAETOS)**

Golden eagles are protected under the Bald and Golden Eagle Protection Act of 1940 as well as the Migratory Bird Treaty Act of 1918. Additional information or surveys may be needed.

<b><u>PARCEL</u></b>	<b><u>DESCRIPTION OF LANDS</u></b>
NV-11-06-025	T.0170N, R.0530E, 21 MDM, NV Within 6 miles of nest Sec. 001, PROT ALL; Sec. 011, PROT ALL; Sec. 012, PROT ALL.
NV-11-06-026	T.0170N, R.0530E, 21 MDM, NV Within 7 miles of nest Sec. 003, PROT ALL; Sec. 010, PROT N2. Within 8 miles of nest Sec. 004, PROT ALL; Sec. 010, PROT N2.
NV-11-06-027	T.0170N, R.0530E, 21 MDM, NV Within 8 miles of nest Sec. 005, PROT ALL; Within 9 miles of nest Sec. 006, PROT ALL; Sec. 007, PROT ALL; Sec. 008, PROT ALL.
NV-11-06-028	T.0170N, R.0530E, 21 MDM, NV Within 4 miles of nest Sec. 024, E2SE; Within 5 miles of nest Sec. 013, PROT ALL; Sec. 023, E2SE; Sec. 024, SW,W2SE; Within 6 miles of nest Sec. 023, SW,W2SE.

NV-11-06-029 T.0170N, R.0530E, 21 MDM, NV  
 Within 6 miles of nest  
 Sec. 034, E2.  
 Within 7 miles of nest  
 Sec. 033, E2;  
 Sec. 034, W2.  
 Within 8 miles of nest  
 Sec. 016, W2;  
 Sec. 021, PROT NW;  
 Sec. 021, SW;  
 Sec. 028, W2;  
 Sec. 033, W2.

NV-11-06-030 T.0170N, R.0530E, 21 MDM, NV  
 Within 8 miles of nest  
 Sec. 020- SE.  
 Within 9 miles of nest  
 Sec. 017, PROT ALL;  
 Sec. 018, PROT ALL;  
 Sec. 019, PROT ALL;  
 Sec. 020, SW.

NV-11-06-031 T.0170N, R.0530E, 21 MDM, NV  
 Within 4 miles of nest  
 Sec. 025, NENE,S2NE,SE;  
 Sec. 036, E2.  
 Within 5 miles of nest  
 Sec. 025, NWNE,W2;  
 Sec. 026, E2;  
 Sec. 035, E2;  
 Sec. 036, W2.  
 Within 6 miles of nest  
 Sec. 026, W2;  
 Sec. 035, W2.

NV-11-06-032 T.0170N, R.0530E, 21 MDM, NV  
 Within 8 miles of nest  
 Sec. 029, E2;  
 Sec. 032, E2.  
 Within 9 miles of nest  
 Sec. 029, W2;  
 Sec. 031, PROT ALL;  
 Sec. 032, W2.

NV-11-06-033 T.0180N, R.0530E, 21 MDM, NV  
Within 8 miles of nest  
Sec. 004, PROT ALL.  
Within 9 miles of nest  
Sec. 005, PROT ALL.  
Within 10 miles of nest  
Sec. 006, PROT ALL.

NV-11-06-034 T.0180N, R.0530E, 21 MDM, NV  
Within 8 miles of nest  
Sec. 009, PROT ALL.  
Within 9 miles of nest  
Sec. 008, PROT ALL.  
Within 10 miles of nest  
Sec. 007, PROT ALL.

NV-11-06-035 T.0180N, R.0530E, 21 MDM, NV  
Within 7 miles of nest  
Sec. 024, PROT NWNW;  
Sec. 025, PROT ALL.  
Within 8 miles of nest  
Sec. 036, PROT ALL.

NV-11-06-049 T.0220N, R.0540E, 21 MDM, NV  
Within 7 miles of nest  
Sec. 004, LOTS 1,2,S2NE,SE.  
Within 8 miles of nest  
Sec. 006, LOT 1,SENE;  
Sec. 008, N2NW.  
Within 9 miles of nest  
Sec. 006, LOT 2,SWNE,SE.  
Within 10 miles of nest  
Sec. 007, LOTS 3,4.

**MULE DEER (ODOCOILEUS HEMIONUS)**

The proposed exploration occurs within mule deer winter and summer habitat. It is recommended to minimize activity in the winter range between December 15th-March 15th. While traveling the roads speed should be appropriate to avoid collisions.

<u>PARCEL</u>	<u>DESCRIPTION OF LANDS</u>
NV-11-06-009	ALL LANDS
NV-11-06-010	ALL LANDS
NV-11-06-011	ALL LANDS
NV-11-06-013	T.0250N, R.0510E, 21 MDM, NV Sec. 026, E2NE.
NV-11-06-017	T.0230N, R.0520E, 21 MDM, NV Sec. 013, LOTS 3-6; Sec. 014, E2; Sec. 023, E2; Sec. 024, LOTS 1-4.
NV-11-06-025	T.0170N, R.0530E, 21 MDM, NV Sec. 001, PROT ALL; Sec. 011, PROT ALL; Sec. 012, PROT ALL.
NV-11-06-026	T.017 N, R.053 E. MDM, NV Sec. 003, PROT ALL; Sec. 004, PROT ALL; Sec. 009, PROT ALL; Sec. 010, PROT N2.
NV-11-06-027	T.0170N, R.0530E, 21 MDM, NV Sec.005, PROT ALL; Sec.006, PROT ALL; Sec. 007, PROT ALL; Sec. 008, PROT ALL.
NV-11-06-028	T.0170N, R.0530E, 21 MDM, NV Sec. 013, PROT ALL Sec. 014, PROT ALL Sec. 023, S2; Sec. 023, PROT N2; Sec. 024, S2.

NV-11-06-029 T.0170N, R.0530E, 21 MDM, NV  
Within Mule Deer Winter Range  
Sec. 016, PROT W2;  
Sec. 021, PROT NW.

NV-11-06-030 T.0170N, R.0530E, 21 MDM, NV  
Within Mule Deer Winter Range  
Sec. 017, PROT ALL;  
Sec. 018, PROT ALL;  
Sec. 019, PROT ALL;  
Sec. 020, SW,N2SE,SWSE.

NV-11-06-031 T.0170N, R.0530E, 21 MDM, NV  
Within Mule Deer Winter Range  
Sec. 025, ALL;  
Sec. 026, N2,S2SE.

NV-11-06-032 T.0170N, R.0530E, 21 MDM, NV  
Sec. 029, NW,W2SW;  
Sec. 032, N2NW,W2SW.

NV-11-06-033 T.0180N, R.0530E, 21 MDM, NV  
Sec. 004, PROT ALL.

NV-11-06-034 T.0180N, R.0530E, 21 MDM, NV  
Sec. 008, PROT ALL;  
Sec. 009, PROT ALL.

NV-11-06-035 T.0180N, R.0530E, 21 MDM, NV  
Sec. 028, PROT ALL;  
Sec. 029, PROT ALL;  
Sec. 030, PROT ALL.

**MATERIAL SITE**

The lessee accepts this lease subject to the right of the State of Nevada to remove road building material from the land embraced in Material Site No. (see below) and agrees that its operations will not interfere with the material operations of the Department of Transportation.

**PARCEL**

**DESCRIPTION OF LANDS**

NV-11-06-013  
NEV 01473

T.0250N, R.0510E, 21 MDM, NV  
Sec. 026, SW (within).