

ARTURO MINE PROJECT
RECORD OF DECISION,
PLAN OF OPERATIONS AMENDMENT APPROVAL,
AND
APPROVAL OF ISSUANCE OF RIGHT-OF-WAY GRANTS

Arturo Mine Project
Final Environmental Impact Statement

3809 Plan of Operations, NVN-087946
2800 Right-of-Way (Bootstrap Haul Road), NVN-092787
2800 Right-of-Way (NV Energy), NVN-092976

BLM/NV/EK/EIS/12-18+1793
BLM/NV/EK/EIS/14-01+1793

U.S. Department of the Interior
Bureau of Land Management
Elko District
Tuscarora Field Office
3900 Idaho Street
Elko, NV 89801

RECORD OF DECISION, PLAN OF OPERATIONS APPROVAL, and APPROVAL OF
ISSUANCE OF RIGHT-OF-WAY GRANTS are approved:

/s/

Richard E. Adams
Tuscarora Field Manager

5/7/2014

Date Signed

RECORD OF DECISION

Barrick Dee Mining Venture
Arturo Mine Project
Final Environmental Impact Statement
BLM/NV/EK/EIS/14-01+1793

PREPARED BY:
Bureau of Land Management
Elko District
Tuscarora Field Office
Elko, Nevada

COOPERATING AGENCIES:
Elko County Commissioners
Nevada Department of Wildlife

INTRODUCTION

The Elko District, Tuscarora Field Office, of the Bureau of Land Management (BLM) prepared an Environmental Impact Statement (EIS) for the Arturo Mine Project. The Arturo Mine Project consists of the plan of operations for a mining expansion of the Dee Gold Mine. The Arturo Mine Project has two right-of-way actions, which are connected actions and therefore, are also analyzed in this EIS. The Final EIS was issued on March 14, 2014. As provided by Section 102(c) of the National Environmental Policy Act of 1969 (NEPA), the BLM prepared an EIS with respect to the proposed Arturo Mine Project. A Draft EIS was released to the public on January 18, 2013. The Arturo Mine Project Plan of Operations was submitted to the BLM Tuscarora Field Office pursuant to the Surface Management Regulations, Title 43 Code of Federal Regulations (CFR) Part 3809. BDMV also submitted a right-of-way application modification of the Bootstrap Haul Road. NV Energy submitted a right-of-way application for a 120 kV overhead electric power transmission line for the proposed Arturo Mine Project. These rights-of-way applications were submitted to the BLM pursuant to the Right-of-Way Regulations, Title 43 CFR Part 2800 and Title V of the Federal Land Policy and Management Act (FLPMA). The proposed Project is located in the northern end of the Carlin Trend within Elko County, Nevada, approximately 27 aerial miles northwest of the town of Carlin, Nevada and approximately 45 miles northwest of Elko Nevada.

The proposed Arturo Mine Project is an expansion of the existing Dee Gold Mine, which currently is in reclamation and closure. The Project will contain the following major components: expansion of the existing open-pit; construction of two new waste rock disposal facilities (WRDFs) (the East and West WRDFs); construction of a new heap leach pad (Heap Leach Pad No. 12) and associated gold processing facilities; upgrading and re-aligning segments of the Bootstrap Haul Road, including light vehicle access; construction and/or relocation of support facilities, including office buildings and a communication site; construction and installation of a new power transmission line; and continued surface exploration within the

project area. The construction and operation of the proposed open pit, WRDFs and heap leach pad will permanently alter the natural topographic and geomorphic features over approximately 2,123 acres, including 601 acres of open pit that will not be reclaimed. The WRDFs and heap leach pad will be reclaimed but will alter the topography and geomorphology at the mine site. Other temporary facilities including approximately 651 acres of stockpiles, process facilities, ancillary facilities, and haul roads will be reclaimed to the approximate pre-mining topography and therefore will not permanently alter the natural topography and geomorphic features.

Mine operations will begin within 8 months of construction start-up, and will continue for approximately 8 years depending on mining and economic conditions. Ore processing will continue for an additional 2 years beyond the end of mining operations. To the extent possible reclamation will occur concurrently with mining operations. Final reclamation will be completed during a 4-year period following cessation of mining closure and reclamation activities. The Proposed Action will disturb a total of 2,774 acres, of which 2,703 acres are public lands administered by the BLM Tuscarora Field Office and 71 acres are private land. The proposed surface disturbance will include 269 acres of existing disturbance, 543 acres of reclaimed mining disturbance, and 1,962 acres of new disturbance. These surface disturbance acreages include the construction of the overhead electric power transmission line and substation. The Project will employ approximately 240 people, consisting of employees and contractors.

The BLM determined an EIS was required to analyze the proposal. Three alternatives to the Proposed Action were considered for detailed analysis in the environmental impact statement (EIS): the Single WRDF, Partial Pit Backfill, and the No Action alternatives. Five other alternatives were considered but eliminated from detailed analysis. As a result of the analysis, the BLM determined the preferred alternative is the Proposed Action.

The Bureau of Land Management (BLM) initiated the public scoping process by publishing a Notice of Intent to prepare an EIS in the Federal Register (FR) on June 21, 2010 (FR Volume 75, Number 118). Public scoping meetings were held on July 6, 2010, in Owyhee; July 7, 2010, in Battle Mountain; and July 8, 2010, in Elko, Nevada, to obtain input on issues and concerns to be evaluated in the EIS. The public scoping meetings were conducted in an open house format. Attendees were provided information about the project and given an opportunity to ask resource specialists and BLM representatives questions, as well as express their concerns. A Notice of Availability for the Draft EIS (BLM/NV/EK/ES/12-18+1793) was published in the *Federal Register* on January 18, 2013 (Vol. 78, No. 13/January 18, 2013/Pages 4165-4166). A public meeting was held in Elko, Nevada on February 6, 2013. The 45-day comment period ended on March 4, 2013. A Notice of Availability for the Final EIS (BLM/NV/EK/ES/14-01+1793) was published in the *Federal Register* on March 14, 2014 (Vol. 79, No. 50/Friday, March 14, 2014/Page 14530 -14531).

The Final EIS is an abbreviated EIS and, therefore, must be used in conjunction with the Draft EIS. The Final EIS includes comments on the Draft EIS, response to comments on the Draft EIS, and revisions or errata to the Draft EIS.

RECORD OF DECISION

Based on the analysis in the Arturo Mine Project EIS, the Proposed Action, as it is described in Chapter 2 of the Draft and Final EIS, to the extent that the proposal involves or impacts public land as provided for by the 43 CFR 3809 and 3715 Regulations is approved. The Proposed Action, as it is described in Chapter 2 of the Draft and Final EIS regarding the construction and implementation of the proposed overhead electric power transmission line (NVN-092976), to the extent that the proposal involves impacts to public land as provided for by Title V of FLPMA and the 43 CFR 2800 Regulations for Rights-of-Ways (ROW) are also approved. The Bootstrap Haul Road ROW (NVN-092787) is approved. This approval provides for use of the public land necessary for the major aspects of the Arturo Mine Project Plan of Operations proposal, including the following:

- The proposed project will be an expansion of the existing Dee Gold Mine, which was operated by the Dee Gold Mining Company under Plan of Operations (PoO) NVN-070250; the Dee Gold Mine currently is in reclamation and closure. The project is proposed by BDMV, a joint venture between Barrick Gold Exploration Inc., the venture manager, and Marigold Mining Company, a subsidiary of Goldcorp Inc.
- The proposed project will be developed primarily on public lands that consist of either: 1) existing disturbance by authorized mining activity, 2) disturbance by authorized mining activity that has been subsequently reclaimed, or 3) land that remains undisturbed. The proposed project also will take place on previously disturbed and undisturbed private land controlled by BDMV or an affiliated company. The proposed project will disturb a total of 2,774 acres of public and private land including 269 acres of existing disturbance; 543 acres of reclaimed mining disturbance' and 1,962 acres that will result in new land disturbance.
- Expansion of the existing open pit.
- Construction of new waste rock disposal facilities (WRDFs).
- Construction of a new heap leach pad and gold processing facilities.
- Upgrading and re-aligning segments of the Bootstrap Haul Road, including light vehicle access.
- Construction and/or relocation of support facilities, including office buildings and a communication site.
- Construction and installation of a new power transmission line (NVN-092976); and
- Continued surface exploration within the project area.
- Mill-grade ore will be transported via the Bootstrap Haul Road right-of-way (ROW) NVN-092787 and processed by contract at the existing Barrick Goldstrike Mines Inc. (BGMI) facilities located approximately 3.5 road miles southeast of the Dee Gold Mine.
- Low-grade leachable ore will be processed on-site at the proposed heap leach pad and associated processing facilities.
- Proposed project construction will begin in Spring 2014 pending authorization of permits and approvals. Mine operations will begin within eight months of construction start-up, and will continue for approximately eight years depending on mining and economic conditions.
- Ore processing will continue for an additional 2 years beyond the end of mining

operations. To the extent possible, reclamation will occur concurrently with mining operations. Final reclamation will be completed during a 4-year period following cessation of mining.

- Post-closure monitoring by the Nevada Division of Environmental Protection (NDEP)-Bureau of Mining Regulation and Reclamation (BMRR) may continue for up to 30 years following completion of processing according to current regulations. The duration of the BLM's post-closure monitoring will depend on the project's final closure plan and its implementation.
- The proposed PoO boundary, within which most of the mining facilities and activities are proposed, consists of unpatented mining claims located on public land administered by the BLM. Other proposed elements of the project area (Bootstrap Haul Road, power connection yard, power transmission line corridor, and a portion of the secondary access road entrance) will be located on a combination of BLM land and private land. Figure 1-2 in the Draft EIS provides an overview of the surface land ownership of the proposed project area.
- Subpart 3715 of 43 CFR identifies the requirements for “use and occupancy of public lands for the development of locatable mineral deposits by restricting such use or occupancy to that which is reasonably incident.” BDMV is required to meet the specific conditions outlined in 43 CFR Subpart 3715.3-2, as the Proposed Action will disturb a total of 2,703 acres of public land administered by the BLM.
- The proposed PoO boundary will be fenced and/or signed to restrict public access. Access to the proposed PoO boundary will require permission from BDMV in order to protect the public from potentially hazardous situations and to protect the mine facilities and equipment from vandalism or damage. Fences and signs will be approved by the BLM.
- The occupancy and use requirements of this PoO do not allow individuals to live on-site.
- Areas where facilities will be located outside the main PoO boundary, which include the proposed Bootstrap Haul Road, power connection yard, power transmission line corridor, and secondary access road generally will be open to public access.
- The mine will utilize consistent lighting mitigation measures that follow “Dark Sky” lighting practices. The mine will use effective lighting with screens that do not allow the bulb to shine up or out. All proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance. All lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from adjacent parcels or areas. A lighting plan will be submitted indicating the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan. Any required FAA lighting should be consolidated and minimized wherever possible.
- Existing utility corridors, roads and areas of disturbed land shall be utilized wherever possible. Proliferation of new roads shall be avoided.
- The mine will utilize consistent mitigation measures that address logical placement of improvements and use of appropriate screening and structure colors. For example, the use of compatible paint colors on structures reduces the visual impacts of the built environment. Using screening, careful site placement, and cognitive use of earth-tone

colors/materials that match the environment improve the user experience for others who might have different values than what is fostered by built environment activities.

Applicant Committed Environmental Protection Measures and Reclamation Plan:

During construction and operation of the proposed Arturo Mine Project, BDMV will implement applicant-committed measures to minimize or mitigate impacts to air, land, water, wildlife, and cultural resources and to prevent undue or unnecessary degradation of the environment as part of the proposed project's standard operating procedures. The following sections describe BDMV applicant-committed measures. Some of the measures are mandated by regulatory requirements while others are project specific. All applicant-committed measures will comply with appropriate federal and state requirements including air quality, water quality, hazardous waste, and solid waste standards.

- Unavoidable adverse effects to 29 archaeological sites eligible for inclusion on the National Register of Historic Places will be or have been mitigated through implementation of a Historic Properties Treatment Plan and in accordance with the Memorandum of Agreement developed by the BLM Elko District Office in consultation with the Nevada State Historic Preservation Office (SHPO) as discussed in Section 3.5, Cultural Resources in the Draft EIS. There will be an opportunity for Native American monitors to be present during data recovery. The BLM and SHPO-approved Historic Properties Treatment Plan will be implemented prior to the BLM issuing a notice to proceed.
- If human remains/burials or previously unidentified cultural resources are discovered during ground-disturbing activities associated with the proposed project, BDMV will immediately cease activities within 300 feet of the discovery, ensure that the discovery is appropriately protected, and immediately notify the BLM Authorized Officer by telephone, followed by written confirmation. Work will not resume and the discovery will be protected until the BLM Authorized Officer issues a Notice to Proceed.
- BDMV will take care to ensure that employees, contractors, or others associated with the proposed project do not damage, destroy, or vandalize archaeological and historical sites or the artifacts within them.
- To the extent practicable and economically and technically feasible, survey monuments, witness corners, and/or reference monuments will be protected against unnecessary or undue destruction, obliteration, or damage. Public land survey system monuments will be protected and preserved in accordance with Nevada BLM (IM-NV-2007-003). If, in the course of operations, monuments, corners, or accessories are destroyed, BDMV will immediately notify the BLM Authorized Officer.
- The proposed project will comply with the statutes governing spill prevention and emergency response including the Clean Water Act, Section 311; CERCLA, Section 103; Emergency Planning and Community-Right-to-Know Act of 1986; or Title III of the Superfund Amendments and Reauthorization Act, Section 304. Examples of measures taken to address the requirements include:
 - BDMV will notify appropriate federal, state and local agencies of the facility status, as required under the regulations.
 - BDMV will submit copies of Material Safety Data Sheets, a list of those materials

defined as hazardous under the Occupational Safety and Health Administration (Hazard Communication Standard that are present in excess of 10,000 pounds or in amounts greater than the threshold planning quantities for extremely hazardous substances, and other required documents to state and local emergency planning committees and local fire departments.

- BDMV will submit to the State Fire Marshall an annual inventory of regulated materials stating the maximum amounts of those materials stored on the property at any given time throughout the calendar year, estimates of average daily amounts of those materials, and document the location of those materials at the facility. Reporting, notification, and other plans supplied to the local, state, or federal authorities under Emergency Planning and Community-Right-to-Know Act will be made available to the public.
- If a hazardous substance is released in an amount greater than the CERCLA-established reportable quantity, BDMV will report the release to the National Response Center and to state and local authorities, as required by the regulations.
- BDMV submitted a spill contingency plan as part of the PoO. The spill contingency plan will be maintained and updated, as needed, throughout the life of the proposed project. This plan describes the system that will be used for the prevention, response, containment, safe cleanup, and reporting of spills or discharges of substances that potentially may degrade the environment. The procedures outlined in this plan will apply to potential leaks and spills that remain within the boundary as well as spills that flow off-site.
- Chemicals will be stored and handled in accordance with manufacturer's recommendations and state regulations. The Material Safety Data Sheets for chemicals used at the proposed project will be kept at locations that are accessible to the working personnel in accordance with the Occupational Safety and Health Administration Hazard Communication Standard.
- Section 3.4, Water Resources and Geochemistry in the Draft EIS, describes the proposed waste rock management plan submitted to BLM as part of the Plan of Operation. The location of PAG waste rock (material that could contribute to ARD and/or metal loading) will be identified during mining and managed according to the waste rock management plan.
- Geochemical assessment of the waste rock for PAG properties will be a continuing process conducted in phases in order for data collection to be tailored to address issues specific to each stage of the mine life. Waste rock information and management measures will include:
 - Data have been and will continue to be collected for site-specific ARD and metal loading characteristics of the waste rock material. The ongoing testing program could include both static and kinetic testing.
 - Data will be analyzed to estimate the long-term behavior of mine waste considering climatic and other site-specific factors that may affect release and transport of acid and metals. Ongoing assessment of the ARD and metal loading risk based on available test results will be completed over the mine life to refine the long-term prediction models.

- Waste rock characterized as PAG will be managed in accordance with the waste rock management plan described in Section 3.4, Water Resources and Geochemistry in the Draft EIS.
- Monitoring as outlined in the waste rock management plan submitted with the Plan of Operation will be implemented throughout the mine life to compare monitoring results to predictions, and assess the success of prevention, containment, and treatment measures in order to modify mitigation options, as needed. The waste management plan will be updated periodically as information becomes available or changes made to the Proposed Action that will affect water and other resources (e.g., WRDF design change, change in waste rock characterization data). Monitoring and assessment will be conducted during operations, and through the post-closure period.
- Appropriate air quality permits will be obtained from the NDEP-Bureau of Air Pollution Control (BAPC) for the new proposed project facilities and surface disturbance. As required by BAPC regulations, the proposed project air quality operating permit will be authorized by the BAPC prior to proposed project construction.
- Committed air quality practices will include dust control for mine unit operations as required by the air quality permits and BDMV's Fugitive Dust Control Plan submitted to BLM as part of the PoO. Dust control may include water application on haul roads and other disturbed areas; chemical dust suppressant application (such as magnesium chloride, calcium chloride, or lignin sulfate), where appropriate; and other dust control measures based on accepted and reasonable industry practice.
- Temporary disturbance areas (e.g., growth media stockpiles, etc.) will be seeded with an interim seed mix, and concurrent reclamation will be implemented on completed portions of the waste rock disposal facilities, thereby minimizing fugitive dust emissions.
- BDMV will install air controls on stationary equipment used in the process. Table 2-10 in the Draft EIS provides a summary of the locations and control devices expected for the proposed project.
- As described in Section 2.3.6.9, Storm Water Management Facilities in the Draft EIS, the SWPPP provides for BMPs to limit erosion and reduce sediment in precipitation runoff from proposed project facilities and disturbed areas during construction, operations, and closure. Revegetation of disturbed areas will reduce the potential for wind and water erosion. Following construction activities, areas such as growth media stockpiles will be seeded as soon as practical and safe. Concurrent reclamation will be maximized to the extent practical to accelerate revegetation of disturbed areas to reduce erosion potential.
- Process facilities will be designed, constructed, and operated in accordance with NDEP regulations, BLM 43 CFR 3809 regulations, and the BLM Cyanide Management Plan. The proposed heap leach pad facilities will be designed and operated as zero-discharge facilities, with a composite liner system in accordance with NDEP criteria.
- BDMV will manage draindown fluid in a manner that protects water resources. As described in Section 2.3.3, Waste Rock Disposal Facilities in the Draft EIS, TD1 will be covered by 50 feet of waste rock as part of the construction of the West WRDF. TD1 draindown currently has diminished to a flow rate too low to be measured. As waste rock is placed over TD1 the draindown rate may temporarily increase. While waste rock is being placed, BDMV will monitor the draindown rate by recording the fluid level in the

existing standpipe piezometer. If the fluid level were to rise to a level that risked overflow of the existing containment liner, stacking of waste will be halted, or the fluid will be removed to prevent overflow.

- Surface water and groundwater monitoring will be conducted in accordance with monitoring plans prepared by BDMV to ensure compliance with permit criteria and to provide for early identification of potential impacts. If monitoring wells go dry, the monitoring program will be re-evaluated in coordination with the NDEP and BLM. BDMV submitted a site wide monitoring plan for the proposed project to the BLM as part of the Plan of Operations as discussed in Section 2.3.9.15, Monitoring in the draft EIS. The detailed water monitoring plan will be prepared prior to issuing the Final EIS and will be reviewed and updated annually to reflect changes in surface water and groundwater resources monitoring locations in the proposed project vicinity.
- Surface and ground water quality analyses will follow protocols according to BLM NV-IM-2008-032 and BLM NV-IM-2013-046.
- The desired outcome for Sage Grouse and Mule Deer mitigation is to produce a functioning and sustainable habitat (based on plant density and diversity). The evaluation criteria to determine success is to examine the rehabilitated area 3 years after seeding. The test areas will be evaluated for the establishment of one seeded big sagebrush and 3 to 5 seeded grass or forb species per 10 square foot. If this criterion is not satisfied, BDMV will engage in re-seeding.
- Mineral exploration and development drill holes, production wells, and monitoring wells will be closed in accordance with Nevada Revised Statute 534 when no longer in use to prevent contamination of groundwater resources.
- Suitable growth media will be identified and stockpiled during the development of the open pit for subsequent use in reclamation. As described in Section 2.3.8.4, Cover Material in the Draft EIS, selective salvage of the Carlin Formation will serve as the primary growth media cover material for the proposed project.
- Following stripping, growth media for cover material will be stockpiled within the proposed disturbance areas or within the four areas designated for growth media stockpiles (Figure 2-2 in the draft EIS). Growth media stockpiles will be located such that mining operations will not disturb the stockpiles. The surfaces of the growth media stockpiles will be shaped after construction with slopes no steeper than 2.5H:1V to reduce erosion. To further minimize wind and water erosion, the growth media stockpiles will be seeded with an interim seed mix after shaping. The proposed interim seed mix is presented in Appendix A in the Draft EIS. 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 straw bales, will be used as necessary to contain sediment liberated from direct precipitation. Alternately, the growth media may be transported to and redistributed on mine-related surface disturbance areas undergoing concurrent reclamation, such as WRDFs.
- The introduction and spread of noxious weeds in proposed project-related disturbance areas will be minimized through the implementation of an approved Weed Management Plan. The plan integrates weed prevention and control techniques into a program that includes:

- Awareness and education;
 - Prevention and detection;
 - Inventory and record keeping;
 - Integrated biological (e.g., introduction of weed control insects), chemical (e.g., herbicide use), cultural (e.g., grazing and pasture maintenance practices) and mechanical control (e.g., burning, mowing, cutting); and
 - Monitoring and evaluation.
- It is anticipated that the plan will be updated throughout the life of the proposed project and that noxious weed management will continue through the reclamation period of approximately 4 years while vegetation is being re-established. Weed management could continue longer depending on vegetation monitoring results. Any chemicals used for the weed management program will conform to applicable regulations.
 - Employees and contractors will be educated to identify noxious weeds that could occur in the proposed disturbance areas. BDMV will report occurrence of noxious weeds to the BLM and take appropriate measures to prevent the spread of noxious weeds. BMPs include the following:
 - Seeding growth media stockpiles as soon as practical with an interim seed mix;
 - Using certified weed-free hay and straw; and
 - Using an approved certified weed-free seed mix to reduce invasive species over time by developing and maintaining desired plant communities.
 - The mine site will be surrounded by a BLM-approved 4-strand range fence, with 3-barb strands and a smooth bottom strand, to facilitate wildlife movement in the area (Section 2.3.6.8, Fencing in the Draft EIS). In accordance with NDOW specifications, an 8-foot-high wire mesh fence will be constructed around process ponds to minimize exposure of wildlife to process solutions.
 - The design of the proposed WRDFs has been refined to minimize disruption to mule deer migration (Section 2.4, Alternatives to the Proposed Action in the Draft EIS), through such methods as shape (paralleling rather than crosscutting valleys), final contouring of topography, and timing of waste rock placement and reclamation.
 - Netting, pond covers, or floating “bird balls,” as appropriate, will be installed over ditches and ponds that will contain exposed process solutions to minimize potential impacts to volant (flying animals) and terrestrial wildlife species. In addition, the heap leach pads will be scarified to minimize ponding and pooling of process solutions.
 - To minimize raptor electrocutions and collision potential, the power transmission line will be designed and constructed in accordance with Avian Powerline Interaction Committee guidelines, including *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* and *Mitigating Bird Collisions with Power Lines: The State of the Art in 1994*.
 - To protect nesting birds, removal of migratory bird habitat on currently undisturbed lands in the project area will be avoided to the extent possible between March 1 and July 31 to comply with the Migratory Bird Treaty Act. Should removal of habitat be required during this period, BDMV will coordinate with the BLM and NDOW to conduct breeding bird surveys and implement appropriate mitigation, such as buffer zones around occupied nests, as needed.

- In the event that initiation of the proposed project should occur during the raptor nesting season (March 1 through July 31), a raptor survey will be conducted, and appropriate mitigation measures, such as buffer zones around occupied nests, will be developed and implemented, as needed.
- To minimize wildlife/vehicle-collision impacts during project operations, BDMV will require a mandatory employee education program for all personnel.
- Implementation of BDMV's closure plan will minimize long-term habitat impacts for wildlife resources through the re-establishment of forage habitat.
- The proposed project is located within the Twenty Five Grazing Allotment (Section 3.16, Range Resources in the Draft EIS). BDMV will assure livestock activities could safely continue during construction and operation of the proposed project. BDMV will implement cattle movement measures during the construction phase of the project and maintain them during the operations phase. The final closure plan developed within 2 years of the close of the proposed project will be coordinated with the permittee and BLM and will address the final disposition of facilities associated with the measures in the long-term. BDMV will commit to the following measures that were developed through discussions with the Twenty Five Grazing Allotment permittee and the BLM:
 - BDMV will establish cattleguards and associated fencing as shown in Figure 2-2 in the Draft EIS to prevent cattle from wandering into PoO area or roads. A proposed southern cattleguard and associated fence will be installed across the Boulder Valley Road approximately 2 miles south of the primary access to the site. The southern cattleguard and fence will tie into the proposed project fence and existing allotment fence in a manner that will prevent cattle in southern pastures from wandering north onto the road or into mining areas.
 - On the northern end of the Plan of Operations boundary, an existing cattleguard located approximately 1 mile north of the primary access to the site across the Boulder Valley Road will be augmented with new fence that will tie into the proposed project fence and existing allotment fence. The northern cattleguard and fence system will be installed to prevent cattle in southern pastures from wandering south onto the road or into mining areas.
 - BDMV will provide measures for cattle to be safely moved between the north and south pastures twice per year. The specifics of the measures will be worked out with the Twenty Five Grazing Allotment permittee and the BLM prior to the seasonal drives that normally take place over a period of 3 to 4 days. The measures to facilitate movement could include (but will not be limited to) building temporary barriers across the Bootstrap Haul Road to keep cattle in the driveway, temporary blocks across the primary access to the site, and addition of permanent fencing along the driveway that generally parallels the Boulder Valley Road. Temporary barriers could include temporary gates, fencing, and wood slats.
 - BDMV will provide water for cattle management at two locations during cattle movement. BDMV may choose to supply the water by drilling a well, by conveying water from the proposed project area by a pipeline, or by trucking water to a tank. Figure 2-2 in the draft EIS shows the cattle water supply locations as a proposed well. One water supply location will be east of the proposed East WRDF and one is located

south of the proposed project area near the Bell Creek substation. In the case where a well is drilled to supply the water, BDMV will supply a pump and electrical connection point for a generator (to be supplied by the grazing permittee).

- The proposed project will operate in conformance with MSHA safety regulations (30 CFR 1-199). BDMV will comply with applicable federal and state fire laws and regulations and will take reasonable measures to prevent and suppress fires in the area of operations.
- The mine design includes evaluation and consideration of the potential for both kinematic and mass failures under static and seismic conditions and the consequences of such failures. Geotechnical monitoring consisting of geologic structure mapping, groundwater monitoring, and slope stability analyses will be conducted during active mining to assist in optimizing final pit designs. Slope movement monitoring during operations and during the reclamation period will be implemented to evaluate the safety of the open-pit highwalls. In addition, operational procedures for controlling blasting will contribute to stable pit walls during mining operations.
- The proposed project facilities have been designed to facilitate closure and reclamation at the cessation of operations. As described in Section 2.3.8, Closure and Reclamation Plan in the draft EIS, post-mining land use and reclamation goals include constructing stable land forms that blend with existing topography. Reclamation completed concurrently with operations will contribute to limiting impact to visual resources.
- BDMV will train employees, contractors, and other personnel as required by permits and regulations governing the proposed project to develop awareness and understanding of environmental and cultural obligations. An employee training plan will be maintained by BDMV to ensure training obligations will be met during construction, operation, and closure phases of the proposed project to limit impacts to environmental and cultural resources.
- All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions of Chapters 533 and 534 of the Nevada Revised Statutes (NRS), and not otherwise. No use of surface water or groundwater is to occur unless a permit is issued for such, or a waiver for groundwater use for mining and milling exploration is granted by this office. Any water or monitor wells, or boreholes that are proposed to be drilled within the described lands are the ultimate responsibility of the entity allowing the drilling to occur and must be plugged and abandoned as required in Chapter 534 of the Nevada Administrative Code. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).
- Any proposed activity must consider the owners of active water rights on Boulder Creek and must not have any adverse effect on current water right holders downstream of the proposed project.
- Any construction, reconstruction or alteration of old structures or dams in this state shall, before beginning construction, obtain from the State Engineer a permit to appropriate, store and use the water to be impounded by or diverted by the dam. If the proposed dam is or will be 20 feet or more in height, measured from the downstream toe to the crest of the dam, or is less than 20 feet in height and will impound more than 20 acre-feet of water, must submit to the State Engineer in triplicate plans and specifications thereof for

his approval in accordance with Nevada Revised Statute Chapter 535 and Nevada Administrative Code Chapter 535 prior to construction is to begin.

- BDMV submitted a site-wide monitoring plan for the proposed project to the BLM as part of the PoO. The site-wide monitoring plan establishes that BDMV will monitor components of the Proposed Action in conformance with federal and state requirements. Table 2-11 in the draft EIS summarizes the proposed site-wide monitoring plans.

MONITORING AND MITIGATION PLAN

Introduction

This Arturo Mine Project Monitoring and Mitigation Plan ("Plan") elaborates on the monitoring, mitigation, and conservation measures referenced in the resource sections of the Draft Environmental Impact Statement (Draft EIS) prepared for the Arturo Mine Project (Project). The monitoring and mitigation measures discussed in this Plan cover the range of impacts of the proposed Project. The Plan does not include monitoring or mitigation for impacts already addressed by the applicant-committed protection measures described in the Draft EIS. Additionally, the Plan does not specifically include monitoring and mitigation measures associated with required permit programs. Additional mitigation measures may be required upon review of monitoring results.

In response to comments received on the Draft EIS, and further evaluation, this Plan revises and provides additional detail for certain monitoring and mitigation measures that were described in the Draft EIS, and proposes certain additional monitoring and mitigation measures not originally included in the Draft EIS. Some contingent mitigation measures may require future permitting or National Environmental Policy Act (NEPA) analysis at the time of design and prior to implementation.

The following Bureau of Land Management (BLM) or State of Nevada plans are incorporated herein by reference: Weed Management Plan, Reclamation Plan, Waste Rock Management Plan, Stormwater Pollution Prevention Plan, Spill Contingency Plan, Water Pollution Control Permit Application, and Dust Control Plan.

The Council on Environmental Quality Regulations (40 Code of Federal Regulations [CFR] §§ 1500-1508) for Implementing the Procedural Provisions of NEPA define mitigation (40 CFR §§ 1508.20) as follows:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree of magnitude of the action and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- Compensating for the impact by replacing or providing substitute resources or environments.

Monitoring and Mitigation Measures

The following sections describe monitoring and mitigation measures associated with the environmental impacts identified in the Arturo Mine Project Draft EIS. The description of each monitoring and mitigation measure identifies the potential impact addressed by the measure, a description of the measure, and the measure's effectiveness. Note that specific contingent mitigation measures may require future permitting or NEPA analysis prior to implementation.

Water Resources and Geochemistry – Facility and Waste Rock Disposal Facility Monitoring Potential Impact

Surface and groundwater monitoring for the Arturo Mine Project utilizes the monitoring required for Nevada state water pollution control permits. Details regarding the water pollution control permit's monitoring program are provided in Appendix B (Monitoring Plan) of the Arturo Mine Project Plan of Operations and Reclamation Permit Application. The following major Project facilities: West Waste Rock Disposal Facility (WRDF); East WRDF; Heap Leach Pad; and Process Ponds could impair surface and groundwater resources and impact public land.

Monitoring and Mitigation Measure SW-1

Monitoring

Surface water and shallow groundwater will be monitored to evaluate potential impacts of process facilities. Surface water will be monitored utilizing the methodology outlined in Arturo Mine Project Plan of Operations and Reclamation Permit Application to determine if contaminants are leaking from process facilities.

Surface water quality monitoring specifically will include the seeps and other features outlined in the Section 3.4, Water Resources and Geochemistry – Seep and Spring Data in the Draft EIS, as well as the new location on Antelope Creek between existing Boulder Valley Monitoring Plan (BVMP) locations ANT-1 and ANT-2. The new Antelope Creek station will be placed to monitor surface water quality from the ephemeral drainages down-gradient of the WRDF. **An additional site for monitoring surface water quality was established for Boulder Creek between the Elko - Eureka County line and the confluence of AR05 to Boulder Creek (Figure 3.4-2, Appendix A).**

Potential water quality impacts to groundwater will be monitored using seven shallow proposed monitoring wells (MW-1 through MW-7) down-gradient of each major process facility. Figure B-1 in the Final EIS shows the approximate locations of the monitor wells. These wells are situated to monitor impact of perched and shallow, discontinuous alluvium aquifers within the project area. These proposed sites are situated down-gradient from proposed major process facilities. Wells will be monitored for groundwater elevation and water samples analyzed for Nevada Division of Environmental Protection (NDEP) Profile I constituents (NV-IM-2013-046). The major ions sulfate and/or nitrate will be utilized as chemical indicators in groundwater and baseflow discharge for Boulder Creek. Major ions such as sulfate and /or nitrate move at a faster rate than metals and metalloids, including arsenic and antimony. The presence of these major ions in greater than baseline concentrations will provide an indication that chemical movement is occurring. This will allow ample time to identify the source of release and mitigate the impact before more harmful materials and/or metals could occur.

Should results of chemical analysis of either surface water and/or groundwater samples be found to exceed Profile I criteria or aquatic life standards for toxic materials applicable to designated water for the state of Nevada (NAC 445A.1236), then the following procedure will be

implemented.

- The BDMV will verbally report results to the BLM and the NDEP within 3 working days of analyzing data and follow up with written verification.
- After verbal notification has been provided, the BDMV will institute accelerated (i.e. monthly sampling) of those monitoring sites which show preliminary indications of impacts. While the entire Profile I suite of analyses will be run for water samples, the compounds of interest are nitrate and/or sulfate which behave indicator markers of potential contaminant movement.
- If, after 3 months, this accelerated monitoring program shows continued evidence of exceedances, BDMV will conduct a site investigation to determine the source and develop a plan to correct or remediate the source. Within 6 months of determination of an environmental impact, BDMV will provide a written report to the BLM and the NDEP which describes the source of the environmental impact and the proposed remediation. The mine plan will be amended if appropriate.
- BDMV will implement the remediation plan within 90 days after acceptance by the BLM and the NDEP and completion of any required NEPA. After the corrective measures have been implemented, BDMV will provide a report to the BLM and the NDEP within 60 days, documenting the measures which were taken to remediate the impacts. This report will include "as-built" drawings showing any substantial modifications to the facilities. BLM and NDEP will evaluate the results of the remediation to determine success and the next phase of remediation.

Mitigation

No impacts to surface or groundwater quality are anticipated from process components under anticipated construction and operating conditions so no mitigation is proposed at this time. If monitoring shows otherwise, and an impact to public land or its resources occurred then BLM will coordinate with applicable agencies, NDEP and or Nevada Department of Wildlife (NDOW), to develop appropriate mitigation. Mitigation may include but not be restricted to removing and replacing the WRDF on better containment, closure of a leaking process pond, and pump and treat methodologies. At mine closure pump and treat will be continued until a water impermeable cap is in place and monitoring demonstrates that pump and treat is no longer needed.

Effectiveness

Monitoring Measure SW-1 will identify areas of potential seepage from mine facilities including any WRDF basal seepage and evaluate if the water quality exceeds applicable standards. Mitigation Measure SW-1 will establish approved methods to capture, control, treat, or otherwise mitigate seepage from mine facilities to address effects to water resources.

Water Resources and Geochemistry – Seep and Spring Data

Potential Issue

Thirteen of the identified seeps and springs which exist in the Arturo Project area will be

monitored for potential impacts due to mining.

Monitoring Measure SW-2

Numerous seeps and springs are situated within or near the Arturo Project boundary and thirteen of the identified seeps and springs will continue to be monitored for potential impacts due to mining. Samples will be collected and analyzed bi-annually and raw data will be provided to the BLM.

Summary reports will be provided to the BLM annually. This data may be included into the BVMP at a later date. **Springs and seeps monitoring sites are listed are listed in the table below and depicted on Figure B-2 attached. Field parameters to be collected include pH, conductivity, and spring temperature. Spring and seeps will be monitored for surface discharge rates if applicable and analyzed for Nevada Division of Environmental Protection (NDEP) Profile I constituents (NV-IM-2013-046) and follow state of Nevada regulations for aquatic life standards for toxic materials applicable to designated water for the state of Nevada (NAC 445A.1236). The major ions sulfate and/or nitrate will be utilized as chemical indicators in surface discharge for Boulder Creek. Major ions, such as sulfate and /or nitrate, move at a faster rate than metals and metalloids, including arsenic and antimony. The presence of these major ions in greater than baseline concentrations will provide an indication that chemical movement maybe occurring. This will allow ample time to identify the source of release and mitigate the impact before more harmful materials and/or metals could occur.**

Inventory #	Feature Type
AR05 and 05a	Drainage bottom wetlands and pond, open water
AR09	Sampling location on upstream end of BLM detention pond; wetland, spring and open water
AR16	Seep and marginal wetlands
AR17	Drainage bottom wetland
AR22	Seep or catchment
AR24	Seep or catchment
AR26	Seep or catchment
AR27	Seep wetland
AR32	Seep or catchment
AR33	Seep or catchment
AR34	Seep or catchment
Inventory #	Feature Type
AR36	Sampling location on downgradient end of BLM detention pond; open water

If monitoring determines that changes in water chemistry or discharge occur, and the changes are not due to seasonal variations in local climate, then the following procedures will be followed:

- The BDMV will verbally report results to the BLM and the NDEP within 3 working

days and follow up with written verification.

- After verbal notification has been provided, the BDMV will institute accelerated (i.e. monthly sampling) of those monitoring sites which show exceedances, and begin analyzing for NDEP Profile I quarterly, and watching closely the compounds Nitrate and Sulfate.
- If, after 3 months, this accelerated monitoring program shows continued evidence of exceedances, BDMV will conduct a site investigation to determine the source of the environmental impact and develop a plan to correct or remediate the source of an environmental impact. Within 6 months of discovery of an environmental impact BDMV will provide a written report to the BLM and the NDEP which describes the source of the environmental impact and the proposed remediation. The mine plan will be amended if appropriate.
- BDMV will implement the remediation plan within 90 days after acceptance by the BLM and the NDEP and completion of any required NEPA. After the corrective measures have been implemented, BDMV will provide a report to the BLM and the NDEP within 60 days, documenting the measures which were taken to remediate the impacts. This report will include "as-built" drawings showing any substantial modifications to the facilities. BLM and NDEP will evaluate the results of the remediation to determine if any other remediation is necessary.

No impacts to springs or seeps are anticipated so no mitigation is proposed at this time. If monitoring shows otherwise, and that an impact occurs on public land or its resources then BLM will coordinate with applicable agencies, NDEP and/or NDOW, to develop appropriate mitigation. Mitigation may include, but not be restricted to, pump and treat methodologies or construction of wetlands.

Effectiveness

The addition of the Arturo Mine monitoring information to the regional databases will aid in the interpretation and analysis of water quality and hydrology on a regional scale.

Paleontological Resources

Potential Impact

The Project could impact unique or site-specific invertebrate, vertebrate, or paleobotanical fossils requiring protection under the Federal Land Policy Management Act of 1976 or BLM Manual H-8270.

Monitoring and Mitigation Measure P-1

Monitoring

BDMV will conduct field surveys in areas underlain by the Carlin Formation that will be affected by construction, pit expansion, or waste rock storage. The field surveys will identify surface exposures containing visible vertebrate fossils and determine whether there is a potential for buried fossils within the disturbance footprint. Construction areas identified as having a high potential for buried significant paleontological resources based upon the field survey will be

evaluated by a qualified paleontologist during ground disturbance, including grading, excavation, and trenching.

Mitigation

If significant fossils are identified during the field survey, the BLM will be contacted and consulted to the course of action if any. If needed an excavation program will be developed and implemented to remove fossils prior to ground disturbing activities. Significant fossils recovered during the field survey or construction monitoring will be prepared for curation in accordance with standard professional paleontological techniques.

A report on the findings of the salvage program, including a list of the recovered fossils, will be prepared following completion of the program. A copy of this report will accompany the fossils to the BLM approved curation facility.

Effectiveness

Monitoring and Mitigation Measure P-1 will provide for the evaluation of significant fossils that may be disturbed by the Project and will provide for their preservation or data recovery.

Vegetation Including Riparian Zones and Wetland Areas

Potential Impact

Development of the proposed project will affect 1.63 acres of riparian and wetland vegetation.

Mitigation Measure W-1

In order to offset project-related impacts that will remove or disturb approximately 1.63 acres of riparian zones and wetland vegetation, **within one year of signing of the ROD BDMV** will fence and protect three springs in coordination with the BLM and the Twenty Five Ranch, located within the Water Canyon drainage area, referred to as Lutz Springs (located in Section 12, Township 34 North, Range 45 East) as shown in Figure B-3 in the Final EIS.

A combination of pipe rail and conventional three- or four-wire fencing will be used to construct an enclosure encompassing approximately 36 acres around Lutz Springs that comprise approximately 1.5 acres of spring area. Currently, riparian habitat conditions at the springs are degraded as a result of hot-season grazing by livestock on an annual basis. Fencing will exclude livestock and allow for recovery of wetland and riparian vegetation for the benefit of many species of wildlife, including some that are designated as special status. Cattle will be able to continue to graze adjacent ungrazed uplands. Approximately 0.4 miles of pipe rail fence will be constructed in areas of high livestock concentration, while approximately 0.6 miles of conventional wire fencing will be constructed on steep slopes and on ridges.

Potential adverse direct and indirect impacts from fencing Lutz Springs include ground disturbance, creation of perching areas for predatory bird species, and a possible collision hazard for some species of wildlife. Resource protection stipulations will be developed by BLM and applied by BDMV to reduce potential adverse impacts associated with this mitigation. These

include:

- Steel posts will have white tops; post spacing will be 16.5 feet with one wire stay between posts.
- Anti-perching devices including rounded post caps will be used where feasible.
- Pipe posts will be capped or otherwise plugged to prevent wildlife or native bee entrapment and to serve as a barrier to perching by avian predators.
- Flight diverters such as metal tags or reflective type tags will be applied to the top wires of the conventional fence.
- Use of pipe rail on portions of the fence and especially near water sources and riparian areas will facilitate wildlife movement through and under the fence.
- All fencing will be to BLM specifications, which allow for wildlife passage.
- Fencing will be placed such that any roads in the area are still passable by ranch vehicles.
- Standard procedures for minimizing disturbance and limiting opportunities for weed establishment will be followed. Any disturbed areas will be reseeded, as necessary.

The mitigation is consistent with sage-grouse conservation measures outlined in BLM instruction memorandums 2012-043 and 2012-044 and Western Association of Fish and Wildlife Agencies guidelines.

In March 2011, a Class III cultural resources inventory was conducted within the Lutz Springs area in Water Canyon to determine whether the installation of the fence will result in cultural impacts. The Class III inventory recorded three new prehistoric lithic scatter locations that are not eligible for the National Register of Historic Places.

Effectiveness

Fencing and protection of the Lutz Springs area along the Water Canyon drainage will limit livestock impacts to riparian areas and improve habitat condition and resiliency. Currently, these areas are highly degraded and are impacted by livestock in the form of trampling, soil compaction, and overuse of riparian plant species. Entrenched drainages channels also have drained historic meadow areas. As wetland/riparian plants begin to colonize exposed areas, problems with hummocking and localized channel cutting will decrease, while infiltration and water storage is expected to increase.

Improved ecological function of springs is expected to directly and indirectly benefit many species of wildlife including those considered special status. Species such as the greater sage-grouse, migratory birds, and many species of mammals are dependent on functioning riparian habitats during all or some parts of their life cycles. Fencing of springs in Water Canyon also will contribute to a positive cumulative impact of on-going efforts to improve riparian habitats in other parts of the Twenty Five Allotment.

Range Resources – Grazing Water Source

Potential Impact

The Project will reduce the amount of land available for grazing during construction, operation, and through the post-closure period.

Mitigation Measure R-1

Within one year of signing of the ROD BDMV will repair five pit reservoirs at the Water Canyon spring complex area by dredging sediment from the existing pit reservoirs to retain water runoff from nearby springs.

Effectiveness

Implementation of this mitigation measure will offset project-related impacts to grazing by improving an existing source of surface water for livestock within the project region.

Range Resources – Fence Modifications

Potential Impact

The installation of the project fence in combination with the existing Boulder Seeding Fence will result in suspension of 585 animal unit months (AUMs) from livestock grazing.

Mitigation Measure R-2

BDMV will implement modifications to the Boulder Seeding Fence as shown in Figure B-4 in the Final EIS. Portions of the Boulder Seeding Fence will be modified, with some sections added and some sections removed, in conjunction with the Project fence, in order to maximize available AUMs.

Effectiveness

Implementation of this mitigation measure will reduce the AUMs suspended by the Project activities to only those directly affected by the installation of the Project fence.

Wildlife and Aquatic Biological Resources – Riparian and Wetland Mitigation

Potential Impact

Development of the Project will affect approximately 1.63 acres of riparian and wetland habitat utilized by wildlife species.

Mitigation Measure WL-1

BDMV will install BLM-approved fencing around approximately 36 acres of wetland vegetation, including three springs, within the Water Canyon spring complex area, referred to as Lutz Springs, as described in Section 2.4.2, Mitigation Measure W-1 and shown in Figure B-3 in the Final EIS.

Effectiveness

Implementation of this mitigation measure will offset project-related impacts to wetland and riparian vegetation by preventing livestock use within the fenced Water Canyon spring complex and enhancing existing wetland habitat within the project region. The mitigation measure also

will improve an existing source of surface water for wildlife within the project region.

Wildlife and Biological Resources – Mule Deer Migration

Potential Impact

The EIS identifies impacts to 1,391 acres of Area 6 mule deer transitional habitat and a migration corridor. This additional loss of habitat adds to the stress on the Area 6 mule deer population due to existing large habitat loss in the crucial winter range southwest of the project area caused by wildfire. Migration corridors in the Carlin Trend have been modified by past and present mining operations. The implementation of the Project will further reduce habitat for migrating mule deer in the Carlin Trend.

The West Waste Rock Disposal Facility was redesigned to minimize impact to the mule deer migration corridor by scaling back the north side. This redesign is incorporated into the proposed action.

Monitoring and Mitigation Measure WL-2

Mitigation

In order to reduce project-related impacts that will remove or disturb 1,391 acres of sagebrush habitat for migrating mule deer between important summer and winter range, BDMV will restore crucial winter mule deer range located on BLM land immediately northwest of Boulder Valley along the southeast flank of the Sheep Creek Range at a ratio of 1:1, approximately 1,400 acres. The locations of possible restoration areas are shown on Figure B-5 in the Final EIS. Restoration activities that will be used to restore important winter mule deer range include, but are not limited to:

- Seeding Treatments – Possible seeding treatments include broadcast and drag, drill, broadcast/aerial, harrow, disking, and hand.
- Mechanical Treatment – To provide for an adequate seedbed, mechanical treatments will include disking (plowing), harrowing and mowing of existing grasses.
- Livestock Grazing and Protective Fencing – Rest from livestock grazing until vegetation objectives are met.
- Herbicide Treatment – Appropriate BLM-approved herbicide treatments will be used to suppress non-native annuals and crested wheatgrass in order to introduce shrubs, forbs and grasses into the treatment areas.
- Prescribed Burn Treatment – Controlled burns will be used to reduce fuel, reduce litter to allow for better herbicide application effects, control competing vegetation, and improve wildlife habitat. Prescribed burns will be planned and implemented by BLM.
- Fire Break – Fire breaks will be created around each treated parcel using a combination of mowing and planting of forage kochia.

A Wildlife Working Group (WWG) will be established, made up of a representative from each of BDMV, BLM, and NDOW (collectively such representatives are referred to herein as the "Cooperators"). Additional representatives of the BLM, BDMV, and NDOW and others may

participate in the WWG at the request of any member of the WWG or their supervisor. The initial three Cooperators are the points of contact, however, each Cooperator or his/her supervisor may appoint a substitute Cooperator to participate in the WWG on such Cooperator's behalf. The WWG will meet once initially to finalize the location and specifics of the required habitat work and subsequently to review vegetation success and determine if additional seedings will be required.

After appropriate seedbed preparation, areas will be seeded with the following seed mixtures as shown in Tables B-2 and B-3.

Table B-2 Proposed Seed Mixes for Ground Seeding – Mule Deer Habitat

Species	Variety
Sandberg's Bluegrass (<i>Poa secunda</i> J. Presl)	Mountain Home
Russian Wildrye (<i>Psathrostachys juncea</i> [Fisch.] Nevski)	Bozoisky
Siberian Wheatgrass (<i>Agropyron fragile</i> ssp. <i>Sibericum</i> [Willd.] Melderis)	Vavilov
Crested Wheatgrass (<i>Agropyron cristatum</i> [L.] Gaertn.)	Nordan
Fourwing Saltbush (<i>Atriplex canescens</i> [Pursh] Nutt.)	Smoke Creek
Spiny Hopsage (<i>Grayia spinosa</i> [Pursh.] Guldenstaedt.)	N/A
Winterfat (<i>Krashennikovia lanata</i> [Moq.] D. Dietr)	N/A
Big Squirreltail (<i>Elymus multisetus</i> [J.G. Smith] Burt-Davey)	Sand Hollow
Indian Ricegrass (<i>Oryzopsis hymenoides</i> [Roemer & J.A. Schultes] Ricker ex	Rimrock
Sainfoin (<i>Onobrychis viciaefolia</i> Scop.)	Eski

Table B-3 Proposed Seed Mixes for Aerial Seeding – Mule Deer Habitat.

Species	Variety
Wyoming Big Sagebrush (<i>Artemisia tridentate</i> ssp. <i>wyomingensis</i>)	N/A
Basin Big Sagebrush (<i>Artemisia tridentata</i> ssp. <i>tridentate</i>)	N/A
Western Yarrow (<i>Achillea millifolium</i> var. <i>occidentalis</i> DC)	N/A
Forage Kochia (<i>Kochia prostrata</i> [L.] Schrad.)	Immigrant

The desired outcome of the mitigation is to produce a functioning and sustainable habitat (based on plant density and diversity) for mule deer. The criteria best to fulfill this purpose is: 3 years after seeding, establishment of one seeded big sagebrush and 3 to 5 seeded grass or forb species per 10 square foot. If this criterion is not satisfied, BDMV will engage in re-seeding as noted below.

The use of prescribed burn and herbicide treatment prior to seeding with a drill (e.g., Truax Drill), or broadcast seeder in addition to post-seeding seed incorporation equipment will be used to help increase success of habitat sustainability.

Monitoring

A quantitative monitoring program will document vegetation establishment progress. If vegetation establishment in a monitoring plot is not making progress towards the objectives, then the Wildlife Working Group will inspect the mitigation sites to document the extent of the problem and determine what actions shall be taken.

The monitoring approach will follow the methods presented by Herrick et al. (2005) with the establishment of monitoring and control plots. However, the monitoring and control plot transects will be established randomly, and will be verified in the field. If a site is found not to be acceptable because of unforeseen excessive disturbances such as OHV travel, wild horse, or big game use then the original site will be rejected and another location selected from a pool of substitute sites for a specific stratification that were randomly selected for this purpose. The monitoring and control plots will be GPS located and the same plots will be surveyed throughout the monitoring program. However, if the plots at a monitoring site become unacceptable for continued monitoring because of some event such as flooding, excessive OHV travel or wildfire then new plots will be established. If the plots cannot be successfully relocated then other options will be explored with BDMV and the appropriate agencies. One such option will be monitoring site abandonment. The plot re-location discussion will take into account the number of years into the monitoring program and the status of the vegetation and soil in meeting the performance criteria. In addition, as plots reach the success criteria BDMV will not conduct further sampling of these plots.

A monitoring plot will be 100 x 35 meter (328 x 115 feet) or 100 x 59 meter (328 x 195 feet). The three transects in a monitoring plot will be randomly located based on the meter marks along a 100 meter metric tape. A transect will be located at a ninety degree angle to the 100-meter tape measure. The beginning and ending points will GPS-located and marked with rebar. The same transects will be measured throughout the monitoring program. The control plots will also consist of three transects established in the same manner as the monitoring transects.

The line-point intercept method will be used to measure plant basal and foliar canopy cover, litter cover, bare ground, or BSC cover at each meter mark along the transects (Herrick et al. 2005). These parameters are indicators of plant establishment and are important attributes to assessing revegetation success. The number of point intercepts will depend on the length of a transect.

A 1.0 x 1.0 meter quadrant will be randomly located three times along the line-point intercept transects. Meter marks along the tape measure will be used to randomly select the three plot locations. The 1-meter quadrant will be used to identify plant species and measure plant species density. The quadrant will be oriented to a transect by placing one corner at the randomly chosen meter mark with the other corner placed at the next-higher meter mark.

BDMV will follow the guidelines of Herrick et al. (2005) for determining appropriate number of transects and quadrants that are necessary at a monitoring site. Currently, three transects and nine 1-meter quadrants will be assessed at each sampling site. We will use the data collected from the

first survey period to calculate the statistically robust number of transects and quadrates needed.

BDMV will use the data collected from the first year of monitoring to calculate the statistically robust number of monitoring sites and transects per site needed for later years.

Photographic documentation of vegetation along the transects will occur. A GPS-referenced digital photograph will be taken. The digital camera will be placed at the beginning of the transect and it will be focused along the length of the transect. Photograph identification cards will show site, transect number, date, direction, and crew number.

Cultural inventories and other preparatory work on a minimum of 45 percent or 626 acres will be completed within 1 year of signing the Record of Decision (ROD)/Plan Approval. Seeding of the 626 acres will occur within year 2. The remaining 55 percent of the area will be prepared and seeded within 6 years of signing the ROD/Plan Approval. Three years post seeding, the WWG will meet to assess habitat restoration success. If WWG determines that a functioning and sustainable habitat has been achieved then no further work will be required. If the WWG determines that seeding was only partially successful then up to but not to exceed 80 percent of the ground shall be reseeded.

Effectiveness

Implementation of this mitigation measure will reduce project-related impacts to mule deer by restoring important winter range within the Cumulative Effects Study Area (CESA) for this species. The restoration monitoring program will gauge the effectiveness of treatments and mitigation measures and provide a basis for adjustment to the restoration plan if required to meet plan goals.

Resource Effects Analysis

The resource effects analysis for implementing this mitigation measure was presented in the Draft EIS in Section 3.17.4, Potential Monitoring and Mitigation Measures (pages 3.17-32 and 3.17-33).

Special Status Species

Potential Impact

The Project will remove or disturb greater sage-grouse Preliminary Priority Habitat (PPH). Important greater sage-grouse habitat in the Carlin Trend has been modified by large wildland fires that have converted sagebrush communities to a cheatgrass landscape, and by past and present mining operations. The implementation of the Project will further reduce important habitat for greater sage-grouse in the Carlin Trend.

Monitoring and Mitigation Measure SS-1

Mitigation

The Arturo Mine Project will impact 808 acres of PPH but will not impact Preliminary General Habitat. In order to reduce project-related impacts that will remove or disturb greater sage-grouse

PPH, BDMV will restore important greater sage-grouse habitat located on BLM land. Land to be reclaimed includes 808 acres onsite within the Arturo Plan of Operations boundary and approximately 1,616 acres (808 acres at a ratio of 2:1) of offsite mitigation for an overall total of 3:1 or 2424 acres. The public land recommended for offsite mitigation lies north of the project area as shown in Figure B-6 in the Final EIS.

Restoration activities that will be used to restore PPH include, but are not limited to:

- Seeding Treatments – Possible seeding treatments include broadcast and drag, drill, broadcast/aerial, harrow, disking, and hand.
- Mechanical Treatment – To provide for an adequate seedbed, mechanical treatments will include disking (plowing), harrowing and mowing of existing grasses.
- Livestock Grazing and Protective Fencing – Rest from livestock grazing until vegetation objectives are met.
- Herbicide Treatment – Appropriate BLM-approved herbicide treatments will be used to suppress non-native annuals and crested wheatgrass in order to introduce shrubs, forbs and grasses into the treatment areas.
- Prescribed Burn Treatment – Controlled burns will be used to reduce fuel, reduce litter to allow for better herbicide application effects, control competing vegetation, and improve wildlife habitat. Prescribed burns will be planned and implemented by BLM.
- Hand planting of sagebrush seedlings – In areas with an adequate understory of perennial grasses and forbs, sage brush seedlings will be planted.
- Fire Break – Fire breaks will be created around each treated parcel using a combination of mowing and planting of forage kochia.

A WWG will be established, similar to the WWG described under Section 2.8.2, Monitoring and Mitigation Measure WL-2. The WWG will be made up of a representative from each of BDMV, BLM, and NDOW. A representative from the Nevada Department of Conservation and Natural Resources may be included in the WWG at a later date. The WWG will establish and monitor sage grouse habitat restoration in conjunction with the mule deer meetings or by following a similar meeting schedule and technique.

After appropriate seedbed preparation, areas will be seeded with the following seed mixtures as needed, as presented in Tables B-4 and B-5 in the Final EIS.

In areas with an adequate understory of perennials forbs and grasses, sagebrush seedlings will be planted. The desired outcome is hand planting one "ten/ci" (or larger) sagebrush seedling on 10- to 20-foot centers (which equates to 218 to 435 plants/acre). If seeding efforts are considered instead of hand planting efforts, or as a combination with planting efforts, the use of a drill (e.g., Truax Drill), or broadcast seeder with any needed pre-seeding seedbed preparation and post-seeding seed incorporation equipment will be used to help increase seeding success.

Success will be based on functionality and sustainability of sage grouse habitat. The criteria for successful habitat mitigation includes following criteria: 3 years after seeding, verify

establishment of one seeded big sagebrush and 3 to 5 seeded grass or forb species per 10 square feet. The use of prescribed burn and herbicide treatment prior to seeding with a drill (e.g., Truax Drill), or broadcast seeder in addition to post-seeding seed incorporation equipment will be used to help increase seeding success. If this criterion is not satisfied, Barrick will engage in re-seeding as noted below.

Monitoring

A quantitative monitoring program will document vegetation establishment progress. If vegetation establishment in a monitoring plot is not making progress towards the objectives, then the WWG will inspect the mitigation sites to document the extent of the problem and determine what actions shall be taken.

Table B-4 Proposed Seed Mixes for Ground Seeding – Sage Grouse Habitat

Species	Variety
Sandberg’s Bluegrass (<i>Poa secunda</i> J. Presl)	Mountain Home
Russian Wildrye (<i>Psathrostachys juncea</i> [Fisch.] Nevski)	Bozoisky
Siberian Wheatgrass (<i>Agropyron fragile</i> ssp. <i>Sibericum</i> [Willd.] Melderis)	Vavilov
Crested Wheatgrass (<i>Agropyron cristatum</i> [L.] Gaertn.)	Nordan
Fourwing Saltbush (<i>Atriplex canescens</i> [Pursh] Nutt.)	Smoke Creek
Spiny Hopsage (<i>Grayia spinosa</i> [Pursh.] Guldenstaedt.)	N/A
Winterfat (<i>Krashennikovia lanata</i> [Moq.] D.Dietr)	N/A
Big Squirreltail (<i>Elymus multisetus</i> [J.G. Smith] Burt-Davey)	Sand Hollow
Indian Ricegrass (<i>Oryzopsis hymenoides</i> [Roemer & J.A. Schultes] Ricker ex Piper)	Rimrock
Sainfoin (<i>Onobrychis viciaefolia</i> Scop.)	Eski

Table B-5 Proposed Seed Mixes for Aerial Seeding – Sage Grouse Habitat

Species	Variety
Wyoming Big Sagebrush (<i>Artemisia tridentate</i> ssp. <i>wyomingensis</i>)	N/A
Basin Big Sagebrush (<i>Artemisia tridentata</i> ssp. <i>tridentate</i>)	N/A
Western Yarrow (<i>Achillea millifolium</i> var. <i>occidentalis</i> DC)	N/A
Forage Kochia (<i>Kochia prostrata</i> [L.] Schrad.)	Immigrant

The monitoring approach will follow the methods presented by Herrick et al. (2005) with the establishment of monitoring and control plots. However, the monitoring and control plot transects will be established randomly, and will be verified in the field. If a site is found not to be acceptable because of unforeseen excessive disturbances such as OHV travel or big game use then the original site will be rejected and another location selected from a pool of substitute sites for a

specific stratification that were randomly selected for this purpose. The monitoring and control plots will be GPS located and the same plots will be surveyed throughout the monitoring program. However, if the plots at a monitoring site become unacceptable for continued monitoring because of some event such as flooding, excessive OHV travel, or wildfire then new plots will be established. The plot re-location discussion will take into account the number of years into the monitoring program and the status of the vegetation in meeting the performance criteria. In addition, as plots reach the success criteria BDMV will not conduct further sampling of these plots.

A monitoring plot will be 100 x 35 meter (328 x 115 feet) or 100 x 59 meter (328 x 195 feet). The three transects in a monitoring plot will be randomly located based on the meter marks along a 100 meter metric tape. A transect will be located at a ninety degree angle to the 100-meter tape measure. The beginning and ending points will GPS-located and marked with rebar. The same transects will be measured throughout the monitoring program. The control plots will also consist of three transects established in the same manner as the monitoring transects.

The line-point intercept method will be used to identify plant species and measure plant species density at each meter mark along the transect (Herrick et al. 2005). These parameters are indicators of plant establishment and are important attributes to assessing revegetation success. The number of point intercepts will depend on the length of a transect.

A 1.0 x 1.0 meter quadrant will be randomly located three times along the line-point intercept transects. Meter marks along the tape measure will be used to randomly select the three plot locations. The 1-meter quadrant will be used to identify plant species and measure plant species density. The quadrant will be oriented to a transect by placing one corner at the randomly chosen meter mark with the other corner placed at the next-higher meter mark.

BDMV will follow the guidelines of Herrick et al. (2005) for determining appropriate number of transects and quadrants that are necessary at a monitoring site. Currently, three transects and nine 1-meter quadrants will be assessed at each sampling site. We will use the data collected from the first survey period to calculate the statistically robust number of transects and quadrates needed.

BDMV will use the data collected from the first year of monitoring to calculate the statistically robust number of monitoring sites and transects per site needed for later years.

Photographic documentation of vegetation along transects will occur. A GPS-referenced digital photograph will be taken. The digital camera will be placed at the beginning of each transect and it will be focused along the length of the transect. Photograph identification cards will show site, transect number, date, direction, and crew number.

Cultural inventories and other preparatory work on a minimum of 45 percent or 727 acres will be completed within 1 year of signing the ROD/Plan Approval. Seeding of the 727 acres will occur within year 2. The remaining 55 percent of the area will be prepared and seeded within 6 years of signing the ROD/Plan Approval. Three years post seeding, the WWG will meet to assess habitat restoration success. If WWG determines that a functioning and sustainable habitat has been achieved then no further work will be required. If the WWG determines that seeding was only

partially successful then up to but not to exceed 80 percent of the ground will be reseeded.

Effectiveness

Implementation of this mitigation measure will reduce project-related impacts to sage-grouse by restoring important greater sage-grouse habitat within the CESA for this species.

Resource Effects Analysis

The resource effects analysis of implementing Mitigation Measure SS-1 was described in Section 3.18.4, Potential Monitoring and Mitigation in the Draft EIS (page 3.18-24).

MANAGEMENT CONSIDERATIONS

The rationale for the Record of Decision is supported by the Surface Management and Use and Occupancy Under the Mining Law regulations (43 CFR 3809 *et seq.* and 3715 *et seq.*), Right-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 (CEQ) 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 BDMV 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 Proposed Action is the alternative that best fulfills the agency's statutory mission and responsibilities, considering environmental, technical, economic and other factors. This Decision allows for mining and employment over eight years in an economy highly dependent upon mining and will help maintain revenue for the local governments in Elko, Lander and Eureka counties.

The Proposed Action conforms to the Elko Resource Management Plan for minerals management, prescription number 1. It also conforms to Elko County's Resource Management Plan. The surface occupancy proposed in association with this Project meets the conditions specified in the applicable 43 CFR 3715 Regulations.

As required by the BLM NEPA Handbook (H-1790-1), a range of alternatives was identified and considered, including the No Action Alternative. The No Action Alternative reflects a continuation of current management practices. Alternatives, other than the No Action Alternative, represent other means of satisfying the identified purpose and need, and resolving issues raised during the scoping process.

Each potential alternative was considered and evaluated based on its ability to satisfy the project purpose and need, potential environmental benefit over the Proposed Action, and technical and economic feasibility. This section describes the alternatives and the rationale for considering them in detail or eliminating them from further analysis.

During the scoping process, a number of issues were raised concerning the original design of the proposed West WRDF presented in the PoO submitted to the BLM. The original proposed West WRDF design will have buried the existing Dee heap leach pads and TD1 under hundreds of feet of waste rock. Additionally, the original proposed West WRDF extended to the north in a manner that will have potentially interfered with mule deer migration. In response to these concerns, BDMV revised the West WRDF design.

Table 2-12 in the Draft EIS summarizes the primary issues raised during scoping and the design change made in the original proposed project to address the issue. The design changes described in Table 2-12 in the Draft EIS have been incorporated into the Proposed Action.

Project Alternatives

Chapter 2 in the Draft EIS provides the detailed descriptions of the Alternatives Considered in Detail and the Alternatives Considered but Eliminated from Detailed Analysis. Alternatives Considered in Detail are the No Action Alternative (Section 2.4.3), the Single WRDF Alternative - Shallow Cover (Section 2.4.1.2), and Partial Backfill Alternative (Section 2.4.2). Alternatives Considered but Eliminated from Detailed Analysis are Full Pit Backfill Alternative (Section 2.4.4.1), the Single WRDF Alternative – Deep Cover Section 2.4.1.1), WRDF Location Alternative (Section 2.4.4.2), Ore Truck Haulage Route Alternative (Section 2.4.4.3), Ore Conveyor System Alternative (Section 2.4.4.4), and Underground Mining Alternative (section 2.4.4.5). The Alternatives Considered in Detail and their rationale for elimination are discussed below.

No Action Alternative

Under the No Action Alternative, the Proposed Action will not be approved. The No Action alternative will include completion of closure and reclamation of the existing mine disturbance and reclamation of the surface exploration activities within the project area under the terms of current permits and approvals. The storm underground mine is closed and closure and reclamation will begin according to the final permanent Closure Plan for the project. Accepting the No Action Alternative will mean a loss of 240 jobs in the communities of Elko, Spring Creek, and Battle Mountain, Nevada and a loss to the tax base in Elko County. The No Action Alternative was eliminated.

Single WRDF Alternative

Under this alternative, the East WRDF will be eliminated, and the size of the West WRDF will be increased to accommodate all of the waste rock for the proposed project.

There are two scenarios considered for this alternative. The scenarios differ by the depth of waste rock placed on the West WRDF over the area of TD1. The deep cover of TD1 scenario was considered and eliminated from detailed analysis.

The Single WRDF Alternative with shallow depth of cover over TD1 scenario was analyzed in detail in this EIS. TD1 contains mill slurried tailings that have a high residual moisture content that has been draining over time. The existing TD1 ET cell currently manages draindown from the facility as described in Section 2.2.3, Existing Facilities in the Draft EIS. Under this scenario of the Single WRDF Alternative, the depth of cover over the existing TD1 will be limited to 50 feet as in the Proposed Action. Additionally, the configuration of the proposed West WRDF design will be modified to accommodate the full 600 MT of waste rock. Table 2-13 in the Draft EIS summarizes capacity and dimensions of the West WRDF under this alternative.

Under this scenario for the Single WRDF Alternative, the existing TD1 facility located within the footprint of the West WRDF will be managed in the same manner as for the Proposed Action. As described in Section 2.3.3, Waste Rock Disposal Facilities in the Draft EIS, waste rock initially will be placed in a manner to buttress TD1 to enhance stability. TD1 then will be covered with no more than 50 feet of waste rock material in order to limit pressure on TD1 and

allow recontouring in a manner that manages long-term surface water and infiltration. As in the Proposed Action, the existing TD1 ET Cell will be retained during operations and in final closure to manage seepage water draining from TD1. As with the Proposed Action, a local low area in the final topography will be present where the West WRDF was built over TD1 and around the TD1 ET Cell area. Storm water from the area will flow toward the east where it will be directed away from the open pit by berms, as in the Proposed Action.

This alternative reduces the total area of disturbance compared to the Proposed Action by eliminating the proposed East WRDF and reducing the size of supporting areas. This decrease is partially offset by an increase in the footprint of the West WRDF necessary to accommodate the total volume of waste rock. This expansion will be 30 feet to the west and a 500 feet expansion to the north. All other components of the proposed project remain the same as in the Proposed Action. Overall, the total disturbance for the Single WRDF Alternative will be 2,646 acres, 128 acres less than that for the Proposed Action. The expansion of 500 feet to the north will result in narrowing the mule deer migration path between the Arturo and Rossi Mines and interfere with the seasonal migration. The Alternative was eliminated.

Partial Pit Backfill Alternative

Under this alternative, mining will be sequenced to allow backfilling portions of the open pit with waste rock during mining. Pit backfilling is often not economically possible because the physical configuration of an ore body does not allow efficient sequencing of mining and backfilling (i.e., the waste rock must be removed before the pit void is available to serve as a repository). However, for the proposed project, the physical configuration of the three-lobed ore body supports a mining and partial pit backfilling sequence more readily than many typical hard rock open pit mines.

The North, South, and East Lobes all have mineral resources identified beneath them. This alternative will result in the “sterilization” or burying of mineral resources that have been identified at depth in the proposed East Pit and South Pit. When the project was initiated this mineralization was not economic to mine as part of the proposed project. Should economic factors in the future change, (e.g., if the price of gold increases or production costs decrease), identified mineral resources may become economic. Ongoing exploration during mining also may identify additional mineralization that could be categorized as ore in the future. Most of the open pits in the Carlin Trend (including the Dee open pit) have grown in this manner. Backfilling the pit with waste rock will limit access to such mineralization and will preclude access to further exploration. Blocking the access through the backfill will preclude expansion of the East Pit and South Pit, and if they were later removed will increase the energy footprint and carbon emissions thus, making the partial backfill environmentally unfeasible. The Alternative was eliminated.

Native American Consultation and Coordination

Under Executive Order 13084, the BLM is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on the development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities. On October 1, 2009, the BLM sent letters to the following tribes, bands, and

interested parties notifying them of the project: Battle Mountain Band; Shoshone-Paiute Tribes of the Duck Valley Indian Reservation; Elko Band; Duckwater Shoshone Tribe; Ely Shoshone Tribe; Confederated Tribes of the Goshute Reservation; South Fork Band; Te-Moak Tribe of Western Shoshone; Wells Band Council; Yomba Shoshone Tribe; and interested parties including: Bureau of Indian Affairs; Western Shoshone Committee; Western Shoshone Defense Project; Western Shoshone Descendants of Big Smoky Valley.

The BLM presented project information and maps at the Battle Mountain Band Meeting on February 25, 2010. In addition, representatives from the local Tribes toured the proposed project area on August 27 and October 1, 2010. The visits to the Arturo Mine site provided an opportunity for the Tribes and bands to view the proposed project area and identify any sites or places that may be of tribal importance. The intent of the tours, meetings, letters and contacts were to discuss the proposed Project and to identify Tribal issues and concerns. The chronology of correspondence and documentation is stated in the Draft and Final EIS. An ethnography study was conducted as a baseline study for the EIS. Any specific information provided by Tribal members concerning Native American traditional use and/or spiritual sites in or near the proposed project area will remain confidential. Consultation with the contacted Tribes and bands is ongoing and will continue up to and including project construction.

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

In June 2009, Barrick Dee Mining Venture (BDMV) initially submitted the Arturo Mine Project Plan of Operations (NVN-087946) with the BLM Tuscarora Field Office. This plan of operations has been revised as a result of the NEPA Process to incorporate the Preferred Alternative and monitoring and mitigation plan. The BLM prepared an Environmental Impact Statement to analyze the affected environment, environmental consequences or impacts and to develop mitigation measures associated with the Project impacts. The proposed project will be developed primarily on public lands that consist of either: 1) existing disturbance by authorized mining activity, 2) disturbance by authorized mining activity that has been subsequently reclaimed, or 3) land that remains undisturbed. The proposed project also will take place on previously disturbed and undisturbed private land controlled by BDMV or an affiliated company. The proposed project will disturb a total of 2,774 acres of public and private land including 269 acres of existing disturbance; 543 acres of reclaimed mining disturbance and 1,962 acres that will result in new land disturbance. The proposed project is located on public land administered by the United States Department of the Interior, Bureau of Land Management (BLM), Elko District, Tuscarora Field Office.

DECISION

It is my decision to approve the Arturo Mine Project Plan of Operations (NVN-087946). The monitoring and mitigation plan described in the Final Environmental Impact Statement Appendix B and in the Record of Decision shall become conditions of approval for this plan of operations. BDMV may only perform those actions that have been described in the Arturo Mine Plan of Operations. BDMV 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 BDMV's reclamation cost estimate (RCE), the BLM, in concurrence with the NDEP, determined that the required financial guarantee is hereby set at \$27,929,149. You must provide a financial guarantee in this amount using one or more of the acceptable financial guarantee instruments listed under 43 CFR 3809.555. The guarantee must be submitted, accepted, and approved by the BLM Nevada State Office, 1340 Financial Blvd, Reno, NV 89502. You must receive written notification from that office accepting and obligating your financial guarantee before you begin any surface disturbing operations.

The RCE will be updated and reviewed at least every three years unless required more frequently due to plan amendments, inflation, etc.

Approval of the Project by the 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 plan of operations must be coordinated with and approved by the Authorized Officer. Surface occupancy related to the Project is reasonably incidental to the mining and exploration operations.

This Decision is issued pursuant to 43 CFR §3809.803. It is effective immediately and will remain in effect while appeals are pending before the Interior Board of Land Appeals unless IBLA grants a stay under §4.21(b) of this title. The plan of operations for this Project is hereby approved subject to the conditions of approval required to implement the Project in order to prevent unnecessary or undue degradation. BDMV must conduct operations as described in the plan of operations amendment, 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 do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the BLM State Director in Nevada review this decision. If you request a State Director review, the request must be received in the BLM Nevada State Office, 1340 Financial Boulevard, Reno, Nevada 89502, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR §3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director.

If the Nevada State Director does not make a decision on whether to accept 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 then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the BLM Tuscarora Field Office, 3900 East Idaho Street, Elko, Nevada 89801 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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 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 this notice of appeal and petition for a stay must also be submitted to each party named in the 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 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 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.

Surface Occupancy (43 CFR 3715 Regulations)

The surface occupancy proposed in association with the Arturo Mine Project meets the conditions specified in the applicable regulations (43 CFR 3715). The BLM is in concurrence with the occupancy of the subject lands. BDMV must continue to comply with the 43 CFR 3715 Regulations.

If you are adversely affected by the surface occupancy approved as part of this decision, you may appeal to the Interior Board of Land Appeals (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 IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. For further information, see the appeal procedures listed below under 43 CFR 2800 and 43 CFR 3715 Appeal Statement.

APPROVAL OF THE ISSUANCE OF THE RIGHT-OF-WAY GRANTS

BDMV submitted to the BLM a Plan of Development (POD) for the Bootstrap Haul Road, which is described as part of the Proposed Action for the Arturo Mine Project. This POD was filed pursuant to the 43 CFR 2800 Regulations. This Project has been assigned BLM right-of-way (ROW) file number NVN-092787.

NV Energy submitted to the BLM a POD for a 120 kV overhead electric power transmission line, which is described as part of the Proposed Action for the Arturo Mine Project. This POD was filed pursuant to the 43 CFR 2800 Regulations. This Project has been assigned BLM ROW file number NVN-092976.

These rights-of-way were evaluated as a connected action in the Arturo Mine Project EIS. The EIS analyzed the affected environment, environmental consequences or impacts and developed mitigation measures associated with the Project. The construction and implementation of these ROW actions will create approximately 7.89 acres of surface disturbance, including installation of the transmission lines, access routes, proposed power connection yard, and temporary equipment storage areas.

The Grantee, by accepting these Rights-of-Way Grants (NVN-092787, NVN-092976), agrees and consents to comply with and be bound by the following terms and conditions:

Special Stipulations:

- The new transmission line will be designed and constructed to follow the Avian Power Line Interaction Committee (APLIC) guidelines to minimize raptor electrocution potential. Anti-perching features will be incorporated on the new transmission line to minimize raptor predation on greater sage-grouse. Emplace and maintain BLM approved predatory bird nest and perch deterrents on the cross arms and “Pole Caps” of the poles associated with the new aboveground transmission line. Notify Nevada Department of Wildlife if nests are present. Nest removal shall be done prior to egg-laying and hatch periods. If necessary, obtain a U.S. Fish and Wildlife Service Common Raven Depredation Permit.
- A pygmy rabbit survey must be conducted by a BLM approved biologist prior to any surface disturbance activity outside of the Arturo Mine Plan of Operations Boundary. Survey results shall be reported to the BLM and the Nevada Department of Wildlife (NDOW) once the survey is completed. Based on the survey results, further stipulations and mitigation measures may apply.
- Proponent must conduct operations as described in their Plan of Development and the Final Environmental Impact Statement for the Arturo Mine Project (EIS), dated January 2014.
- An additional 31.028 acres will be granted for construction but will be reclaimed and relinquished within 3 months of construction being completed.
- After the life of the Right-of-Way, the proponent will reclaim all disturbed areas from the transmission line or access road and related appurtenances by reseeding with a BLM approved seed mix developed from the Proposed Seed Mixes identified in the EIS. The seed mix will be developed based on the species effectiveness for erosion protection and ability to grow with low annual precipitation and suitability for the site aspect, elevation, and soil type. Revegetation monitoring will be conducted for a minimum of 3 years following

implementation and completion of revegetation activities or until successful revegetation has been achieved.

General Stipulations:

- To the extent practicable, all Federal and State laws applicable to the authorized use and such additional Federal and State laws along with the implementing regulations that may be enacted and issued during the term of the Grant.
- The Grantee shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Grantee shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et. seq.*) with regard to any toxic substances that are used, generated by or stored on the permit area or on facilities authorized under this permit. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.
- The Grantee shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Grantee agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the Right-of-Way), the United States against any liability arising from the Grantee's use or occupancy of the Right-of-Way, regardless of whether the Grantee has actually developed or caused development to occur on the Right-of-Way, from the time of the issuance of this Right-of-Way to the Grantee, and during the term of this Right-of-Way. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Grantee, its agents, contractors, or third parties. If the liability is caused by third parties, the Grantee will pursue legal remedies against such third parties as if the Grantee were the fee owner of the Right-of-Way. Notwithstanding any limits to the Grantee's ability to indemnify and hold harmless the United States which may exist under state law, the Grantee agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Grantee's use or occupancy of the Right-of-Way regardless of whether the Grantee has actually developed or caused development to occur on the Right-of-Way from the time of the issuance of this Right-of-Way to the Grantee and during the term of this Right-of-Way.
- The Grantee of this Right-of-Way Grant or their successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulations of the Secretary of the Interior issued pursuant thereto.
- The Grantee agrees to indemnify the United States against any liability arising from the release of any hazardous substances or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et. seq.* or the Resource Conservation and Recovery Act, 42 U.S. C. 6901 *et. seq.*) on the permit area. This agreement applies without regard to whether a release is caused by the Grantee, its agent, or unrelated third parties.
- The Grantee shall indemnify the United States against any liability for damage to life or

property arising from the occupancy or use of public lands under this Grant.

- That in operation, maintenance, and termination of the authorized use, there shall be no discrimination against any employee or applicant for employment because of race, creed, color, sex, or national origin and all subcontracts shall include an identical provision.
- The Grantee shall designate a representative(s) who shall have the authority to act upon and implement instructions from the Authorized Officer. The Grantee's representative shall be available for communication with the Authorized Officer within a reasonable time when construction or other surface disturbing activities are underway.
- The Grantee shall not initiate any construction or other surface disturbing activities on the Right-of-Way without prior notification of the –Authorized Officer of at least 7 days prior to the activities. BLM must approve any maintenance or other ground disturbing activities.
- In case of change of address, phone number, or contact person the lessee shall immediately notify the Authorized Officer.
- The Grantee shall conduct all activities associated with the construction, operation, maintenance, and termination of the facilities, improvements, and structures within the Right-of-Way limits. If at any time the Grantee wishes to reconstruct, remodel or relocate any portion of the Right-of-Way, or the improvements, prior written approval must be obtained from the Authorized Officer. No such approval will be given unless the request is authorized by law, and an application is made under applicable regulations.
- The Grantee shall conduct all activities associated with the construction, operation, maintenance, and termination in a manner that will minimize disturbance to vegetation, drainage channels and stream banks. Where possible and if needed, topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation. The Grantee shall take resource conservation and protection measures on the Right-of-Way as the Authorized Officer deems reasonably necessary. Areas disturbed during maintenance outside of the existing road and shoulder shall be reseeded with a seed mixture and rate of success to be determined by the Authorized Officer.
- The Grantee may not install fence without the consent of the Authorized Officer. Damage to existing fences caused by the Grantee must be repaired immediately to BLM standards.
- The Grantee shall permit free and unrestricted public access to and upon the Right-of-Way for all lawful purposes except for those specific areas designated as restricted by the Authorized Officer to protect the public, wildlife, livestock or facilities constructed within the Right-of-Way.
- The Grantee shall provide for the safety of the public entering the Right-of-Way. This includes, but is not limited to barricades for open trenches, flagmen/women with communication systems for single-lane roads without inter-visible turnouts, and attended gates for blasting operations.
- The Grantee shall maintain the Right-of-Way in a safe, usable condition, as directed by the Authorized Officer.
- Excess excavated, unsuitable, or slide materials shall be disposed of as directed by the Authorized Officer.
- All design, material, construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
- The Grantee shall keep the Right-of-Way clean by removal of any debris or waste.
- The Authorized Officer may suspend or terminate in whole or in part this Right-of-Way Grant which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

- Prior to termination of the Right-of-Way or a portion of the Right-of-Way, the Grantee shall contact the Authorized Officer approximately 120 days prior to expiration to arrange a pre-termination conference. This conference will be to discuss rehabilitation options to return the area to productive wildlife habitat. If the Grant is to be renewed an application for renewal must be received 120 days prior to the expiration of the grant.
- The Bureau of Land Management reserves the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
- In the event that the public land underlying the Right-of-Way (NVN-092787 or NVN-092976) encompassed in this Grant, or a portion thereof, is conveyed out of Federal ownership and administration of the Right-of-Way or the land underlying the Right-of-Way is not being reserved to the United States in the patent/deed and/or the Right-of-Way is not within a Right-of-Way corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the Right-of-Way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the Grantee apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the Patentee/Grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the Right-of-Way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the Right-of-Way shall be considered a civil matter between the Patentee/Grantee and the Right-of-Way Grantee.

Cultural:

- Any cultural and/or paleontological resource (historic or prehistoric site object) discovered by the Grantee, or any person working on his behalf, on public or Federal land shall be immediately reported to the Authorized Officer. The Grantee shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Grantee will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Grantee.
- For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, the lease Grantee shall stop activities in the immediate vicinity of the discovery and protect the discovery from disturbance for 30 days or until notified to proceed by the Authorized Officer. The Grantee is responsible for the cost of the consultation, evaluation, and mitigation. Any decision on treatment and/or mitigation will be made by the Authorized Officer after consulting with the Grantee.

Fire:

- During the period of May 1, through October 1, of each year, Grantee will use spark arresters on vehicles and equipment in the project area, due to the potential for fire ignition from the project related activities. This includes emission of hot carbon particles from diesel powered equipment, improperly equipped or poorly operating exhaust systems on gas powered vehicles and direct contact of wild land fuels with catalytic converters. Individuals, groups, businesses or corporations found responsible for the ignition of a wild fire may be held liable

for the costs associated with the suppression of that fire. Report wild land fires immediately to the Elko Interagency Dispatch Center at 775-748-4000.

- To do everything reasonable within his or her power, both independently and upon request of the Authorized Officer, to prevent and suppress fires on or in the immediate vicinity of the Right-of-Way area. This includes making available such construction and maintenance forces as may be reasonably obtained for the suppression of fires. As determined by the Authorized Officer, operations may be limited or suspended in specific areas, or additional measures may be required due to fire danger.

Noxious & Invasive Species:

- As directed by the Authorized Officer the Grantee shall be responsible for control of noxious weed species on disturbed areas within the limits of the right-of-way that result or will result from the improvements authorized under this Grant. This will include the use of approved noxious weed control methods as identified in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (BLM, June 2007); which include mechanical, manual, biological, and chemical controls. Noxious weeds will be controlled through manual removal and chemical application of an approved weed killer, as needed through the length of the right-of-way or until they are deemed controlled by the BLM Specialist.
- To prevent the spread of non-native invasive species and noxious weeds, all vehicles or equipment shall be cleaned of mud, dirt, and plant parts with high-pressure water spray prior to entering the Right-of-Way. Cleaning efforts shall concentrate on tracks, feet, or tires, and the undercarriage, with special emphasis on axles, frames, cross members, motor mounts, the underside of running boards, and front bumper/brush guard assemblies. Equipment shall be washed at a BLM approved cleaning area preferably on a gravelly or rocky site that is not located near a water source. The designated cleaning area shall be monitored and treated for weeds by the Grantee.
- During construction, operation, and reclamation the proponent will identify and monitor the project area for the establishment of noxious weeds and non-native invasive plant species. The proponent will treat weed infestations according to their POD (NV Energy) or Barrick's Weed Management Plan (Appendix G of the Plan of Operations) and Bureau of Land Management and Nevada Division of Environmental Protection regulations.

Soil:

- No routine maintenance activities shall be performed during periods when the soil is too wet to adequately support maintenance equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support maintenance equipment.
- In the area of the transmission line installation, mitigation measures will include careful compaction of soils to ensure they are similarly compacted to that of adjacent soils to avoid un-even erosion.

Survey Monuments:

- The Grantee shall protect all survey monuments found within the Right-of-Way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Grantee shall immediately report the incident, in writing,

to the Authorized Officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management Right-of-Way monuments or references are obliterated during operations, the Grantee shall secure the services of a registered land surveyor or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Grantee shall record such survey in the appropriate county and send a copy to the Authorized Officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Grantee shall be responsible for the survey cost.

Wildlife:

- Candidate Species

The Proposed Action area may contain plants or animals determined to be candidate species. To ensure that the action does not contribute to the need to list a candidate species or to protect habitat for a candidate species in the future, BLM may require special design features or modification of an approved activity. The project proponent is required to work with the U.S. Fish and Wildlife Service to ensure compliance with the Endangered Species Act (ESA) as amended (16 U.S.C. §§ 1531-1544) in the event that a candidate species is present. Compliance with this stipulation in no way implies full compliance with or exemption from the requirements of the ESA.

Sensitive Species

The Proposed Action area may contain plants or animals determined to be sensitive species in the future. The BLM may require special design features or modification of an approved activity when sensitive species are present, as per guidance in the BLM Manual 6840 – Special Status Species. If eagles are present, the project proponent is required to work with the U.S. Fish and Wildlife Service to ensure compliance with the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 U.S.C. §§ 668-668d). Compliance with this stipulation in no way implies full compliance with or exemption from the requirements of the BGEPA.

Migratory Birds

In addition, the Proposed Action area may contain nesting habitat for migratory birds. If surface-disturbing activities will take place between 1 March and 31 July and if an approved activity has the potential to disrupt or disturb nesting activities of migratory birds, BLM will require migratory bird nesting surveys to be conducted by a BLM-approved wildlife biologist using current U.S. Fish and Wildlife Service protocols. Such surveys shall be conducted no more than 14 days prior to commencement of surface-disturbing activities in an area. If disturbance does not occur within 14 days of the survey, the site shall be resurveyed. If during any surveys, nests or nesting behavior are documented, the area must be avoided until the young have fledged from the nest or the nest fails. Nest results will be determined by the above-mentioned wildlife biologist. Avoidance distances are species-specific and must be approved by a BLM-approved biologist. Survey results shall be reported to the BLM, the Nevada Department of Wildlife, and the U.S. Fish and Wildlife Service once the survey is completed. The project proponent should contact the U.S. Fish and Wildlife Service to obtain information to ensure compliance with the Migratory Bird Treaty Act (MBTA) as amended (16 U.S.C. §§ 703-712). Compliance with this stipulation in no way implies full compliance with or exemption from the requirements of the MBTA. This stipulation applies to

construction, decommissioning, and major maintenance. Daily operations and maintenance are exempt from this stipulation.

- This Proposed Action may contain lands which have been identified as greater sage-grouse strutting grounds (leks) that are subject to seasonal protection from disturbance during the period of 15 March through 15 June between 1 hour before sunrise to 10:00 AM Pacific time. Seasonal restrictions from disturbance apply within view of or within 3 miles or line of sight of greater sage-grouse leks. The most current lek data provided by the Nevada Department of Wildlife will be used to delineate active leks at the time of construction, decommissioning, or major maintenance. This stipulation applies to construction, decommissioning, and major maintenance. Daily operations and minor maintenance are exempt from this stipulation.
- This Proposed Action may contain lands with raptor nesting sites in the future. These lands are subject to seasonal and spatial protection from disturbance to avoid displacement and mortality of raptor young. BLM will require migratory bird nesting surveys to be conducted by a BLM-approved wildlife biologist using current U.S. Fish and Wildlife Service protocols. Such surveys shall be conducted no more than 14 days prior to commencement of surface-disturbing activities in an area. If disturbance does not occur within 14 days of the survey, the site shall be resurveyed. If during any surveys, nests or nesting behavior are documented, the area must be avoided until the young have fledged from the nest or the nest fails. Nest results will be determined by the above-mentioned wildlife biologist. Survey results shall be reported to the BLM and the Nevada Department of Wildlife (NDOW) once the survey is completed. No activity will be authorized within the prescribed buffer of the nest during the seasonal buffer for the species as determined by a BLM-approved biologist. Consult the BLM biologist to determine the prescribed seasonal and special buffers for each species. Compliance with this stipulation does not constitute full compliance with, or exemption from, the Migratory Bird Treaty Act as amended (16 U.S.C. §§ 703-712) or any other legislation. This stipulation applies to construction, decommissioning, and major maintenance. Daily operations and minor maintenance are exempt from this stipulation. When warranted in the future, the most current seasonal range maps provided by the Nevada Department of Wildlife will be used to delineate crucial winter range at the time of decommissioning or major maintenance. These lands may be subject to seasonal protection from disturbance during the period of 15 November through 16 March to avoid displacement and mortality to animals during the winter.

DECISION

It is my decision to approve the Plans of Development (NVN-092787 and NVN-092976) including the specified environmental protection measures that are stated in each grant. The applicable monitoring and mitigation plan actions as described in the Final EIS Appendix B and restated in the ROD shall become conditions of approval for these PODs. BDMV and NV Energy may only perform the actions that have been described in the PODs. BDMV and NV Energy 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 their ROW Projects.

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.

The BLM has the authority under the 43 CFR 2800 Regulations to require a financial guarantee for the reclamation of the rights-of-way. In the future, the BLM may require a financial guarantee be established for the reclamation of these rights-of-way. At such time, BDMV and/or NV Energy will be required to provide the Authorized Officer proof that the bonds have been established in the determined amounts. The bonds will be maintained in effect until removal of the improvements and restoration of the right-of-way authorizations have been accepted by the Authorized Officer. The Authorized Officer will review the bonds as directed by the 43 CFR 2800 Regulations or BLM policy 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 grant. 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.

BDMV and NV Energy will be required to pay their rental fees, which are determined in accordance with the regulations found at 43 CFR §2806.10.

BDMV and NV Energy will be required pay their monitoring fee for their ROW, which are determined in accordance with the regulations found at 43 CFR §2805.16.

43 CFR 2800 and 43 CFR 3715 APPEAL STATEMENT

Within 30 days of receipt of this decision, you have the right of appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations in 43 CFR 4.400. If an appeal is taken, you must follow the procedures outlined in the enclosed Form 1842-1, Information on Taking Appeals to the Board of Land Appeals (Appendix B). Within 30 days after you appeal, you are required to provide a Statement of Reasons to the Board of Land Appeals and a copy to the Regional Solicitor's office listed in Item 3 on the form. The appellant has the burden of showing that the decision appealed from is in error.

If you appeal this decision, please provide this office with a copy of your Statement of Reasons. This decision, under the provisions of 43 CFR 2800 constitutes a final decision and remains in full force and effect during an appeal unless the Secretary rules otherwise. Refer to 43 CFR §2801.10 for the requirements for filing a petition for stay.

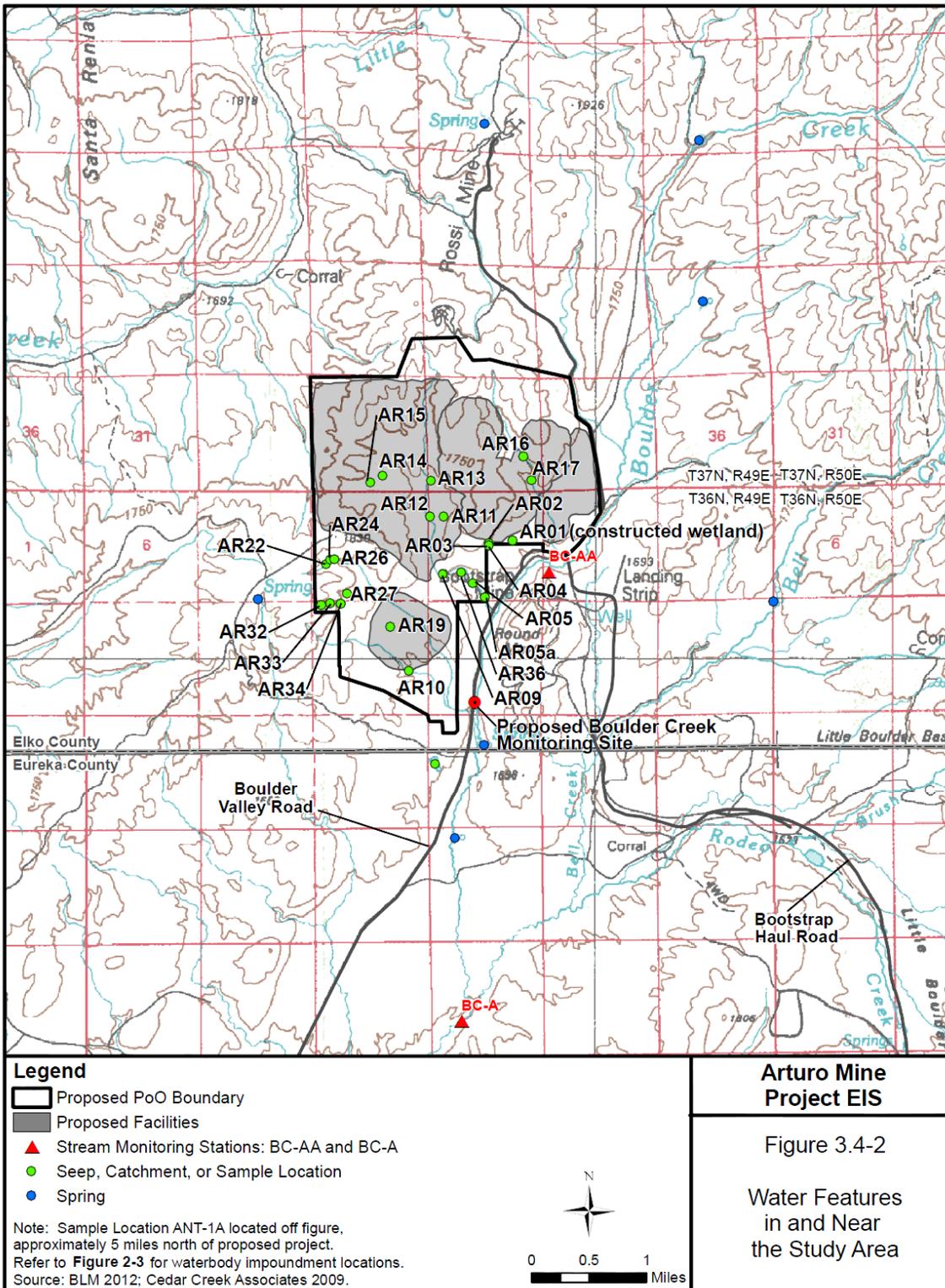
If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19,1993) or 43 CFR §2801.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to 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 in demonstrating that a stay should be granted.

STANDARDS FOR OBTAINING A STAY

Except as otherwise provided for 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.

APPENDIX A



5/7/2014

APPENDIX B

Form 1842-1
(April 2002)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE 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 ----- Within 30 days, file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Secs. 4.411 and 4.413). You may state your reasons for appealing, if you desire.
2. WHERE TO FILE -----
NOTICE OF APPEAL

SOLICITOR
ALSO COPY TO -----

**Bureau of Land Management
Elko District Office
3900 Idaho St.
Elko, Nevada 89801**

**Regional Solicitor
Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way
Sacramento, California 95825**
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 the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203 (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary.

SOLICITOR
ALSO COPY TO -----

**Regional Solicitor
Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way
Sacramento, California 95825**
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 (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from the decisions of the Director (WO-100).
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 the Secretary, Board of Land Appeals, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Sec. 4.401(c)(2)).

Unless these procedures are followed, your appeal will be subject to dismissal (see 43 CFR Sec. 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 (see 43 CFR Sec. 4.401(a)).*

Appendix B (Continued)

SUBPART 1821.2--OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* (a) State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for the filing of documents and inspection of records are from 10:00 a.m. to 4:00 p.m., standard time or daylight savings time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the State Office or the Washington Office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the State Office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

* * * * *

See 43 CFR 4.21 for appeal general provisions.