

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

Environmental Impact Statement NV063-EIS07-019

DATE: November 2012

MOUNT HOPE PROJECT

**RECORD OF DECISION,
PLAN OF OPERATIONS APPROVAL,
AND
APPROVAL OF ISSUANCE OF RIGHT-OF-WAY GRANTS**

File Number: NVN-082096

File Number: NVN-084632

File Number: NVN-091272



Cooperating Agencies:
Eureka County
National Park Service
Nevada Department of
Wildlife

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BUREAU OF LAND MANAGEMENT MISSION STATEMENT

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

MOUNT HOPE PROJECT

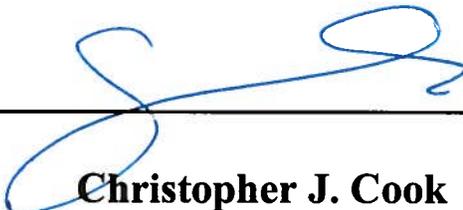
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Plan of Operations Number: NVN-082096
Long Term Right-Of-Way Number: NVN-084632
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NV063-EIS07-019

Bureau of Land Management
Battle Mountain District,
Mount Lewis Field Office
Battle Mountain, Nevada

Cooperating Agencies:
Nevada Department of Wildlife
National Park Service
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RECORD OF DECISION, PLAN OF OPERATIONS APPROVAL, AND APPROVAL OF ISSUANCE OF RIGHT-OF-WAY GRANTS:



Christopher J. Cook
Mount Lewis Field Manager

11/16/12

Date Signed

SUMMARY

In June of 2006, Eureka Moly, LLC (EML) submitted a Plan of Operations (Plan) (NVN-082096) for the Mount Hope Project (Project) to the Bureau of Land Management (BLM), Mount Lewis Field Office of the Battle Mountain District, in compliance with 43 Code of Federal Regulations (CFR) § 3809 and § 3715. In January of 2008, EML submitted a Plan of Development (POD) for a long term right-of-way (NVN-084632), and later a second POD for a short term right-of-way (NVN-091272), for a 230-kilovolt transmission line from the Machacek Substation to the Project substation located near the proposed mill. EML submitted to the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP-BMRR) a Permit for Reclamation in July 2012, as well as NDEP-BMRR Water Pollution Control Permit (NEV 2008106), which was released for internal review in June 2012. Revised Plans of Operations were submitted to the BLM in September 2006, June 2007, July 2008, January 2009, October 2009, January 2010, July 2010, January 2011, July 2011, and July 2012.

The Project will be located in Eureka County, Nevada approximately 23 miles northwest of the town of Eureka, Nevada and will consist of a proposed molybdenum mine including a power transmission line, a water well field, and all associated facilities to be located on public land administered by the BLM Mount Lewis Field Office and on private land controlled by EML. The Project will utilize an open pit mining method and will process the mined ore using a flotation and roasting process. A total of 8,355 acres of disturbance is proposed within the 22,886-acre Project Area.

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, 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 environmental impact statement (EIS) was required to fulfill the NEPA requirements.

On March 2, 2007, a Notice of Intent to prepare an EIS was published in the Federal Register (Volume 72, No. 41, Friday, March 2, 2007, Page 9579). Two public scoping meetings were held March 27 and 28, 2007. The scoping period ended on April 6, 2007. Six comment letters/forms were received during the scoping period and three were received after the scoping period ended, all were considered in preparation of the Draft EIS.

On December 2, 2011 a Notice of Availability was published in the Federal Register (Volume 76, No. 232, Friday December 2, 2011, Page 75554) releasing the Draft EIS to the public for a 90-day comment period. Two public comment meetings were held on January 18 and 19, 2012 in Eureka and Crescent Valley, Nevada, respectively. Over 1,900 comments were received from 941 separate parties. All comments received during the public comment period were considered in preparing the Final EIS. Each comment, as well as a corresponding response, is provided in Appendix H of the Final EIS.

A Notice of Availability for the Final EIS was published in the Federal Register (Volume 77, No. 198 / Friday, October 12, 2012, Page 62256) on October 12, 2012 releasing the Final EIS for public review.

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 Mount Lewis Field Manager, BLM Battle Mountain District, is to select the Proposed Action with the applicant committed practices included in the Plan and the mitigation measures specified in Sections 3.2 through 3.25 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.

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**RECORD OF DECISION,
PLAN OF OPERATIONS APPROVAL,
AND
APPROVAL OF ISSUANCE OF RIGHT-OF-WAY GRANTS**

**Mount Hope Project
Final Environmental Impact Statement**

**Plan of Operations Number: NVN-082096
Long Term Right-of-Way Number: NVN-084632
Short Term Right-of-Way Number: NVN-091272
NV063-EIS07-019**

**Prepared By:
Bureau of Land Management
Mount Lewis Field Office
Battle Mountain District
Battle Mountain, Nevada**

**Cooperating Agencies:
Nevada Department of Wildlife
National Park Service
Eureka County**

INTRODUCTION

Eureka Moly, LLC (EML) has submitted a Plan of Operations (Plan) for a mining operation and two Plans of Development (PODs) for rights-of-way (ROWs) for the Mount Hope Project (Project) to the Bureau of Land Management (BLM). The Project is a proposed molybdenum mine that includes a power transmission line, a water well field, and all associated mine-processing facilities and is located in central Nevada approximately 23 miles northwest of Eureka, Nevada. The Project will be located on both public and private lands in Eureka County, Nevada. The 80-year project will have an 18- to 24-month construction phase, 44 years of mining and ore processing, 30 years of reclamation, and five years of post-closure monitoring. Concurrent reclamation will not commence until after the first 15 years of the Project. Additionally, long-term post-reclamation obligations will follow final reclamation.

The Project is located in all or parts of Mount Diablo Base and Meridian (MDBM), Township 20 North, Range 50 East, Sections 2-5, (T20N, R50E, Sections 2-5); T20N, R52E, Sections 5, 8, 9, 16, 21, 26-28, 34-36; T20N, R53E, Sections 31-35; T21N, R50E, Sections 1-3, 11-14, 23, 25, 26, 32-36; T21N, R51E, Sections 1, 7, 8, 12, 16-18, 31; T21N, R52E, Sections 4-9, 18-20, 29, 32; T21½N, R51½E, All; T21½N, R52E, Sections 4-6; T22N, R50E, Sections 25, 36; T22N, R51E, Sections 1, 2, 11-15, 20-26, 28-36; T22N, R51½E, All; T22N, R52E, Sections 6-8, 17-20, 29-32; T23N, R51E, Sections 25, 35, 36 (Project Area). The Project Area, which covers 22,886 acres,

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includes the Mine Facility Area, ROW, and the well field development area. EML's holdings include 14 patented claims and approximately 1,550 lode and millsite mining claims for a total land position of approximately 29,000 acres.

The Mount Hope ore body contains approximately 966 million tons of molybdenite (molybdenum disulfide) ore that will produce approximately 1.1 billion pounds of recoverable molybdenum during the ore processing time frame. Approximately 1.7 billion tons of waste rock will be produced by the end of the 32-year mine life and approximately 1.0 billion tons of tailings will be produced by the end of the 44 years of ore processing. The Project will utilize an open pit mining method and will process the mined ore using a flotation and roasting process. The surface disturbance associated with the proposed activities totals 8,355 acres on both public and private lands.

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 Nevada Department of Wildlife (NDOW), National Park Service (NPS), and Eureka County 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, three action alternatives (Partial Backfill Alternative, Off-site Transfer of Ore Concentrate for Processing Alternative, and Slower, Longer Project Alternative) as well as the No Action Alternative were analyzed in the Final EIS. In addition, nine 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 EML's currently authorized mining activities, without the development of the Mount Hope Project.

DECISION

The decision of the Mount Lewis Field Manager, BLM Battle Mountain District, is to select the Proposed Action inclusive of applicant committed practices of the Plan and the mitigation measures specified in Sections 3.2 through 3.25 of the Final EIS, as the BLM's Preferred Alternative. Development of the Project is authorized by this decision and the issuance of the associated right-of-way (ROW) grants. The BLM decision is based on the final Plan (NVN-082096), submitted to the BLM on July 31, 2012 pursuant to 43 CFR § 3809 and 3715, and the analysis in the Final EIS. The BLM decision is also based on the final Plans of Development (POD) (NVN-084632 and NVN-091272) submitted on October 11, 2012, pursuant to 43 CFR § 2800 and the analysis in the Final EIS. In making this decision, the BLM is relying on

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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 practices, as stated in the Plan and restated in Section 2.1.14 of the Final EIS, along with the monitoring and mitigation measures included in Sections 3.2 through 3.25 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 that has been developed and adopted is consistent with regulations and policies in order to avoid or minimize environmental harm resulting from the selection of the BLM's Preferred Alternative. Means or methods to avoid or minimize environmental harm resulting from the selection of the BLM's Preferred Alternative have been adopted. All mitigation within the BLM's authority will be implemented and enforced. All mitigation was designed to be effective.

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 EML 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's selection of the Preferred Alternative was primarily based on the minimization of impacts to resources while still allowing recovery of the identified mineral resource within the Project area. The Proposed Action will allow the recovery of approximately 1.1 billion pounds of molybdenum for sale on the open market. Permitting the Proposed Action will allow EML to employ an average of 370 permanent work force employees for the 80-year life of the mine, with a peak employment of 455 personnel. In addition, up to 615 construction workers will be hired for a period of 18 to 24 months.

Under the No Action Alternative, the identified molybdenum resources would not be developed, resulting in the loss of approximately 1.1 billion pounds of molybdenum available for the open market. Moreover, no additional permanent jobs would be made available to Nevada and local economies. Selection of this alternative would not comply with 43 CFR § 3809.411(d).

Under the Partial Backfill Alternative, the identified molybdenum resources would be developed as stated in the Proposed Action, but at the end of mining the open pit would be partially backfilled with waste rock to a level sufficient to eliminate the possibility of a pit lake. Over the long term, water would continue to move through the back-filled pit and into the downgradient ground water system (Diamond Valley). I have not selected this alternative because of the following considerations: The chemistry of the flowthrough water would gradually evolve due to its exposure to the waste rock and would exceed Nevada Drinking Water Standards. By comparison, a pit lake would act as a hydrologic sink where the head differential would not

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allow the pit lake water to infiltrate into the surrounding groundwater and affect the water chemistry of the downgradient ground water system.

The Off-site Transfer of Ore Concentrate for Processing Alternative would include all of the same facilities as the Proposed Action except that the ore processing facilities would include only the milling operations and production of the molybdenum sulfide concentrate. The nearest known toll roasting facilities that have processed molybdenum sulfide concentrate within the United States are located near Sierrita, Arizona (approximately 787 miles) and Fort Madison, Iowa (approximately 1,572 miles). In addition to the added hauling costs that would be necessary to transport the molybdenum sulfide concentrate to these facilities, there would also be additional tolls associated with the processing that would render the Project less economically feasible. The toll roasting process would result in the product from Mount Hope being commingled with others due to the impracticality of cleaning the processing equipment between batches of concentrate from other locations. I have not selected this alternative because of the following reasons: The distance to the nearest processing facilities and the potential for mixing with less pure concentrate would greatly reduce the marketability and value of the Mt. Hope product and render this option infeasible.

Under the Slower, Longer Project Alternative, the project would be similar to the Proposed Action, but would operate at approximately one-half the production rate. This would result in an approximate reduction of the operational workforce of 30 percent, but they would be employed for twice as long as under the Proposed Action. Tax revenues would be reduced by approximately 40 percent, relative to the proposed action, for the first 44 years of mining operations. I have not selected this alternative because of the following considerations: Although the geographic extent of the impacts would be similar to the Proposed Action in most cases, the extended duration of impacts associated with this alternative would have greater significance on many of the environmental resources, especially wildlife.

The BLM, Nevada Department of Wildlife (NDOW), National Park Service, Eureka County and EML have collaborated to develop measures designed to mitigate environmental impacts that may result from the Project. Applicant committed practices contained in the Plan and the mitigation measures outlined below will minimize adverse environmental impacts identified in the Final EIS. Monitoring requirements of the Plan and the Final EIS will assist EML, 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 is required for surface reclamation of the Project facilities. The bond is subject to change based on periodic (3-year) review of the reclamation cost estimate.

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 Mount Lewis Field Office, and has designated lands within the project area as open for mineral exploration and development. In its Record of Decision (ROD) for the Shoshone-Eureka Resource Management Plan (RMP), the BLM states in objectives 1.0 and 2.0 under Minerals that it would:

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- “Make available and encourage development of mineral resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals,” and
- “Assure that mineral exploration, development, and extraction are carried out in such a way as to minimize environmental and other resource damage and to provide, where legally possible, for the rehabilitation of lands.”

The management decisions applicable to these objectives are as follows:

- **Locatable minerals.** “All public lands in the planning areas would be open for mining and prospecting unless withdrawn or restricted from mineral entry.”
- **Current mineral production areas.** “Recognize these areas as having a highest and best use for mineral production and encourage mining and minimum environmental disturbance. Make thorough examinations of all sites proposed for other Bureau programs in these areas.”

The Preferred Alternative is in conformance with the Shoshone-Eureka RMP and its ROD.

SUMMARY OF THE PROPOSED ACTION

The project is a proposed molybdenum mine and includes a power transmission line, a water well field, and all associated mine-processing facilities. Specifically, proposed project components will include:

- An open pit with a life of approximately 32 years and associated pit dewatering;
- Waste rock disposal facilities where waste rock will be segregated according to its potential to generate acid rock drainage;
- Milling facilities including a crusher, conveyors, semi-autogenous grinding and ball mills, flotation circuits, concentrate dewatering, ferric chloride concentrate leach circuit, and filtration and drying circuits that will operate for approximately 44 years;
- A molybdenite concentrate roaster and packaging plant to package the technical grade molybdenum oxide (TMO) in bags, cans or drums;
- A ferromolybdenum (FeMo) plant for production of FeMo alloy using a metallothermic process and separate packaging plant for drums and bags;
- Two tailings storage facilities (South tailings storage facility [TSF] and North TSF) and associated tails delivery and water reclaim systems;
- An ongoing exploration program utilizing drilling equipment, roads, pads, and sumps;
- Low-Grade Ore Stockpile that will feed the mill after mining ceases;
- Water supply development with associated wells, water delivery pipelines, access roads, and power in the Kobeh Valley Well Field Area;

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- An approximately 24-mile, 230-kV electric power supply line from the existing Machacek substation, with a substation and distribution system located in the Project Area;
- A realigned section of the existing Falcon-Gondor powerline, which will require an amendment to the existing ROW at the time it is needed (near Year 36);
- Ancillary facilities including haul, secondary, and exploration roads, a ready line (location of haulage equipment that is ready for use on a daily basis), warehouse and maintenance facilities, storm water diversions, sediment control basins, pipeline corridors, reagent and diesel storage, storage and laydown yards, ammonium nitrate silos, explosives magazines, fresh/fire suppression water storage and a process water storage pond, monitoring wells, an administration building, a security/first aid building, a helipad, a laboratory, growth media/cover stockpiles, borrow areas, mine power loop, communications equipment, hazardous waste management facilities, a Class III waived landfill, and an area to store and treat petroleum contaminated soils;
- Turn lane(s) on SR 278;
- The option for the toll roasting of Mo from concentrate offsite; and
- The closure of the tailings storage facility and the potentially acid generating (PAG) waste rock disposal facility with the use of evapotranspiration cells to manage the long-term discharge from these facilities, as well as the physical reclamation of all Project components.

Land Ownership and Mining Claims

The Project boundary is composed of approximately 22,886 acres, of which 22,608 acres are public lands administered by the BLM and 278 acres are private lands. The majority (96.9 percent) of the approximately 8,355 acres of new disturbance will occur on public lands administered by the BLM Battle Mountain District, Mount Lewis Field Office; the remainder of the new disturbance (3.1 percent) will occur on private lands owned by EML.

Schedule and Workforce

Construction and operation of the Project will be initiated in late 2012 or early 2013, following EML's receipt of all required permits and approvals. The life of the mine will include approximately 44 years of active mining and ore processing. Active reclamation activities are anticipated to extend 30 years beyond the operational phase. Concurrent reclamation will not begin until Year 15 of the Project. Monitoring will continue for five years following completion of reclamation.

Projections provided by EML indicate that on-site construction will begin with approximately 220 workers, expanding over time until peaking at over 600 workers during completion of the mill and processing facilities in the third quarter of construction. The estimated construction workforce will average nearly 400 workers over the 18 to 24 month period. After construction is completed, EML anticipates operations employment of approximately 370 employees for nine years, at which time the number of workers will gradually build to 455 in Year 20, remain at that level for five years, and then gradually decline to approximately 220 in Year 40. It is anticipated that the majority of the work force will be hired from the local communities to the extent possible.

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OTHER ALTERNATIVES CONSIDERED IN THE EIS

Alternatives Analyzed in the EIS

The Mount Hope Project EIS analyzed four alternatives in addition to the Proposed Action: the No Action Alternative, the Partial Backfill Alternative, Off-site Transfer of Ore Concentrate for Processing Alternative, and the Slower, Longer Project Alternative.

Under the No Action Alternative, EML would not be authorized to develop the Project and mine the Mount Hope ore body as currently defined under the Proposed Action. However, EML would be able to continue exploration activities as outlined in previously authorized Notices. Refer to Section 1.3 of the Final EIS for a discussion of the existing Notice level activities. The area would remain available for future mineral development or for other purposes as approved by the BLM.

Under the Partial Backfill Alternative, the Proposed Action would be developed as above and have the same surface disturbance footprint. However, at the end of the mining in the open pit, the open pit would be partially backfilled to eliminate the potential for a pit lake. The open pit would be backfilled to an elevation that provides a 100 foot separation between the backfill surface and the groundwater level. The Partial Backfill Alternative addresses potential impacts associated with a pit lake that would develop under the Proposed Action as well as reduces the visual effects associated with the Proposed Action. The partial backfilling would be completed using approximately 1.3 billion tons of waste rock, which would comprise all the waste rock from the Non-PAG waste rock disposal facilities (WRDF) resulting in their elimination. This material would be removed from the completed WRDF and transported back to the open pit. The chemistry of the throughflow water would gradually evolve and would exceed Nevada Drinking Water Standards. As a result of this alternative, the mining fleet and the associated employees would continue beyond the end of the mining sequence to complete the backfilling activities. Tax revenues would be similar to the Proposed Action over the 44-year life of this alternative. Under this alternative, the surface of the backfilled open pit would be reclaimed with an application of growth media and then seeded.

Under the Off-Site Transfer of Ore Concentrate for Processing Alternative, the open pit, WRDFs, and tailing storage facilities would be developed as outlined under the Proposed Action; however, the ore processing facilities would include only the milling operations and production of the molybdenum sulfide concentrate. The technical grade molybdenite oxide and ferromolybdenum portions of the processing facility would not be constructed and, as a result, the surface disturbance footprint would be approximately 20 acres less than under the Proposed Action. In addition, the leaching of the concentrate would likely not be done on site. The production of molybdenum sulfide concentrate would occur on site and would be stored at the Project Area in a concentrate storage structure adjacent to the mill. It would be loaded from this storage facility into street legal haul trucks with covered containers and transported on the public transportation system to either an existing or new processing facility. The only known toll roasting facilities that process molybdenum sulfide concentrate within the United States are located in Pennsylvania and Arizona. In addition to the increased hauling, there would also be additional tolls associated with the processing and the potential for the product from Mount Hope being co-mingled with others due to the impracticality of cleaning the processing equipment between batches of concentrate from other locations. This would greatly reduce the marketability

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and value of the Mt. Hope concentrate and render the Project less economically feasible. Employment, relative to the Proposed Action, would be reduced by approximately 30 individuals. Tax revenues would be similar to the Proposed Action over the 44-year life of this alternative.

Under the Slower, Longer Project Alternative, the Project would operate at approximately one-half the production rate as described in the Proposed Action, which would result in a project that would last approximately twice as long. Although salable molybdenum production on an annual basis would drop in half, the ultimate mine and associated waste and low-grade stockpiles, process plant, and tailing impoundments would still cover the same area, creating the same amount of disturbance. However, some aspects of environmental effects (e.g., that to wildlife) would be greater due to the extended duration and impacts to additional springs. The Project production timeframe under this alternative would extend to at least 88 years. Water consumption rates would be approximately half, although economies of scale would be lost, and water consumption on a per unit basis would be higher than in the Proposed Action (i.e., more evaporation on a per unit basis than under the Proposed Action) because the open water in the tailings pond would exist for twice as long during the processing of the same amount of ore. Employment, relative to the Proposed Action, would be reduced by approximately 30 percent, but the employment timeframe would be twice as long as under the Proposed Action. Profitability would be reduced and tax revenues would decrease by approximately 40 percent, relative to the Proposed Action, in the first 44 years of this alternative.

Alternatives Considered But Eliminated From Detailed Analysis

The BLM, working with EML, considered nine (9) potential alternatives that were subsequently eliminated from detailed analysis. These nine 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 nine potential alternatives was ultimately rejected and not further analyzed in the EIS for the following reasons:

- a) Complete Backfilling Alternative: eliminated because (1) the waste rock volume would be insufficient to completely fill the open pit, leaving an exposed highwall on the southeastern flank of Mount Hope visible from the Pony Express Trail, (2) the waste rock would cover mineral resources that are not currently considered ore due to their concentration, making them more difficult to recover in the future, and (3) the groundwater quality within the backfilled pit would exceed Nevada water quality standards;
- b) Different Waste Rock Disposal Facility Heights Alternative: eliminated due to the larger footprint necessary to accommodate the same volumes of waste rock at a lower overall height and the subsequent increased disturbance and air quality impacts;
- c) Different Facility Locations Outside the Project Area Alternative: eliminated due to the increased surface disturbance and air emission associated with longer haul distances;
- d) Increased Ore Processing to Match the Mining Schedule Alternative: eliminated because yearly air emissions would be increased by approximately 50 percent and employment

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opportunities would be decreased by approximately 12 years with no measurable environmental advantage;

- e) Decreased Mining to Match the Ore Processing Schedule Alternative: eliminated because the impacts associated with dewatering would need to continue for 12 additional years beyond the Proposed Action;
- f) Reduced Project Alternative: eliminated because non-development of the known mineral resource would not be consistent with the national mineral policy outlined in the Mining and Mineral Policy Act of 1970;
- g) Different Facility Locations within the Project Area Alternative: eliminated due to results of the feasibility evaluation conducted by EML showing the Proposed Action as the optimal facility locations to minimize surface disturbance and haul distances;
- h) Different Powerline Alternative: eliminated because of design, cost, reliability issues, and construction logistics as determined by the energy supplier, NV Energy;
- i) Different Potentially-Acid Generating (PAG) Waste Rock Management Alternative: eliminated because the timing of the mining would not allow for the appropriate mixing of the PAG and Non-Potentially Acid Generating (Non-PAG) materials and it is highly uncertain whether these techniques would be successful in the elimination of acid rock drainage.

SUMMARY OF THE BLM'S PREFERRED ALTERNATIVE

The BLM's Preferred Alternative is comprised of the Proposed Action with all of the applicant committed practices of the Plan and all of the mitigation measures identified in Section 3.2 through 3.25 of the Final EIS.

The BLM's Preferred Alternative will allow the construction and operation of the proposed molybdenum mine, creating a total of 8,355 acres of disturbance. There will be approximately 8,092 acres of public land disturbance and approximately 263 acres of private land disturbance.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

The BLM's Environmentally Preferred Alternative is also the BLM's Preferred Alternative, which is the Proposed Action. The BLM's Environmentally Preferred Alternative includes all of the applicant committed practices of the Plan and all the mitigation measures identified in Sections 3.2 through 3.25 of the Final EIS. The No Action alternative was used as the baseline from which impacts of all other alternatives were measured and compared. As stated earlier, selection of the No Action alternative would not comply with the regulations at 43 CFR § 3809.411(d) if the BLM determines that the Plan is complete under the content requirements in 43 CFR § 3809.401 and the proposed operations would not result in unnecessary or undue degradation of the public lands.

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All of the action alternatives would have adverse environmental impacts. The major differences are that the Partial Backfill Alternative would result in pit water quality that exceeds Nevada water quality standards and could potentially flow into the downgradient ground water system (Diamond Valley); the Off-Site Transfer of Ore Concentrate for Processing Alternative would result in similar impacts spread over more locations than just the Project Area and reduced economic feasibility; and the Slower, Longer Project Alternative would result in impacts of a longer duration. On balance, the Proposed Action is environmentally preferable.

The BLM, working in concert with EML in developing the Proposed Action, applicant committed practices of the Plan, and the mitigation measures identified below, has ensured that all practicable means to avoid or minimize environmental harm were adopted for the Mount Hope Project as required by the Council on Environmental Quality. The monitoring and enforcement for the proposed mitigation and applicant committed practices of the Plan are identified below.

APPLICANT COMMITTED PRACTICES

Applicant committed practices are environmental protection measures that have been identified by the proponent through the Plan of Operations and Plans of Development and are part of the Proposed Action. They are designed to prevent unnecessary or undue degradation of public land and will be part of EML's operating procedures during the life of the Project.

Applicant Committed Practices in the Plan of Operations

During construction and operation of the Project, EML will implement the applicant committed practices of the Plan to mitigate potential impacts to socioeconomics, air, cultural resources, Waters of the State and Waters of the United States, wildlife including migratory birds, survey monuments, noxious weeds, invasive and nonnative species, wildland fire, and soils in order to prevent unnecessary or undue degradation of the environment as part of the Project's standard operating procedures. Pre-development planning, pollution prevention measures, and pollution control measures and equipment will be used to reduce potential project-generated environmental impacts.

Applicant committed practices applicable to the Proposed Action have been adopted from the Mount Hope Project Plan and Mount Hope Project Final EIS (October 2012). These practices are identified below:

Socioeconomic Practices

EML proposes to meet with Eureka County on a regular basis to provide Project updates. These updates will be intended to provide information related to employment numbers, housing plans, transportation plans and other aspects of the Project that will allow Eureka County to more effectively prepare for changes to the community and the potential for increased demands on county-provided services. In addition, EML will provide updates on taxes paid to state and local governments to allow a clear assessment of the impact on county services, in comparison to the revenues made available to deliver those services. EML will work with county staff to quantify potential gaps in revenue versus cost for services, should they occur. Further, EML will work

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with Eureka County to find ways to remedy any imbalance, such as providing necessary services at less cost, including contribution of EML resources.

In addition, EML proposes to work with Eureka County to identify ways to improve medical services and emergency response services for the community. EML will encourage employees to become active members of the volunteer fire and medical emergency response services.

In an effort to reduce traffic on existing roads, EML will provide bus or other multipassenger transportation to employees. EML will also encourage carpooling among employees that do not elect to use company-provided transportation. EML will discourage unnecessary visits to the Project area by vendors, contractors, and mine support services. EML will coordinate with Eureka County and NDOT to address any transportation issues.

In addition, should there be sufficient interest, EML will establish and participate in a Mine Oversight and Liaison Yardstick Committee. This committee will be responsible for continually measuring effectiveness of these practices and identifying issues of concern to the local community.

Air Emissions

Appropriate air quality permits will be obtained from the NDEP, Bureau of Air Pollution Control (BAPC) for the new Project facilities and land disturbance. Committed air quality practices will include dust control for mine unit operations as described by the BAPC required Fugitive Dust Control Plan. In general, the Fugitive Dust Control Plan will provide for water application on haul roads and other disturbed areas, chemical dust suppressant application (such as magnesium chloride) where appropriate, and other dust control measures per accepted and reasonable industry practices. Where appropriate, disturbed areas will be seeded with an interim seed mix to minimize fugitive dust emissions from unvegetated surfaces.

Dust emissions in the process area will be controlled at the crusher and conveyor drop points through the use of water sprays and dry cartridge filter type dust collectors where necessary. Other process areas requiring dust or emission controls include the concentrate drying and packaging circuit, the TMO plant, FeMo plant, and the laboratory. Appropriate emission control equipment will be installed and operated in accordance with the construction and operating air permits.

Cultural Resources

Class III cultural resources surveys have been performed over the Project Area. A historic and ethnohistoric context document has been prepared. Avoidance is the BLM preferred treatment for preventing effects to any prehistoric or historic site eligible to the National Register of Historic Places as well as all unevaluated cultural resources. However, if avoidance is not possible or is not adequate to prevent adverse effects, EML will undertake data recovery at the affected historic properties in accordance with the Programmatic Agreement (PA) between BLM, and the Nevada State Historic Preservation Office (SHPO) that was accepted by the SHPO on March 3, 2009. Development of a treatment plan, data recovery, archeological documentation, and report preparation was based on the "Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation," 48 FR 44716 (September 29, 1983), as amended or replaced. The treatment plan was accepted by the SHPO on October 25, 2012. If an unevaluated site cannot be avoided, additional information will be gathered and the site will

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be evaluated. If the site does not meet eligibility criteria as defined by the Nevada SHPO, no further cultural work will be performed. If the site meets eligibility criteria, a data recovery plan or appropriate mitigation will be completed under the PA.

EML will provide training to employees and contractors regarding the importance of cultural resources protection. EML will establish operational policies to protect cultural resources and minimize the potential for inadvertent impacts to sites.

The tailings and reclaim lines will cross the Pony Express Historic Trail as shown on Figures 2.1.1, 2.1.3, and 2.1.5 of the Final EIS and will be buried as described in Section 2.1.7.1 of the Final EIS. EML will minimize impacts to the Pony Express Historic Trail by maintaining 450-foot buffers between the trail and surface facilities.

Waters of the State and Waters of the United States

Process components will be designed, constructed and operated in accordance with NDEP regulations. The proposed process facilities will be zero discharge and the TSFs will have engineered liner systems. Waste rock with the potential to generate acid or mobilize deleterious constituents will be identified through laboratory analyses during mining and segregated in the WRDFs designed to contain and collect precipitation and snowmelt that comes into contact with the segregated material as described in the Mount Hope Project Waste Rock Management Plan (Appendix 4 of the Plan). The Water Pollution Control Permit (WPCP) and engineering design documents provide additional detail on methods to segregate, manage, and monitor waste rock (EML 2009a).

EML has prepared a stormwater management plan (EML 2006, Appendix 7). This plan identifies additional specific control measures and monitoring requirements. The actual locations and numbers of sediment controls will be determined during final design and where appropriate during operations. In either case, the controls will be developed in accordance with the stormwater management plan and engineering design documents included in the WPCP.

A survey to identify waters of the US was conducted in 2007 and no waters of the US were identified in the Project Area. EML and the U.S. Army Corps of Engineers are working together to update the survey and determination.

Technical Updates

During the course of operations, EML along with stakeholders will periodically review and update, as necessary, the geochemical and hydrogeological predictions, mine waste characterization studies, and pit lake studies to incorporate new information accumulated during operations. These updates will be provided to all stakeholders and will provide quantitative predictions of water quality during the operational and post-closure period. For the purpose of this section, stakeholders are defined as agencies with regulatory authority and parties with an interest in technical evaluation of the proposed operations. EML recognizes that this could potentially encompass a large number of parties, and is committed to making ongoing evaluations available for public review within the constraints of efficient completion of such updates.

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Wildlife including Migratory Birds

Land clearing and surface disturbance will be timed to prevent destruction of active bird nests or young birds during the avian breeding season (as determined by the MLFO) to comply with the Migratory Bird Treaty Act (MBTA) (see Mitigation Measure 3.23.3.3-7 for the timing). If surface disturbing activities will be unavoidable during the avian breeding and nesting season, EML will have a qualified biologist survey areas proposed for disturbance for the presence of active nests immediately prior to the disturbance. If active nests were located, or if other evidence of nesting is observed (mating pairs, territorial defense, carrying nesting material, transporting of food), an appropriate buffer will be identified by BLM and NDOW biologists and be placed around the nest to prevent destruction or disturbance of nests until the birds would be no longer present.

Operators will be trained to monitor the mining and process areas for the presence of larger wildlife such as mule deer (*Odocoileus hemionus*) and sensitive species such as greater sage-grouse (*Centrocercus urophasianus*). Mortality information will be collected and reported in accordance with the industrial artificial pond permit. EML will establish wildlife protection policies that would prohibit feeding or harassment of wildlife.

Power poles will be built with perch deterrents to protect raptors from electrocution and to reduce predation of sage grouse by perching raptors. Flagging or flight diverters will be added to fencing in sage grouse habitat. Sage grouse chick crossings will be installed along unburied portions of the water pipelines to allow non-flying chicks to cross the pipelines. These crossings will be constructed of earth and will be about 12 feet wide and have 3H:1V slopes.

Protection of Survey Monuments

To the extent practicable, EML will protect all survey monuments, witness corners, reference monuments, bearing trees, and line trees against unnecessary or undue destruction or damage. If, in the course of operations, any monuments, corners, or accessories would be destroyed, EML will immediately report the matter to the Authorized Officer. Prior to destruction or damage during surface disturbing activities, EML will contact the BLM to develop a plan for any necessary restoration or reestablishment activity of the affected monument in accordance with Nevada IM No. NV-2007-003 and the Nevada Revised Statutes (NRS). EML will bear the cost for the restoration or reestablishment activities including the fees for a Nevada Professional Land Surveyor.

Noxious Weeds, Invasive & Nonnative Species

A noxious weed monitoring and control plan will be implemented during construction and continue through operations. The bulk of weed control in Eureka County on public and private land is accomplished through the Eureka County Department of Natural Resources and the Diamond Valley Weed Control District in coordination with the BLM on public land. EML will coordinate weed control with Eureka County and the Diamond Valley Weed Control District. The Plan will contain a risk assessment, management strategies, provisions for annual monitoring, treatment, and treatment evaluation. The results from annual monitoring will be the basis for updating the plan and developing annual treatment programs.

The Noxious Weed Plan is included in Appendix 13 of the Plan and includes the following objectives: 1) to provide the steps necessary for EML to assess the existence of noxious weeds within and adjacent to the Project boundary; 2) to provide EML with preventive and treatment

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measures which would control the spread and establishment of noxious weeds; 3) to formulate management objectives consistent with the BLM; 4) to set priorities for weed management; and 5) to identify monitoring needs and frequency of monitoring (EML 2006).

The Project will have areas of disturbance, including those associated with ROWs, roads and travel corridors, where management for the prevention of invasion by noxious weeds and nonnative plant species and infestation of rodents will be implemented. Nevada certified licensed applicators will be contracted, as necessary, to apply any chemical pesticides determined to be required to control invasive pests in accordance with federal and state laws and regulations. This will include both restricted-use and general-use pesticides as regulated by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and NRS Chapter 555. All pesticides and herbicides will be used in accordance with their individual labeling, which contains the requirements and procedures for transportation, use, storage, and disposal.

Wildland Fire Prevention

The following precautionary measures will be taken to prevent wildland fires. In the event Project-related activities result in a fire, EML will be considered liable and may be held responsible for reimbursement of all suppression costs.

- a. Light vehicles traveling outside of the main mining areas and along roads that traverse vegetated rangeland during fire season will carry a small water supply in order to control sparks that may be generated by exhaust.
- b. Adequate firefighting equipment i.e., shovel, pulaski, extinguisher(s), and a minimum of ten gallons of water will be kept at the exploration drill site(s).
- c. Vehicle catalytic converters will be inspected often and cleaned of all brush and grass debris.
- d. All welding operations will be conducted in an area free of or mostly free of vegetation. A minimum of ten gallons of water and a shovel will be on hand to extinguish any fires created from the sparks. Extra personnel will be at the welding site to watch for fires created by welding sparks.
- e. Wildland fires will be reported immediately to the BLM Central Nevada Interagency Dispatch Center (CNIDC) at (775) 623-3444. Helpful information to be reported includes the location (latitude and longitude if possible), what is burning, the time the fire started, who/what is near the fire, and the direction of fire spread.
- f. When conducting operations during the months of May through September, the operator must contact the BLM Central Nevada Interagency Dispatch Center at (775) 623-3444 to find out about any fire restrictions in place for the area of operation and to advise this office of approximate beginning and ending dates for activities.

Growth Media/Cover Salvage and Storage

Suitable growth media and cover will be salvaged and stockpiled during the development of the mine pit, and during construction of the WRDFs and the TSFs. A Growth Media Management Plan (GMMP) is included in Appendix 10 of the Plan.

Following stripping, growth media and cover will be stockpiled within the proposed disturbance areas. Growth media/cover stockpiles will be located such that they will not be disturbed by mining operations. The surfaces of the stockpiles will be shaped after construction with overall slopes of 2.7H:1V or shallower to reduce erosion. To further minimize wind and water erosion,

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the soil stockpiles will be seeded after shaping with an interim seed mix developed in conjunction with the BLM. Diversion channels and/or berms will be constructed around the stockpiles as needed to prevent erosion from overland runoff. BMPs such as silt fences or staked weed-free straw bales will be used as necessary to contain sediment liberated from direct precipitation.

Erosion and Sediment Control

Best Management Practices will be used to limit erosion and reduce sediment in runoff from proposed Project facilities and disturbed areas during construction, operations, and initial stages of reclamation.

BMPs that will be used during construction and operation to minimize erosion and control sediment runoff and would include:

- Surface stabilization measures – dust control, mulching, riprap, temporary gravel construction access, temporary and permanent revegetation/reclamation, and placing growth media;
- Runoff control and conveyance measures – hardened channels, runoff diversions; and
- Sediment traps and barriers – check dams, grade stabilization structures, sediment detention, sediment/silt fence and straw bale barriers, and sediment traps.

Revegetation of disturbed areas will reduce the potential for wind and water erosion. Following construction activities, areas such as cut and fill embankments and growth media/cover stockpiles will be seeded as soon as practicable and safe. Concurrent reclamation will be maximized to the extent practicable to accelerate revegetation of disturbed areas. All sediment and erosion control measures will be inspected periodically, and repairs performed as needed.

Applicant Committed Practices in the Plans of Development

The powerline ROW applications (NVN-084632 and NVN-091272) also include the implementation of monitoring and maintenance as outlined in the associated Plans of Development (PODs). The Maintenance Plan for the POD is summarized below:

EML will have an agreement in place to maintain the powerlines and associated equipment. Emergency maintenance, such as repairing downed wires during storms and correcting unexpected outages, will be performed by the contracted utility provider or their subcontractor. The utility provider will respond to emergency conditions along the proposed route within a reasonable amount of time after an incident. The length of time needed to make the repairs would depend on the nature of the outage. The agreement will mandate that manuals include emergency response procedures, as well as operations and maintenance activities for substations, metering stations, and transmission lines which will be implemented for this Project as necessary.

The utility provider, under an Operating and Maintenance Agreement with EML, will maintain the proposed transmission system by monitoring, testing, and repairing equipment. The following are typical maintenance activities:

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- Regular aerial or ground inspections with additional emergency aerial or ground inspections after storms, severe wind, lightning or other weather factors, or reported vandalism.
- Annual ground inspections of the transmission line with monthly inspections of the substation facilities.
- Routine maintenance to inspect and repair damaged structures, conductors, and insulators.
- Emergency maintenance to immediately repair transmission lines damaged by storms, floods, vandalism, or accidents. Emergency maintenance would involve prompt movement of crews to repair damage.
- Access road maintenance to re-grade and fill ruts or ground depressions, clear and repair culverts, and repair erosion-control features and gates.
- Vegetation management activities including clearing brush and noxious weeds, and undergrowth.
- Structure pad maintenance to re-grade and fill ruts and depressions around pole base and work areas.

Maintenance of the proposed transmission system will consist of monitoring, testing, and repair of equipment, as appropriate, based on a set maintenance program and schedule. EML will visually inspect each structure within the ROW at least annually. Some portions of access roads will be maintained, if necessary, to allow access of workers and equipment for maintenance. The utility provider will maintain the ROW in accordance with BLM ROW grant permit stipulations.

Maintenance will be performed as needed. When access is required for non-emergency maintenance and repairs, the utility provider will adhere to the same precautions taken during the construction. Emergency maintenance will involve prompt movement of crews to repair or replace any damage. Crews will be instructed to protect plants, wildlife, and other environmental resources. Restoration procedures following completion of repair work will be similar to those prescribed for normal construction. Noise, dust and danger caused by maintenance vehicle movement will be minimized to the extent practical.

MONITORING AND 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 of the Final EIS. Minor modifications were made to some of the mitigation measures following publication of the Final EIS and they are shown in bold text below. No material changes to the effectiveness of the mitigation or analysis of the impacts to associated resources will result from the modified text. EML will implement and adhere to all monitoring and mitigation measures within the BLM's authority as identified below.

Auditory Resources

Mitigation Measure 3.16.3.3-4: Construction in the vicinity of the Roberts Creek Ranch house and sage grouse leks will be limited to daylight hours and will be limited during lekking periods (see Appendix D, Attachment 3). Construction equipment used in the vicinity of residences will be fitted with the best available technology manufacturers' noise control equipment, including

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engine exhaust silencers and acoustical enclosures. Noise control equipment will be maintained in good working order.

Cultural Resources

Mitigation Measure 3.21.3.3-1: A treatment plan was developed by EML and accepted by the SHPO on October 25, 2012 to address the potential impacts to the 116 officially eligible sites within the Project Area of Potential Effect (APE). EML will implement the treatment plan prior to any surface disturbance of eligible sites within the area of direct impacts. All adverse effects under the National Historic Preservation Act and direct and indirect impacts under the NEPA to known-eligible properties identified within the Project APE will be mitigated in accordance with the Programmatic Agreement (PA) and the treatment plan prepared for the Project. Any previously unknown-eligible properties that may be discovered during construction activities will be mitigated in accordance with the PA. No residual adverse effects are anticipated, as all known-eligible sites will be mitigated in accordance with the PA and the treatment plan prepared for the Project. Any previously unknown-eligible properties that may be discovered during construction activities will be mitigated in accordance with the PA.

Mitigation Measure 3.21.3.3-3: In the case of inadvertent discovery of human remains, the BLM Battle Mountain District Office (BMDO) Policy for the Discovery of Human Remains (IM NV-2010-001) notification procedures will be followed. If the remains are determined to be native, Native American Graves Protection and Repatriation Act (NAGPRA) inadvertent discovery procedures will be adhered to. Under the NAGPRA, Section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the land manager can respond to the situation. Tribes, tribal organizations, possible lineal descendants, and individuals will then be contacted to determine cultural affiliation and subsequent transfer of custody procedures will begin.

Hazardous Materials

Mitigation Measure 3.19.3.3-1: EML will maintain their existing Emergency Response Plan located in the Plan of Operations (EML 2006; Appendix 11).

Historic Trails

Mitigation Measure 3.20.3.3-1: As part of the Historic Treatment Plan, mitigation for the historic trail will include photo documentation to capture the setting and feel of the Pony Express Trail adjacent to the Project that will be visually impacted. The Treatment Plan will also include off-site mitigation in the form of GPS mapping and surveying of off-site portions of the Pony Express Trail located on public land. Segments will be selected at a 1:1 ratio based on the length of segments of the trail that will be impacted by the Project and are considered eligible as discussed in Section 3.21.3 of the EIS. Additionally, Mitigation Measure 3.7.3.3-1, Visual Resources, will reduce visual impacts to users of the Pony Express Trail.

Mitigation Measure 3.20.3.3-2: EML will implement the mitigation plan included in Appendix D, Attachment 1 of the Final EIS to provide access through the Project Area during the annual Pony Express re-ride, which generally occurs in June. This mitigation will allow for independent

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(non-members of the National Pony Express Association) riders to follow the trail through the Project Area at other times of the year, subject to 30-day advance notice and certain safety restrictions, and subject to **coordination with EML's operations**, and to provide for an alternative route for trail riders during other times of the year, weather permitting.

Land Use

Mitigation Measure 3.14.3.3-2: EML will, in consultation with the BLM and authorized holders of the affected ROWs, re-establish the structures that will be altered or removed, as appropriate.

Livestock Grazing and Production

Mitigation Measure 3.12.3.3-2: The BLM will monitor for changes to forage productivity as a result of ground water drawdown associated with Project-related ground water pumping. If the BLM detects a loss of forage productivity attributed to the Project, the BLM will develop and provide EML with a list of appropriate seed mixes for those areas within and outside the Project Area impacted by water table drawdown that should be seeded. The nature of the seed mix may vary depending on the conditions encountered as a result of the drawdown. If the BLM determines reseeding to be necessary, the BLM will coordinate the conditions for reseeding (including a possible two-year grazing closure) with local permittees in order to reduce impacts to AUMs. Mitigation for the potential loss of water available for livestock from stock water rights and other surface waters are described in the Water Resources - Water Quantity impacts discussion (Mitigation Measures 3.2.3.3-2 and 3.2.3.3-3, Water Quantity). Mitigation for loss of water availability will also mitigate the loss of vegetation (livestock forage).

Mitigation Measure 3.12.3.3-3: Mitigation for the potential loss of water availability for livestock from stock water rights and other surface waters are described in the Water Resources – Water Quantity impacts discussion (Mitigation Measures 3.2.3.3-2 and 3.2.3.3-3, Water Resources). Implementation of any of the specific mitigation outlined in these measures for springs located on private land will be subject to the authorization of the private land owner. Mitigation for loss of water available will also mitigate the loss of vegetation (livestock forage). Additionally, where livestock and wild horse use overlap those mitigation measures identified for wild horses (Mitigation Measure 3.13.3.3-1, Wild Horses) will also benefit livestock.

Native American Traditional Values

Mitigation Measure 3.22.3.3-1: In the case of inadvertent discovery of human remains, the BMDO Policy for the Discovery of Human Remains (IM NV-2010-001) notification procedures will be followed. If the remains are determined to be native, NAGPRA inadvertent discovery procedures will be adhered to. Under the NAGPRA, Section (3)(d)(1), it states that the discovering individual must notify the land manager in writing of such a discovery. If the discovery occurs in connection with an authorized use, the activity, which caused the discovery, is to cease and the materials are to be protected until the land manager can respond to the situation. Tribes, tribal organizations, possible lineal descendants, and individuals will then be contacted to determine cultural affiliation and subsequent transfer of custody procedures will begin.

Mitigation Measure 3.22.3.3-3: In years of greater than average cone production, as determined by the BLM and requested by the tribes, EML will make areas within the Project Area fence

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available for Native American pine nut gathering, subject to all applicable Mine Safety and Health Administration requirements.

Vegetation

Mitigation Measure 3.9.3.3-4: During periods of high fire danger, EML will utilize welding tents during welding activities along the pipeline or powerline routes in the Project Area.

Visual Resources

Mitigation Measure 3.7.3.3-1: For reducing visual contrast, minimization of disturbance would be the most effective mitigation technique. Where disturbance is proposed, repetition of the basic landscape elements (form, line, color, and texture) will be implemented to minimize visual change. In order to lessen long-term visual impacts from the pit wall, treatment may be required to ensure that the final pit wall mimics the surrounding landscape colors as visible from KOP #2. Methods could include, but are not limited to, painting, staining, varnishing, or some other treatment that minimizes the contrast of the visibly exposed and unweathered rock of the pit wall. Any mitigation applications must be pH neutral and contain no caustic or alkaline chemicals to avoid potential adverse environmental impacts. Treatment may occur when the pit wall reaches its final slope configuration. The need for this treatment will be determined by the BLM at that time based on the color of the exposed pit wall surface and its contrast with the surrounding landscape. Specific dimensions and areas of mitigation will be determined by the BLM, based on the actual color of the final pit wall.

Clearing of land for WRDFs and facility construction will be done by creating curvilinear boundaries instead of straight lines to minimize disturbance of the landscape. Grading will proceed in a manner that will minimize erosion and conform to the natural topography. Revegetation following recontouring will also reduce visual impacts. The specifics on the final reclamation design implementation will be completed in consultation with interested parties.

Mitigation Measure 3.7.3.3-2: Visual contrast, associated with the buildings, will be reduced by using construction materials or paints that are earth tones. This will minimize color contrasts with the surrounding landscape and help meet Visual Resource Management objectives.

Mitigation Measure 3.7.3.3-3: To maintain dark sky conditions, and minimize visual disturbance, facility perimeter lighting, including lighting used to illuminate walkways, roadways, staging areas and parking areas, will be shielded so that the light will be cast in a downward direction. Low-pressure sodium lighting (or an improved technology, if readily available) will be used to reduce or eliminate detrimental lighting impacts and prevent unnecessary light pollution.

Water Quantity

Surface Water Resources

Mitigation Measure 3.2.3.3-2a: Specific mitigation for the two perennial stream segments and 22 perennial or potentially perennial spring sites are outlined in Table 3.2-9 of the EIS. Figure 3.2.21 of the EIS shows the anticipated location for the components of the facilities necessary to implement the mitigation measures outlined in Table 3.2-9 of the EIS. Implementation of any of the specific mitigation outlined in Table 3.2-9 of the EIS for springs located on private land will be subject to the authorization of the private land owner. The site-specific evaluation of the

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effectiveness of this specific mitigation for each identified surface water resource within the mine-related ground water drawdown area is presented in Table 3.2-9 of the EIS. The site-specific measures include one or more methods identified in Mitigation Measure 3.2.3.3-2b (Water Quantity). Similar methods (as identified in Table 3.2-9) will also be applied to streams and springs not identified in this analysis, if monitoring indicates that there are impacts that the BLM determines can be attributed to the mining operation. Implementation of the mitigation outlined in Table 3.2-9 of the EIS will result in up to approximately 37.2 acres of additional surface disturbance associated with road and pipeline construction and maintenance, as well as the need for approximately 302 acre-feet of water that will at least initially come from EML's existing water rights if additional water rights have not yet been secured. This specific mitigation will be implemented, as determined by the BLM, based on the results of the monitoring that is also outlined in this mitigation measure. EML will implement the water monitoring provisions outlined in Section 2.1.15 and Appendix C of the EIS to track the drawdown associated with the open pit dewatering and ground water production activities. In addition, EML will periodically update the ground water flow model as required by the BLM. EML will be responsible for monitoring and annual reporting of changes in ground water levels and surface water flows prior to and during operation, and for a period of up to 30 years in the post mining and milling phase. The reports will be in a format and with a content that is acceptable to the BLM. The monitoring outlined in Appendix C of the EIS and required in this mitigation measure will be used to document the effectiveness of the implemented specific mitigation activities. In addition, the BLM has the ability to require the implementation of additional mitigation measures if the initial implementation is unsuccessful. **Specific mitigation plans for two perennial stream segments and 22 perennial or potentially perennial spring sites is addressed in this mitigation measure. If mitigation at those sites is required, the measures in Table 3.2-9 are expected to be implemented. BLM is also adopting Mitigation Measure 3.2.3-3-2b to assure that all potentially impacted sites are subject to a mitigation requirement and to provide for alternative means of mitigation should circumstances warrant.**

Mitigation Measure 3.2.3.3-2b: If monitoring (Mitigation Measure 3.2.3.3-2a, Water Quantity) indicates that flow reductions of perennial surface waters are occurring and that these reductions are likely the result of mine-induced drawdown, the following measures will be implemented:

1. The BLM will evaluate the available information and determine whether mitigation is required.
2. If mitigation will be required by the BLM, then EML will be responsible for preparing a detailed, site-specific plan to enhance or replace the impacted perennial water resource(s). Potential adverse effects to water rights from the Project will be mitigated under NDWR jurisdiction, as well as potential need for additional BLM permit acquisition activities and NEPA analysis. The mitigation plan will be submitted to the BLM identifying the excess amount of drawdown or drawdown impacts to surface water resources. Mitigation will depend on the actual impacts, site-specific conditions, and historical use and could include a variety of measures (e.g., flow augmentation, on-site or off-site improvements). Methods to enhance or replace the impacted perennial water resources include, but are not limited to, the following:
 - Modification, including cessation, of pumping distribution in the water supply well field;

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- Injection to confine the drawdown cone;
 - Installation of a water-supply pump in an existing well (e.g., monitoring well);
 - Installation of a new water production well;
 - Piping from a new or existing source;
 - Installation of a guzzler;
 - Enhanced development of an existing seep or spring to promote additional flow;
 - Water hauling;
 - Removal of piñon-juniper in impacted watersheds; or
 - Fencing or other protective measures for an existing seep to maintain flow.
3. An approved site-specific mitigation plan will be implemented followed by monitoring and reporting to measure the effectiveness of the implemented measures.

Mitigation Measure 3.2.3.3-2c: The numerical ground water flow modeling indicates that some impacts to springs may occur after the end of mining and milling operations, when some of the operational measures described above may not be available. For the post-Project delayed impacts of drawdown, the ground water flow model will be updated during the closure process consistent with regulations and policies using the accumulated field data for pumping rates, consumptive use, and observed drawdown within the Hydrologic Study Area to re-evaluate projected drawdown that will occur after the end of mining and milling operations. If the BLM determines that the Project impacts perennial stream segments or springs in this post-operational phase, mitigation consisting of one or both of the following measures will be required:

1. Installation of a well and pump at affected stream or spring locations to restore the historic yield of the affected surface water resource.
2. Posting of an additional financial guarantee to provide for potentially affected water supplies in the future.

Ground Water Resources

Mitigation Measure 3.2.3.3-3a: For the seven wells with associated active ground water use with water rights, EML will assess the distance of the screened interval and the pumping below the ground water table. If that difference is greater than maximum **actual** drawdown, then EML will pay the water right holder for the increase in pumping costs based on historical usage. If the difference is greater than ten feet, then EML will pay for either the lowering of the pump to a depth greater than the maximum drawdown in the well, or the completion of a new well with the screened depth greater than the maximum **actual** drawdown and pay the water right holder for the increase in pumping costs based on historic usage. In addition, EML will implement the water monitoring provisions outlined in Section 2.1.15 and in Appendix C of the EIS. If, through implementation of the water monitoring, it is determined that there are impacts to wells with associated active ground water use with water rights attributable to the Project, whether predicted or not, then the following mitigation measures will be implemented.

Mitigation Measure 3.2.3.3-3b: If monitoring (Mitigation Measure 3.2.3.3-3a, Water Quantity) indicates that mine-induced drawdown impacts a well with associated active water use with rights, the following measures will be implemented:

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1. The BLM will evaluate the available information and determine whether mitigation is required.
2. If mitigation is required by the BLM, then EML will be responsible for preparing a detailed, site-specific plan to enhance or replace the impacted ground water. The mitigation plan will be submitted to the BLM identifying drawdown impacts to ground water resources. Mitigation will depend on the actual impacts and site-specific conditions and could include the following:
 - Lowering the pump in an existing well;
 - Deepening an existing well;
 - Drilling a new well for replacement of water supply;
 - Providing a replacement water supply of equivalent yield and general water quality;
 - Pay for any incremental increase in pumping costs;
 - Modifying the Kobeh Valley Central Well Field (KVCWF) pumping regime (well locations or rates) during operations to reduce drawdown in the area of the impacted ground water resources;
 - Infiltrating or injecting water during operations at strategic locations to limit drawdown propagation in certain areas.
3. An approved site-specific mitigation plan will be implemented followed by monitoring and reporting to measure the effectiveness of the implemented measures.

Mitigation Measure 3.2.3.3-3c: For any significant impacts to wells with associated active ground water use with water rights that do not occur until after the end of mining and milling operations, the operational measures described above may not be available. For the post-Project delayed impacts of drawdown, the ground water flow model will be updated during the closure process consistent with regulations and policies using the accumulated field data for pumping rates, consumptive use, and observed drawdown within the Hydrologic Study Area to re-evaluate projected drawdown that will occur after the end of mining and milling operations. Wells with associated active ground water use with water rights not owned or controlled by EML that are indicated to be significantly impacted will then be mitigated by EML using one or more of the following measures, as directed by the BLM:

1. Installation of a deeper well and pump at affected locations to restore the historical yield of the well (including incremental increase in pumping costs).
2. Posting of a funding mechanism to provide for potential future impacts to potentially affected water sources.

Mitigation Measure 3.2.3.3-8: EML will be responsible for specifically monitoring for fissure gully development. If fissure gullies form, they will be filled in with clean, coarse-grained alluvium, with the intent of providing a rapid means of dissipation for any surface water entering the fissure and thereby reducing the propagation of the fissure through continued erosion. The fill material then will be seeded with a BLM-approved seed mix.

Water Quality

Mitigation Measure 3.3.3.3-1: EML will submit a North TSF upstream diversion structure design. This design will be of sufficient capacity to divert run-on from the North TSF so that the

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current evaporate pond design will be sufficient to contain the designed storm events. The design will be submitted to the BLM 24 months prior to the anticipated start of construction. The BLM will approve the design prior to the commencement of construction.

Mitigation Measure 3.3.3.3-2: The measures outlined under Mitigation Measure 3.2.3.3-2, Water Quantity, will address the potential reduced flows outlined in Impact 3.3.3.3-2.

Wetland and Riparian Zones

Mitigation Measure 3.11.3.3-3: As stated in Mitigation Measure 3.2.3.3-2a for Water Quantity, specific mitigation for the two perennial stream segments and 22 perennial or potentially perennial spring sites are outlined in Table 3.2-9 of the EIS. Implementation of the mitigation outlined in this table will result in up to **37.2** acres of additional surface disturbance associated with the pipeline construction and maintenance. This supplemental water should sustain riparian vegetation. EML, in coordination with the BLM, will identify sites for mitigation in the area affected and implement mitigation measures at a three to one ratio with local cuttings, plugs, or seeds within one year of direct disturbance. EML will monitor these sites on an annual basis for at least three years after treatment to ensure effectiveness.

Wild Horses

Mitigation Measure 3.13.3.3-1: Specific mitigation for surface water resources identified as being impacted by the Project is listed in Table 3.2-9 of the EIS. In order to further mitigate the loss of habitat and water sources to wild horses through the Project Area, EML will provide alternative water sources for wild horses. Six locations within the Whistler Mountain and Roberts Mountain Herd Management Areas (HMAs) have been identified in coordination with the BLM and will be developed as water sources for horses and could also be used by wildlife and livestock in areas historically used by wild horses (Figure 3.13.1 of the EIS). These sites consist of existing stock wells that are not currently functioning or do not have pumps or troughs and two new sources tapped from Project production wells. These sources will provide water where it has not been available previously or where availability has been limited. These sources will replace water sources located within the Project boundary fence that will no longer be available to wild horses. Distribution of wild horse use will also be improved. The Project's Mitigation Plan is included in the EIS as Appendix D.

The development of these six sites is detailed in Appendix D, Attachment 2 of the Final EIS. Appendix D, Attachment 2 includes a description of how each site will be developed. The sites will be owned and operated by EML. Operations will include periodic inspections and maintenance, turning water on and off, and winterizing water sources as determined through coordination with the BLM. Upon Project completion, improvements associated with the stock watering wells and spring will remain in place for the continued support of wild horses, wildlife, and livestock within the HMAs and grazing allotments. EML will implement the mitigation plan in Appendix D, Attachment 2. Should EML decide not to retain ownership of the associated water rights, agreements will be reached at that time between EML, those associated with the current grazing privileges on the specific allotment(s), NDOW, and the BLM to transfer ownership of these improvements to the appropriate parties.

The selection of new or replacement troughs and tanks will be based on design to reduce evaporation in the summer and reduce freezing in the winter. All pipelines from wellheads to the

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Project fence line under this mitigation will be buried below the ground to avoid limiting wild horse movement.

If Project activities caused a water source to become unavailable to wild horses, the Authorized Officer could require a new well to be drilled or another water development to be constructed in the general area to provide adequate water for the wild horses. Should monitoring indicate that wild horses were being negatively impacted by the mining activities, the Mount Lewis Field Manager could require additional measures for the protection of wild horses such as seasonal restrictions during the peak foaling period.

Mitigation could include annual, biennial, or quarterly helicopter population inventory flights of the area in addition to on the ground monitoring by BLM and Project personnel. However, the use of a helicopter below 500 feet will not occur between March 1 and June 30 in order to prevent disruption during foaling period.

Fences constructed around the Project Area will use white-topped steel posts. Additional reflectors may be necessary if problems with horses impacting fences occur. Fences should be continuous with no breaks (no drift fences). Should horses be discovered within the fenced areas, Project personnel will contact the BLM immediately to assist with the removal of the horses. Project personnel will not "haze" wild horses out of fenced areas.

EML will avoid the BLM's Key Management Areas for vegetation monitoring established near Mount Hope and in Kobeh Valley.

Additional mitigation **that may also benefit wild horses** is summarized above under Livestock Grazing and Production.

Wildlife and Fisheries Resources

Mitigation Measure 3.23.3.3-3: Mitigation for noise impacts is included in Mitigation Measure 3.23.3.3-6 (as identified in the Sage Grouse Conservation Measures in Appendix D, Attachment 3 of the Final EIS) and includes noise reducing enclosures that will be installed on the Project's booster stations in Kobeh Valley as well as possible modification to the pumping regime during lekking season.

Mitigation Measure 3.23.3.3-4: Mitigation for the potential loss of water will include the development of six water sites (Figure 3.13.1 of the EIS) that were identified for wild horses and two additional sites that will be designed specifically for wildlife use. Although the sites shown on Figure 3.13.1 of the EIS were identified as part of mitigation for wild horses (Section 3.13 of the EIS), development of the sites could also result in indirect beneficial impacts to wildlife species throughout the Project Area. The locations and design of the wildlife-specific water developments will be determined by the Wildlife Working Group described in the Sage Grouse Conservation Measures in Appendix D, Attachment 3. Additional mitigation has been proposed for wetland vegetation in Section 3.11 of the EIS (Mitigation Measure 3.11.3.3-3, Wetland and Riparian Zones).

Mitigation Measure 3.23.3.3-6: Mitigation measures are identified in the Mount Hope Sage Grouse Conservation Measures (Appendix D, Attachment 3 of the Final EIS). The measures identified in this attachment include the following: conservation measures for low profile

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camouflaged equipment, water pipelines, transmission lines, nesting/perching maintenance, noise, perimeter fence collision prevention, seasonal restrictions, and minimization of additional disturbance; off-site mitigation; formation of a Wildlife Working Group; research; and treatment options for burial of the aboveground powerline and vegetation treatments. Additional mitigation developed for pygmy rabbits (Mitigation Measure 3.23.3.3-9, Wildlife and Fisheries Resources) will reduce the effect to sagebrush habitat utilized by sage grouse. Mitigation Measure 3.13.3.3-1 (Wild Horses), also minimizes habitat fragmentation from the wellfield pipeline.

Mitigation Measure 3.23.3.3-7: Land clearing will be conducted outside the avian breeding season, which is March 1st through August 31st for raptors and April 1st through August 1st for other migratory birds. If this is not possible, then a qualified biologist will survey the area to be cleared prior to clearing, within 14 days of disturbance. If disturbance has not occurred within 14 days of the survey, another survey will be conducted. If active nests were identified, or if other evidence of nesting (mated pairs, territorial defense, carrying nesting material, transporting food) was observed as a result of this survey, then a protective buffer (the size of which will depend on the requirements of the species) will be delineated and the delineated protective buffer avoided to prevent destruction or disturbance to nests until the nests were no longer active or nesting activities were no longer observed.

Mitigation Measure 3.23.3.3-8: All suitable golden eagle nesting habitat located within a five-mile radius of the Project Area boundary will be surveyed twice a year by a qualified biologist for the life of the Project to check the use status of golden eagle nests and habitat. If a nest is determined to be active, the nests will be monitored by video (with still images recorded every five minutes) and the recording will be reviewed by a qualified biologist once a week until the young have fledged. During the 18- to 24-month construction phase, the timing of weekly monitoring of active nests will occur from sunrise to sunset by video (with still images recorded every five minutes). During the 44-year mine life, the weekly monitoring for active nests will coincide with blasting activities. The video camera will record the nest beginning two hours before the blast and end two hours after the blast (with continuous video images recording). Annual reports will be submitted to the BLM biologist summarizing the results of the surveys. Following one year of monitoring, the qualified biologist will develop interpretable metrics to evaluate whether disturbance affects golden eagles. If there are impacts to golden eagles identified, the qualified biologist will coordinate with the BLM and USFWS to develop an adaptive management strategy to mitigate impacts for subsequent years. If a negative impact to nesting golden eagles is detected during monitoring, the BLM biologist will be contacted by electronic mail or phone by the next business day. **The monitoring requirements may be modified over the life of the Project if the BLM and USFWS determine that other methods would be more appropriate.**

Mitigation Measure 3.23.3.3-9: EML will fund future sagebrush habitat improvement projects in the area that will directly benefit pygmy rabbits. Based on a ratio of two acres per every acre disturbed, EML will provide 950 acres of habitat improvement projects. Projects will be selected by the Wildlife Working Group which will review sage grouse habitat projects (described in Appendix D, Attachment 3). Projects that benefit both sage grouse and pygmy rabbits could count toward both acreage requirements as approved by the Wildlife Working Group.

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Mitigation Measure 3.23.3.3-10: The mitigation measures identified in Section 3.2.3, Water Quantity, of the EIS will be sufficient to mitigate the impacts to LCT from the Proposed Action.

Mitigation Measure 3.23.3.3-11: In order to minimize impacts to bat habitat, prior to the initiation of Project activities, EML will close those mine workings that will be removed over the life of the Project (after bats have been evacuated) and install bat-friendly closures on openings that will not be directly impacted by the Project in order to preserve access to the remaining bat habitat (also see Appendix D, Attachment 4 of the Final EIS).

Monitoring

As part of the Plan, EML proposes to monitor the following components in compliance with state permits and other plans: air quality, tailings effluent and solids chemistry, noxious weeds, reclamation, slope stability, storm water, waste rock chemistry, and wildlife (EML 2006).

EML has proposed a detailed Water Resources Monitoring Plan, which is incorporated in the Final EIS as Appendix C. In addition to the monitoring requirements consistent with 43 CFR § 3809.401(b)(4), and applicant committed practices outlined for water resources, an advisory committee will be established as described in the water resources monitoring plan (Appendix C). Eureka County will be invited to participate on this advisory committee. The establishment of the advisory committee will allow participants to review the monitoring reports, meet on a periodic basis and comment on monitoring results.

The overall goals and objectives of the advisory committee will be to review the monitoring protocols, data, and reports. The committee will meet on a periodic basis and make recommendations to the BLM on operational changes or compliance issues.

The establishment of the advisory committee will be based on an agreement subsequent to the issuance of this ROD and Plan approval. This agreement will be consistent with the approved Plan and mitigation identified in the EIS and will establish the roles and responsibilities of all parties involved.

PUBLIC INVOLVEMENT

On March 2, 2007, a Notice of Intent to prepare an EIS was published in the Federal Register (Volume 72, No. 41, Friday, March 2, 2007, Page 9579). Two public scoping meetings were held March 27 and 28, 2007 in Eureka and Battle Mountain, Nevada, respectively. The scoping period ended on April 6, 2007. Six comment letters/forms were received during the scoping period and three were received after the scoping period ended, all were considered in preparation of the Draft EIS. Key issues identified during the scoping process include the following: (1) general project issues including scope, length, size, mitigation, impacts, and alternatives; (2) soil and watershed issues; (3) livestock grazing and production issues; (4) water resource issues; (5) air resource issues; (6) wildlife and fisheries resource issues; (7) wild horse issues; (8) cultural resource issues; (9) Native American traditional values issues; (10) geology issues; (11) visual resource issues; (12) auditory resource issues; (13) land use, access, and public safety issues; (14) recreation and wilderness issues; (15) socioeconomic values and public services issues; (16)

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hazardous materials issues; and (17) environmental justice issues. A more detailed list of specific concerns is provided in Section 1.7 of the Final EIS.

In August 2010, the BLM made available a Preliminary Draft of the EIS for internal review and comment by Cooperating Agencies. More than 2,000 comments were received, some of which required additional data collection and modeling efforts. New EPA air quality modeling requirements for nitrogen dioxide (NO₂) and sulfur dioxide (SO₂) as well as additional noise modeling for impacts to sage grouse were some of these additional data modeling efforts conducted and incorporated into the document. The Slower, Longer Project Alternative was also introduced by Eureka County and carried forward for analysis in the document.

In April 2011, the BLM distributed a revised Preliminary Draft for internal review and comment by the Cooperating Agencies. More than 2,000 comments were provided by the BLM interdisciplinary Team and Cooperating Agencies concerning the revised document.

On December 2, 2011 a Notice of Availability was published in the Federal Register (Volume 76, No. 232, Friday December 2, 2011, Page 75554) releasing the Draft EIS to the public for a 90-day comment period. Two public hearings were held on January 18 and 19, 2012 in Eureka and Crescent Valley, Nevada, respectively. Over 1,900 comments were received from 941 separate parties. The comments received during the public comment period were considered in preparing the Final EIS. Each of the comments, and a corresponding response, are provided in Appendix H of the Final EIS.

On September 5, 2012, the BLM made available a Preliminary draft of the Final EIS for review by the Cooperating Agencies. All comments were considered prior to the publication of the Final EIS.

A Notice of Availability for the Final EIS was published in the Federal Register (Volume 77, No. 198 / Friday, October 12, 2012, Page 62256) on October 12, 2012 releasing the Final EIS for public review. The Final EIS has been available to the public for a minimum of 30 days, as required by the CEQ regulations as 40 CFR § 1506.10(b).

The BLM received seven comment letters following the publication of the Final EIS. The comments were reviewed and considered in preparing this Record of Decision. The comments did not identify or present any significant new information that would warrant additional analysis under the NEPA.

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, EML, 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 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. Beyond the extensive coordination efforts with all of the Cooperating

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Agencies, the Mount Lewis Field Manager also appeared before the Eureka County Commission regularly throughout the EIS development process to directly brief the commissioners on the status of the Project.

NATIVE AMERICAN CONSULTATION AND COORDINATION

Per EO 13175, the BLM is required to establish regular and meaningful consultation and coordination with Native American tribal governments on the development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities. On February 6, 2007, the Mount Lewis Field Office mailed certified consultation initiation letters (included in Appendix F of the Final EIS) to ten recognized tribal governments: Te-Moak Tribal Council; Elko Band Council; Wells Band Council; Battle Mountain Band Council; South Fork Band Council; Ely Shoshone Tribe; Duckwater Shoshone Tribe; Yomba Shoshone Tribe; Duck Valley Shoshone-Paiute Tribes; and the Timbisha Shoshone Tribe. Letters were also mailed to the Bureau of Indian Affairs, Eastern Nevada Agency, Western Shoshone Defense Project, and the Western Shoshone Committee of Duck Valley. The BLM also provided the services of an ethnographer to assist the BLM and tribal participants in identifying any specific traditional/cultural site, activity, and resources concerns.

In July 2007, the Ely Shoshone Tribe responded by stating they had no comments at this time, but requested to remain updated throughout the process. Also in July 2007, a letter was received from the Bridgeport Indian Colony of California opposing the project, however, no specific sites, activities, or impacted resources were identified. There were no requests for a site-specific field visit or for continued consultation. In August 2007, the BLM received South Fork Band Resolution number 07-SF-18, which opposes the Mount Hope project in its entirety. However, no specific locations or activities were provided. In September 2007, BLM staff conducted a field tour to the project area for the Duckwater Tribal Council. At this tour there were discussions regarding an information sharing agreement between the BLM and Duckwater. On October 1, 2007, BLM staff discussed with Council members the Cumulative Effects Study Area boundary for Native American Resources to be used in the EIS. The BLM mailed a letter and a Draft Information Sharing Agreement/Memorandum of Understanding to the Duckwater Chair and Council for their review and possible signature in October 2007.

In February 2008, BLM staff hand delivered a draft BLM/State Historic Preservation Office (SHPO) PA to Duckwater tribal staff to allow Project-specific information sharing between the tribe and the BMDO. The Duckwater chose not to be a concurring party to the PA and developed their own information sharing agreement with the BLM. The Duckwater chose not to include a state agency (SHPO) in their consultation process for the Mount Hope Project. They presented their version of a Memorandum of Understanding (MOU) that allows information sharing with the BLM for the Mount Hope Project.

In March 2008, the BLM formally invited the Te-Moak Tribe of Western Shoshone, Ely Shoshone Tribe, Duckwater Shoshone Tribe, and Yomba Shoshone Tribe to review, comment, and participate as concurring parties to the PA with the BLM and the SHPO. In April 2008, the Ely Shoshone Tribe called the BLM and requested consultation and to be involved in the Mount

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Hope Project. During May through August 2008, the BLM and the Duckwater discussed the MOU and efforts were made to consult with the Ely Shoshone Tribe.

In September 2008, BLM staff invited the Yomba Shoshone staff to participate in a field tour to the Mount Hope Project Area. The invitation was declined, but the Yomba asked for updates on the project.

On September 15, 2011, the BLM received a signed copy of the MOU for the Mount Hope Project from the Duckwater and signed it the next day on September 16, 2011. The agreement allows the BLM to share information with the Duckwater and establishes some preliminary terms for tribal monitoring throughout construction of the Project. The BLM is currently working with the Duckwater to make some small amendments to the terms of the MOU to reflect an anticipated state-wide information sharing agreement.

On August 30, 2012, the BLM and EML conducted a field tour for the representatives of the Duckwater at their request.

While formal consultation with tribes and tribal organizations is currently ongoing and will continue until Project completion, in general, Native Americans are concerned with the potential loss or disturbance of cultural sites. Any information on tribal resources in the study area would remain confidential and would not be available to the public.

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SURFACE MANAGEMENT REGULATIONS (43 CFR § 3809) PLAN OF OPERATIONS APPROVAL

INTRODUCTION

Eureka Moly, LLC's (EML) Plan of Operations (Plan) for the Mount Hope Project (Project), filed pursuant to 43 CFR § 3809, was filed with the Bureau of Land Management (BLM) in June 2006; with revisions filed in September 2006, June 2007, July 2008, January 2009, October 2009, January 2010, July 2010, January 2011, July 2011, and July 2012. The Project was assigned BLM case file number NVN-082096.

BLM has prepared a Final Environmental Impact Statement (EIS) (NV063-EIS07-019) that analyzed the affected environment, environmental impacts and developed mitigation measures associated with the Project. The Project is located approximately 23 miles north of the town of Eureka, Nevada. The Project is located in Townships 20, 21, 21.5, 22, and 23 North, Ranges 50, 51, 51.5, and 52 East, Mount Diablo Base and Meridian, Eureka County, Nevada. The Project area for the Plan excludes the area contained within the short term ROW (NVN-091272) and encompasses approximately 21,264 acres of public land and approximately 259 acres of private land for a total of approximately 21,523 acres. The Mount Lewis Field Office (MLFO) of the Battle Mountain District has been designated as the lead agency for the Project.

DECISION

It is my decision to approve the Plan of Operations (NVN-082096) including the specified applicant committed practices. The monitoring and mitigation measures specified on pages 16-26 of the Record of Decision shall become conditions of approval for this Plan. EML may only perform those actions that have been described in the Plan. EML must also comply with all other applicable federal, state, and local regulations, including obtaining all necessary permits from the Nevada Division of Environmental Protection (NDEP) and other federal, state, and local agencies, and fulfilling any other applicable FLPMA requirements before proceeding with this Project.

RECLAMATION COST ESTIMATE – FINANCIAL GUARANTEE REQUIREMENTS

Based on EML's reclamation cost estimate, the BLM in concurrence with the NDEP, has determined that the required financial guarantee amount is hereby set at \$73,360,363 for the 7,992 acres of surface disturbance on public and private lands associated with the first three years of operations for the Project (NVN-082096), as described in the Plan. The proponent must provide a financial guarantee in this amount using one or more of the acceptable financial guarantee instruments listed under 43 CFR § 3809.555.

Based on review of the reclamation cost estimate submitted by EML for the Plan, this office has determined a financial guarantee in the amount of \$73,360,363 must be filed and accepted by the

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Bureau of Land Management, Nevada State Office, Branch of Minerals Adjudication, 1340 Financial Blvd., Reno, NV 89502-7147. That office will issue EML a decision as to the acceptability of its financial guarantee. EML must not begin surface disturbing activities under the Plan until it receives notification from the BLM State Office that the financial guarantee has been adjudicated. Failure to do so may result in enforcement action being taken against EML.

LONG TERM FUNDING MECHANISM

Pursuant to the Guidelines for Establishing a Long Term Funding Mechanism (LTFM) and in accordance with 43 CFR § 3809.552(c), the BLM has determined that a LTFM will be required for post-reclamation obligations (including long-term monitoring and mitigation) associated with the closure process of the Mount Hope Project. The following specific methods have been incorporated into the cost estimate for the long-term funding mechanism:

- Reconstruction of evapotranspiration cells (ET cell) based on a one hundred year interval;
- ET cell fence replacement at one third of the total fence for five cells every twenty years;
- Analytical and labor costs for annual groundwater and surface water monitoring;
- Potentially acid generating waste rock disposal facility lysimeter engineering, installation, and evaluation;
- Costs for periodic road maintenance;
- Costs for meteorological data collection and reporting;
- Pit lake monitoring; and
- Annual inspections of ponds, fencing, revegetation, and other project elements are included.

The LTFM will include the establishment of a trust fund that is implemented through *The Mt. Hope Project Long-Term Irrevocable Trust* and the *Mt. Hope Project Long-Term Trust Agreement* (collectively “Agreements”). EML will fund the initial amount of the trust fund in the amount of \$271,912. The initial funding amount was calculated based on the projected costs of implementing the above-described post-reclamation requirement for approximately 500 years. Total cost of the mitigation and monitoring over the 500 year period is anticipated to be \$83,202,396. The creation and funding of the LTFM does not preclude BLM from requiring further reclamation, monitoring or mitigation pursuant to 43 CFR § 3809 should conditions warrant.

Funding requirements are currently being finalized and, upon acceptance by the BLM, all funding mechanisms must be put in place in accordance with the Agreements. Documentation of such funding shall be provided to the Bureau of Land Management, Nevada State Office, Branch of Minerals Adjudication, 1340 Financial Blvd., Reno, NV 89502-7147.

OTHER REQUIREMENTS

The surface occupancy proposed in association with this Project meets the conditions specified in the applicable regulations (43 CFR § 3715). BLM is in concurrence with the occupancy of the subject lands. EML must continue to comply with sections 3715.2, 3715.2-1, and 3715.5 of the

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regulations. If you are adversely affected by the surface occupancy approved as part of this decision, you may appeal to the IBLA under 43 CFR, Part 4. As the appellant you have the burden of showing that the decision appealed from is in error. This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. For further information, please see the appeal procedures listed below under 43 CFR § 2800 and 43 CFR § 3715 Appeal Statement.

EML must comply with applicable federal and state laws dealing with the storage and disposal of chemicals, petroleum, petroleum products, Resource Conservation Recovery Act (RCRA) Subtitle C hazardous wastes, and RCRA Subtitle D solid wastes. Under no circumstances can chemicals, petroleum, petroleum products, or RCRA Subtitle C hazardous wastes be disposed in solid waste disposal areas on the mine or mill site without the written approval of the NDEP.

EML must identify what waste products will be produced, whether the waste streams are hazardous or solid, and the disposal method and location. If hazardous wastes are generated, EML must obtain an U.S. Environmental Protection Agency generator identification number from NDEP and must manifest all shipments off site. Copies of the manifests must be available for the Authorized Officer's inspection.

Approval of the Project by BLM does not constitute a determination regarding the validity or ownership of any unpatented mining claims involved in the mining operation. Approval of the Project in no way implies the economic viability of the operation. Any modification to the Project must be coordinated with and approved by the Authorized Officer. Surface occupancy related to the Project is reasonably incidental to the mining operation.

This Decision is issued pursuant to 43 CFR § 3809.803. It is effective immediately and will remain in effect while appeals are pending before the Office of Hearings and Appeals (OHA) unless OHA grants a stay under §4.21(b) of this title. The Plan for the Project is hereby approved subject to the conditions of approval required to implement the Project in order to prevent unnecessary or undue degradation. EML must conduct operations as described in the Plan, meet the performance standards found at 43 CFR § 3809.420 and in accordance with all mitigation measures and conditions of approval.

43 CFR § 3809 APPEAL STATEMENT

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

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

no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in

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43 CFR § 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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

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

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

Request for a Stay

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

Standards for Obtaining a Stay

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

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

Approval of Issuance of Right-of-Way Grants

APPROVAL OF ISSUANCE OF RIGHT-OF-WAY GRANTS

INTRODUCTION

Eureka Moly, LLC's (EML) Plan of Development (POD) for the 230 kilovolt electrical power supply line described as part of the Proposed Action for the Mount Hope Project (Project), filed pursuant to 43 CFR § 2800, was submitted to the Bureau of Land Management (BLM) in January 2008; with a final revision filed in October 2012. The long term right-of-way (ROW) for the Mount Hope Project (Project) was assigned BLM case file number NVN-084632. In addition to the long term ROW, a second POD has been submitted to request a short term ROW to accommodate additional acreage needed for construction purposes. The short term ROW was assigned the BLM case file number NVN-091272.

The BLM has prepared a Final Environmental Impact Statement (EIS) (NV063-EIS07-019) that analyzed the affected environment, environmental impacts and developed mitigation measures associated with the Project. The Project is located approximately 23 miles north of the town of Eureka, Nevada. The Project is located in Townships 20 and 21 North, Ranges 52 and 53 East, Mount Diablo Base and Meridian, Eureka County, Nevada. The Mount Lewis Field Office (MLFO) of the Battle Mountain District has been designated as the lead agency for the Project.

DECISION

It is my decision to approve the Plans of Development (NVN-082096 and NVN-091272) including the specified environmental protection measures. The monitoring and mitigation measures specified on pages 16-26 of the Record of Decision shall become conditions of approval for these PODs. EML may only perform those actions that have been described in the PODs. EML must also comply with all other applicable federal, state, and local regulations, including obtaining all necessary permits from other federal, state, and local agencies, and fulfilling any other applicable FLPMA requirements before proceeding with this Project.

For each of the PODs, the BLM will issue a ROW grant. The issuance of these grants constitutes a final decision by the Bureau of Land Management in this matter. The grants will be subject to the terms and conditions contained therein.

FINANCIAL GUARANTEES

Based on the BLM's estimates of reclamation costs for the 88.7 acres of disturbance on public land associated with the short term ROW (NVN-091272) for the Mount Hope Project, as described in the applicable POD, the BLM has determined that the required financial guarantee amount is hereby set at \$287,496. The BLM has also determined, based on estimates of the reclamation costs of removal of the powerline infrastructure associated with the long term ROW (NVN-082096) for the Mount Hope Project, as described in the applicable POD, that the required financial guarantee amount is hereby set at \$1,037,694. The proponent must provide

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financial guarantees in these amounts using one or more of the acceptable financial guarantee instruments.

EML shall provide the Authorized Officer proof that bonds in the required amounts have been obtained prior to receiving a Notice to Proceed. The bonds must be maintained in effect until removal of improvements and restoration of the right-of-way authorizations have been accepted by the Authorized Officer. The Authorized Officer will review the bonds every three years, corresponding with the review of the financial guarantee required under the Mount Hope Project Plan of Operations Approval, as described above, to ensure adequacy of the bond amounts. The bonds will also be reviewed at the time of any assignment, modification, or renewal of the ROW grants. The Authorized Officer may increase or decrease the bond amounts at any time during the term of the right-of-way authorizations, consistent with the regulations.

OTHER REQUIREMENTS

The annual rent, which was determined in accordance with regulations found at 43 CFR § 2806.20 for the remainder of 2012, has been received by this office.

The monitoring fee for this ROW, which was determined to be a Category 6 under regulations found at 43 CFR § 2804.20, has been received by this office.

43 CFR § 2800 AND 43 CFR § 3715 APPEAL STATEMENT

In general, a decision of the BLM is not effective during the time in which an adversely affected person may file a notice of appeal (43 CFR § 4.21(a)(1)). However, according to regulation, BLM decisions issued under 43 CFR, Part 2800 are and remain in effect pending appeal (43 CFR § 2801.10(b)). Since this right-of-way decision is issued under 43 CFR, Part 2800, it is in full force and effect as of the date of issuance. This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at 50 Bastian Road, Battle Mountain, NV 89820, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. This decision will remain in full force and effect during the appeal unless a written request for a stay is granted.

If you wish to file a petition pursuant to regulations at 43 CFR § 2801.10 or 43 CFR § 2881.10 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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Standards for Obtaining a Stay

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

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

Form 1842-1 Information on Taking Appeals to the Interior Board of Land Appeals

Form 1842-1
(September 2005)

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

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

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).		
2. WHERE TO FILE NOTICE OF APPEAL	US Dept of the Interior Bureau of Land Management 50 Bastia Road Battle Mtn. NV 89820		
WITH COPY TO SOLICITOR	Regional Solicitor US DOI 6201 Federal Building 125 S. State St Salt Lake City, UT 84138-1180		
3. STATEMENT OF REASONS	Within 30 days after filing the Notice of Appeal, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).		
WITH COPY TO	Regional Solicitor US DOI 6201 Federal Building 125 S. State St Salt Lake City, UT 84138-1180	And	US Dept of the Interior Bureau of Land Management 50 Bastia Road Battle Mtn. NV 89820
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.		
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).		
6. REQUEST FOR STAY	<p>Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and <i>Petition for a Stay</i> must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.</p> <p>Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.</p>		

Form 1842-1 Information on Taking Appeals to the Interior Board of Land Appeals

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

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

43 CFR SUBPART 1821--GENERAL INFORMATION

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

STATE OFFICES AND AREAS OF JURISDICTION

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

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

(Form 1842-1, September 2005)