



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



U.S. Fish & Wildlife Service

Thacker Pass Lithium Mine Project

Record of Decision and Plan of Operations Approval
DOI-BLM-NV-W010-2020-0012-EIS

January 2021

Prepared by:

U.S. Bureau of Land Management
Winnemucca District Office
Humboldt River Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445-2921

In cooperation with:

U.S. Fish and Wildlife Service
Pacific Southwest Region
Division of Migratory Bird Management
2800 Cottage Way, W-2650
Sacramento, CA 95825



MISSION STATEMENT

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

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**RECORD OF DECISION
AND
PLANS OF OPERATIONS APPROVALS**

**THACKER PASS MINE AND NORTH / SOUTH EXPLORATION
PLANS OF OPERATIONS
FINAL ENVIRONMENTAL IMPACT STATEMENT**

**Plans of Operations Numbers: NVN-098582 and NVN-098586
DOI-BLM-NV-W010-2020-0012-EIS
Winnemucca District Office: Humboldt River Field Office
Winnemucca, Nevada**

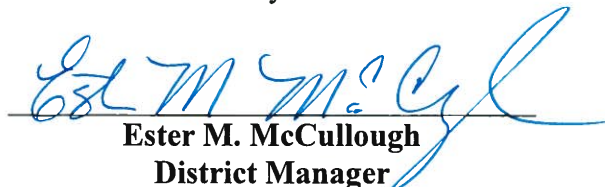
Lead Agency:

*Department of the Interior Bureau of Land Management
Winnemucca District
Humboldt River Field Office
5100 E. Winnemucca Blvd.
Winnemucca, Nevada 89445-2921*

Cooperating Agencies:

*United States Fish and Wildlife Service
United States Environmental Protection Agency
Nevada Department of Wildlife
Nevada Department of Conservation and Natural Resources
Humboldt County, Nevada*

January 2021


**Ester M. McCullough
District Manager**

JAN 15 2021

Date Signed

This page intentionally left blank.

Introduction

This record of decision (ROD) documents the United States Department of the Interior (DOI), Bureau of Land Management's (BLM's) selection of Alternative A from the Thacker Pass Lithium Mine Project Environmental Impact Statement (EIS), DOI-BLM-NV-W010-2020-0012-EIS. In September 2019 The Winnemucca District Office of the BLM received the Plan of Operations for the Thacker North-South Exploration Project (case file NVN-098582) and the Thacker Pass Project Plan of Operations and Reclamation Plan (case file NVN-098586), filed by Lithium Nevada Corporation (LNC). The North-South Exploration Plan of Operations would continue exploration to the north and south of the mine and processing facilities proposed in the Thacker Pass Project Plan of Operations. The Thacker Pass Mine Plan of Operations, herein referred to as the Thacker Pass Mine Plan, would include the proposed mine, necessary processing and ancillary support facilities, and a plan for reclamation (closure) of the mine and mine facilities. These Plans constitute the Thacker Pass Project (Project) analyzed in the FEIS. The Project is entirely on public land administered by the BLM in Humboldt County, Nevada, approximately 17 miles west-northwest of Orovada. Both Plans were revised in December 2020 to include corrections identified by BLM and NDEP, and mitigating measures developed in the course of the development of the EIS. The proposed action in each plan was not substantially changed.

The proposed mining activities located on public lands are subject to review and approval by the BLM pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and the BLM's surface management regulations (43 CFR 3809). The BLM's review and approval of a mine Amendment to Plan of Operations under the surface management regulations constitute a federal action that is subject to the National Environmental Policy Act of 1969 (NEPA). The BLM determined that the Project constitutes a major federal action and determined that an Environmental Impact Statement (EIS) was necessary in order to fulfill NEPA requirements. A Notice of Intent to prepare an EIS was published in the *Federal Register* (FR) on January 21, 2020 (85 FR 3413). Public scoping meetings for the EIS were held in Winnemucca and Orovada, Nevada, on February 5 and 6, 2020, respectively. A 45-day comment period was held for the draft EIS from July 31 to September 14, 2020, with public information meetings held virtually on August 19 and 20, 2020. The comments received during the scoping process and comment period were considered in developing the EIS.

This ROD contains the BLM's decision, a summary of alternatives considered, management consideration or rationale for the decision, a summary of public involvement, and other information. This ROD includes Attachment A: Thacker Pass Project and North-South Exploration Conditions of Approval, Applicant's Committed Environmental Design Features described in Appendix D of the EIS, and references mitigating measures described in the Plans of Operations. The approval decision for each plan of operations under surface management regulations (43 CFR 3809) is also included herein.

Decision

Based on the Thacker Pass Lithium Mine Project Final Environmental Impact Statement (FEIS), DOI-BLM-NV-W010-2020-0012-EIS, and the Management Considerations section in this ROD,

it is my decision to select Alternative A: the Proposed Action, including the Conditions of Approval, Applicant's Committed Environmental Design Features described in Appendix D of the EIS, and references mitigating measures described in the Plans of Operations as the preferred alternative. The Plans are subject to these measures, which are enclosed as Attachment A.

Alternative A is not anticipated to affect any threatened or endangered species or significant scientific, cultural, or historical resources, as these resources are either not present or the effects will be mitigated. BLM will issue a separate decision following this selection, which will carry forward the approval of the Plans under the applicable regulatory sections within subparts 3809 and 3715.

The results of public outreach, including consultation and coordination with state and local governments and other responsible agencies, as summarized in this ROD, were incorporated in forming the decision.

Alternative A conforms to the BLM's Record of Decision and Resource Management Plan for the Winnemucca District Planning Area, approved May 21, 2015, and amended by the ROD and Approved Resource Management Plan Amendments for the Great Basin Region, including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, Utah, both the September 21, 2015, and March 27, 2019, versions. This is in accordance with the RMP Planning Criteria, #11, which states "Management of energy and non-energy mineral resources will be consistent with the acts of Congress relating to the Domestic Minerals Program Extension Act of 1953, the Mining and Minerals Policy Act of 1970, the Federal Land Policy and Management Act of 1976, the National Materials and Minerals Policy, Research and Development Act of 1980, and the Energy Policy Act of 2005, and the 43 CFR 3100, 3200, 3500, 3600, 3700, 3800 regulations." and locatable mineral Objective MR 9, which states, in part, "Manage locatable mineral operations to provide for the mineral needs of the nation while assuring compatibility with and protection of other resources and uses."

Mitigation and Monitoring

The mitigation measures, environmental protection measures, conditions of approval, and monitoring plans specified in Attachment A of this ROD will minimize environmental impacts identified in the FEIS. The monitoring requirements specified in this ROD and Appendix H of Plan of Operations NVN-098586 will assist the BLM and others to identify, avoid, or mitigate, if necessary, and address unforeseen environmental impacts that may occur. The environmental protection measures (EPMs) that LNC has committed to, both in Attachment A of this ROD and in the text of its Plans of Operations, Appendix H of Plan of Operations NVN-098586, and the conditions of approval (including monitoring) in this ROD will provide environmental protection during and after implementation of the action. The ROD also provides the BLM periodic opportunities to reevaluate the analysis of potential impacts during and after implementation.

Alternatives, Including the Proposed Action

In response to LNC's submittal of their Plans of Operations, the BLM prepared the Thacker Pass Lithium Mine Project EIS, DOI-BLM-NV-W010-2020-0012-EIS. The EIS analyzed the Proposed Action (Alternative A) and three alternatives: Alternative B – Partial Pit Backfill; Alternative C – No Pit Backfill; and Alternative D – No Action.

Proposed Action (Alternative A)

Under the Proposed Action (Alternative A), LNC would construct and operate an open pit lithium mine and processing facility in the Thacker Pass basin. Facilities associated with the Proposed Action include development of an open pit mine; waste rock storage facilities (WRSF); a coarse gangue stockpile; a clay tailings filter stack; growth media stockpiles; haul and secondary roads; and additional mine facilities to support mining and lithium production operations. The Project would be developed in two phases (Phase 1 and Phase 2) during the proposed 41-year mine life. Phase 1 would include construction of the mine facilities and mining and processing for the first 4 years of mine life. Phase 2 would occur from years 5 to 41 of the mine life, after which the Project would enter the reclamation and closure period (for a minimum of 5 years). In addition, through the life of the project LNC would complete exploration activities as part of the Proposed Action.

The Project area includes 17,933 acres of land, of which 10,468 acres and 7,465 acres are associated with the Mine Plan and Exploration Plan, respectively. The total disturbance footprint would be approximately 5,695 acres. Surface and subsurface mineral estates associated with the Project are located on public lands administered by the BLM, Winnemucca District. No state or private lands are included in the Project area. Surface disturbances under the Proposed Action would be concurrently reclaimed by the applicant during the life of mine in areas where mining activity has been completed. The open pit would be actively backfilled during the life of mine and those areas would be concurrently reclaimed prior to the final closure and reclamation period. At the end of mine life, the open pit would be completely backfilled and reclaimed.

Alternative B – Partial Pit Backfill

Under Alternative B, the South Pit area would be partially backfilled and the North and West Pits would be backfilled to similar elevations as proposed under Alternative A (EIS Figure 2.5, Appendix A). Under this alternative, no permanent pit lakes are anticipated to develop, however; a small intermittently wet area would likely occur in the South Pit area. Backfilling of the West Pit would be anticipated to begin in year seven of the life-of-mine and would continue into the North Pit and a portion of the South Pit as mining progresses. The partial backfill scenario would generate smaller WRSF than under the No Pit Backfill option (Alternative C). Through the life of the project LNC would complete exploration activities as part this alternative.

Alternative C – No Pit Backfill

Under this alternative, the West, North, and East Pits would not be backfilled at the end of the life-of-mine and the open pit would remain as a post-mining feature. Upon the cessation of pit dewatering at mine closure, three small permanent pit lakes would develop. Water quality in the pit lakes would be anticipated to be degraded and could adversely affect wildlife and livestock. Groundwater quality could also be adversely affected under this alternative. In addition, this

alternative would result in larger long-term disturbance footprints for the WRSF and gangue stockpile as waste rock and coarse gangue material would not be backfilled into the pit. The increased footprints of these facilities would also result in increased visual effects. Through the life of the project LNC would complete exploration activities as part this alternative.

No Action Alternative

Under Alternative D, the No Action Alternative, the BLM would not approve the proposed Plans for mining and exploration. There would be no construction or operation of the Thacker Pass Mine on BLM-administered lands. LNC would not implement further exploration proposed in the North-South Exploration Plan. LNC could implement the remaining authorized surface disturbance acreages under previous authorizations, and reclamation of those and existing disturbance would be completed according to the approved reclamation plan for each action.

Alternatives Considered but Eliminated from Detailed Analysis

Following is a list of alternatives the BLM considered in the EIS but eliminated from detailed analysis.

- Alternative open pit location
- Alternate clay tailings filter stack (CTFS) location
- Alternate WRSF location
- Alternate power supply
 - Natural gas via pipeline
 - Relying on power supply from the existing grid

Preferred Alternative

The Proposed Action (Alternative A) is the preferred alternative as it conforms to the Purpose and Need of the FEIS and based on the relatively compact disturbance footprint and the commitment to mitigation of reasonably foreseeable impacts to the environment. Alternative A includes all the environmental protection measures and all mitigation measures identified in Attachment A. The environmentally preferable alternative would be the No Action Alternative if solely based on disturbance that would be caused by the operations proposed and disregarding the Purpose and Need.

Management Considerations

The rationale for the decision to select the Proposed Action (Alternative A) is presented in this section. The following resources were identified as having direct, indirect, and potential cumulative impacts during analysis in the EIS: air resources, cultural resources, grazing resources, migratory birds, wastes and materials, water quality and quantity, geology and minerals, land use, recreation resources, social values and economics, soils, special status species, vegetation, visual resources, and wildlife.

The Proposed Action (Alternative A) was selected as the preferred alternative through careful consideration of the impacts associated with the different alternatives. Although the Proposed Action and Alternative B are similar, the backfilling of the mine pit would result in different impacts on air quality, water quality, wildlife, and special status species. Alternative C would

require additional and longer waste rock haulage truck trips, resulting in additional air emissions and potential for fuels release, which would not result under Alternative A. Groundwater quality would likely be affected less under the Proposed Action, as the pit would be backfilled above the level where a seasonal wet area and pit lakes are likely to form, as predicted in Alternatives B and C. Not having post-mining groundwater released to the surface would reduce the risk of toxicity for species ingesting water from the wet area or a pit lake. As a result of not backfilling the mine pits, Alternative C would also result in a much larger disturbance footprint for the project. Alternative A would also reduce impacts on wildlife, migratory birds, special status species, air quality, and visual resources compared with Alternatives B or C. As such, the Proposed Action resulting in lesser direct and indirect impacts to wildlife, migratory birds, and special status species, is the deciding factor.

The Thacker Pass Project provides for the establishment of mining and ore processing in an area where mining has been identified as an appropriate land use as stated in the Winnemucca District Resource Management Plan. This decision will allow LNC to develop infrastructure to produce mineral commodities deemed critical to national security and economic well-being.

Consultation and Coordination

Native American Consultation

The BLM has been in contact with tribal governments regarding this Project from its early stages (October 2018) and throughout the ensuing National Environmental Policy Act (NEPA) process.

In December 2019, the BLM sent certified letters to the McDermitt Paiute and Shoshone Tribe, the Pyramid Lake and Summit Lake Paiute Tribes, and Winnemucca Indian Colony tribes, initiating formal consultation. These tribes are also on the Project EIS mailing list to receive updates, and the BLM notified the tribes of the availability of the draft EIS in July 2020. The tribes also received notification and copies of the final EIS by certified mail in December 2020. No comments or concerns have been raised during formal government to government consultation for the Project by the tribes.

Cooperating Agencies

BLM invited the following agencies to participate in the NEPA process as cooperating agencies for the Project: the United States Environmental Protection Agency (USEPA), the United States Fish and Wildlife Service (USFWS), the Nevada Department of Wildlife (NDOW), the Nevada Department of Conservation and Natural Resources (NDCNR), the Nevada Department of Transportation (NDOT), and Humboldt County. The USEPA, USFWS, NDOW, NDCNR (represented by the Sagebrush Ecosystem Technical Team), and Humboldt County accepted the invitation. These entities participated as cooperating agencies during the process and through regular meetings in internal document review actively coordinated with the BLM on this EIS.

Intergovernmental Partners

The BLM's coordination responsibilities include maximizing consistencies with the plans and policies of other government entities.

In accordance with the requirements of Section 106 of the National Historic Preservation Act, the BLM coordinated and consulted with the State Historic Preservation Office (SHPO). The BLM received a letter dated Wednesday, October 7, 2020, providing the SHPO's concurrence on the cultural resource report and finding of adverse effect. A Memorandum of Agreement and treatment plan are being prepared, and the BLM will continue to consult with the SHPO on the Project and treatment plan in accordance with programmatic protocols.

The BLM and LNC consulted with the NDCNR Sagebrush Ecosystem Technical Team (SETT), which provides guidance to other agencies and project proponents on the Nevada Conservation Credit System (CCS), in conjunction with implementation of the Greater Sage-Grouse Land Use Plan amendments. The CCS ensures that Greater Sage-Grouse habitat impacts are offset by long-term enhancement and protection of other existing sagebrush habitats within Nevada. LNC used the CCS Habitat Quantification Tool to quantify habitat function for Greater Sage-Grouse habitat in the Project area. LNC will continue to coordinate with the SETT to develop or obtain the appropriate number of CCS credits to offset potential impacts to sagebrush habitat within the Project area.

Coordination was also conducted between the BLM and the Nevada Division of Environmental Protection (NDEP) Bureau of Mining Regulation and Reclamation (BMRR) as specified within Memorandum of Understanding (MOU) 3000-NV920-0901, MOU for Mining and Mineral Related Activities within the State of Nevada.

NEPA regulations require that EISs be filed with the USEPA (40 CFR 1506.9). The draft and final EIS were submitted to the USEPA, as required by the Council on Environmental Quality regulations. Coordination was conducted with the USEPA as outlined in the 2008 MOU between the BLM and USEPA regarding mining EISs in Nevada.

Public Involvement

Public Scoping

On January 21, 2020, the BLM published a Notice of Intent (NOI) to prepare this EIS in the *Federal Register* (85 FR 3413). The NOI invited public participation and scoping comments for a 30-day scoping period ending on February 20, 2020. The comment period was extended by seven days, to February 27, 2020, due to the initial NOI having an incorrect internet link for Project information.

The BLM initiated the following additional steps as part of the scoping process:

- Sent letters to federal, state, and local agencies; affected tribal governments; and other interested parties, informing them about and inviting participation and comments on the Proposed Action
- Issued news releases to local news sources
- Updated the ePlanning website to inform the public of the Project and to invite comments
- Held public scoping meetings on February 5, 2020, at the Winnemucca Convention Center in Winnemucca, Nevada, and on February 6, 2020, at the Orovada Community Center in Orovada, Nevada

Draft EIS

To solicit public comments and feedback on the draft EIS, the BLM published a notice of availability for the draft EIS in the *Federal Register* on July 31, 2020 (85 FR 46094), which initiated a 45-day public comment period that ended on September 14, 2020. Letters were sent to potentially interested parties, and the BLM also issued a news release that stated the draft EIS was available for review during a 45-day comment period. The BLM held two public meetings in a virtual format during the comment period on August 19 and 20, 2020. Comments received were considered in the final EIS.

Individuals, public agencies, and nonprofit organizations submitted 63 letters with comments on the draft EIS. The comments and responses to them are contained in Appendix R of the final EIS. Based on comments received, the BLM prepared the final EIS, adding information to clarify and improve the EIS analysis; however, there were no substantial changes in the analysis or the impacts in the EIS. Moreover, there were no significant new circumstances or information relevant to environmental concerns or having a bearing on the impacts disclosed in the EIS.

Final EIS

The notice of availability for the Thacker Pass Lithium Mine Project Final EIS was published by the BLM and EPA in the *Federal Register* on December 4, 2020 (85 FR 78324 and 78349). The 30-day availability period ended on January 4, 2021.

During the 30-day availability period a total of two cooperating agencies, three other state agencies, four non-governmental organizations (NGO), and three members of the public submitted comments on the FEIS. Cooperating agencies submitting comments on the Final EIS included the U.S. Environmental Protection Agency (USEPA) and Nevada Department of Wildlife (NDOW). Other state agencies submitting comments included the Nevada Division of Water Resources (NDWR), the Nevada Department of Transportation (NDOT), and the Nevada Department of Environmental Protection (NDEP) Bureau of Safe Drinking Water (BSDW). Comments from the USEPA focused on requesting specific information to be included in the Record of Decision (ROD) regarding monitoring and mitigation of potential effects to surface waters and ground water, specifics of the NDEP Water Pollution Control Permit (WPCP) for which an application is under review by NDEP, and information on long-term financial assurances required by the BLM. NDOW comments focused on requesting specific information to be included in the ROD regarding the proponent's commitments to water and wildlife monitoring efforts, a voluntary commitment from the proponent to conduct noise monitoring and mitigation at the Montana 10 and Pole Creek greater sage-grouse leks, and identification of water monitoring thresholds that would trigger adaptive management of water resources. Comments from the NDWR, NDOT, and NDEP BSDW were standard comments regarding the various state permits that the proponent must obtain as a condition of the BLM approval and prior to initiation of disturbance causing activity at the mine site. NDOT asked for clarification on how many vehicles and buses would be accessing the mine site daily and at what hours of the day.

Comments on the Final EIS were submitted by NGOs including the Great Basin Resource Watch (GBRW), Western Watersheds Project (WWP), Wildlands Defense, and Basin and Range Watch (BRW). These comments focused on requests for additional analysis regarding water resources both ground and surface waters, statements that the BLM was not following proper regulatory

protocols in permitting the project under the General Mining Law of 1872 and the 43 Code of Federal Regulations (CFR) Subpart 3809 Surface Management regulations, statements that the analysis of potential effects to golden eagles were incorrect, and statements that the underlying hydrological data used in modeling and impact analyses were incomplete or inaccurate.

Members of the public submitting comments included Mr. Edward Bartell of Orovada and Erik Powell, PhD. Mr. Bartell's and Dr. Powell's comments focused on the hydrological modeling data and analysis and are in general disagreement with the conclusions of the effects analysis provided in the Final EIS.

The BLM interdisciplinary team specialists reviewed these comments in full and determined that the FEIS analysis was completed using standard protocols for analysis, included the best data and science available at the time, and that the BLM has applied all reasonable and feasible mitigation within its regulatory authority regarding water resources, effects on eagles, and other resource topics. The BLM's decision to select the preferred alternative is based on the analysis presented in the FEIS.

Attachment A: Thacker Pass Project Conditions of Approval and Applicant's Committed Environmental Protection Measures

This page intentionally left blank.

THACKER PASS PROJECT
CONDITIONS OF APPROVAL AND APPLICANT COMMITTED
ENVIRONMENTAL PROTECTION MEASURES

CONDITIONS OF APPROVAL

1. In accordance with BLM Instruction Memorandum 2019-018, the mitigation required by the State of Nevada has been included in the analysis for Greater-sage Grouse (see Chapter 3 of the EIS). LNC will continue to consult with the BLM and the Nevada Department of Conservation and Natural Resources (DCNR) Sagebrush Ecosystem Technical Team (SETT) on a mitigation plan based on the Habitat Quantification Tool analysis. The mitigation plan will be developed by the SETT consistent with the Nevada Conservation Credit System or other applicable state requirements.
2. Based on the results of the cultural resource surveys and in consultation with the State Historic Preservation Office (SHPO) a historic properties treatment plan for the Thacker Pass project has been developed. It aligns with cultural resource eligibility determinations presented in the SHPO's letter to the BLM on November 5, 2020. The plan includes specific descriptions of how impacts on historic properties will be mitigated. Treatment measures include avoidance, data recovery at selected sites, public outreach and interpretation, and other methods meeting the approval of the programmatic agreement parties.
3. LNC will monitor groundwater sources according to NDEP standards and will maintain water quality and quantity for wildlife, livestock, and human consumption to State of Nevada standards.
4. LNC will regularly monitor groundwater levels in designated wells as part of the mine's water pollution control permit. Permit issuers routinely require groundwater model updates, which use monitoring data. The BLM recommends the continued monitoring in conjunction with the mine's water pollution control permit, and may require additional monitoring of seeps, springs, and non-mining wells outside the groundwater model boundary, if necessary. If monitoring finds that the project results in drawdown to seeps and springs within the Thacker Pass Project boundary, the BLM will require LNC to develop alternative water sources for wildlife and livestock use.
5. As data are collected from the field, LNC will update the groundwater model with firsthand information on a schedule not to exceed five (5) years from the previous modelling. If such updated models continue to support the assumption that the backfilled pits would exhibit flow-through at low rates with some quality degradation, LNC will adopt mitigation strategies early to minimize or eliminate the risk of groundwater impairment through strategies determined with BLM and the NDEP concurrence.
6. LNC will monitor the proposed activity to identify or prevent impacts according to the operating plans and permits in Appendix O of the EIS.

7. An as-built map for each calendar year will be submitted to the BLM Winnemucca District, Humboldt River Field Office (HRFO) by April 15 of the following year, showing topography; township; range and sections; locations of all mine operations and activities, including new areas of disturbance; and areas that have been reclaimed with the month and year the area was regraded or reseeded.
8. The financial guarantee, or portions thereof, shall be released upon the BLM HRFO and NDEP Bureau of Mining Regulation and Reclamation (BMRR) concurrence that adequate reclamation has been successfully completed. Bond release criteria shall be those set forth in regulations at 43 CFR 3809 and the Nevada Guidelines for Successful Revegetation for the Nevada Division of Environmental Protection, the Bureau of Land Management and the U.S.D.A. Forest Service (Instruction Memorandum #NV99-013). Bond release will be conducted according to the Surface Management Regulations at 43 CFR 3809.590 through 3809.594.
9. The Migratory Bird Treaty Act prohibits the destruction of nests (nests with eggs or young) of migratory birds. In order to avoid potential impacts on breeding migratory birds, a nest survey shall be conducted in coordination with BLM within potential breeding habitat prior to any surface disturbance during the avian breeding season (March 1–August 31). If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nest material, or transporting food) is observed, a protective buffer (the size depends on the habitat requirements of the species) shall be delineated and the buffer area avoided to prevent destruction or disturbance to nests until they are no longer active. The site characteristics used to determine the size of the buffer are: a) topographic screening; b) distance from disturbance to the nest; c) the size and quality of foraging habitat surrounding the nest; d) sensitivity of the species to nest disturbances; and e) the protection status of the species.
10. No less than biannually, starting in 2023 and continuing until the final release of revegetation requirements, the operator shall complete a noxious weed survey within the entire Thacker Pass Project boundary. The operator shall address monitoring and mitigation of weed occurrences according to the Noxious and Invasive Weed Management Plan (**Plan NVN-098586, Appendix D**). A report of the findings and treatment method(s) shall be sent to the BLM within 60 days after treatment(s). A pesticide use proposal will need to be submitted to and approved by the BLM prior to application of any chemical noxious weed treatment.
11. The operator shall ensure that all mobile mine and exploration equipment is power-washed before entering areas within the Project area dominated by native vegetation (including reclaimed areas) to prevent the spread of noxious weeds. If accomplished at the Project site, washing of this equipment is authorized only at an approved wash-point or facility established in conjunction with the operator's Plan.
12. No hazardous or toxic waste, waste oil, or lubricants shall be disposed of on public lands. Trash and other debris shall be contained on the work site and then hauled to an appropriate and approved landfill either on- or off-site. Burial or burning of trash and other debris is not authorized without specific permits from the BLM and other appropriate agencies. Waste storage and disposal shall be accomplished in a manner that does not attract terrestrial or avian scavengers.

13. All hazardous material spills regardless of size will be cleaned up and reported, if required per applicable regulations. Motorized equipment will be inspected daily by the operator for leaks or fluid loss and will be maintained to prevent leaks or fluid loss. If fluids are lost due to leaks during operations, the operator will shut down the leaking machine and will collect any contaminated soil (if present) in a 55-gallon barrel or other appropriate container for transport offsite to a permitted facility for proper treatment and disposal. Used oil, antifreeze, batteries, tires, and other recyclable materials resulting from equipment maintenance will be collected in closed containers or on pallets, as appropriate, and will be removed from the site on a regular, frequent basis for recycling. Under no circumstances will large quantities of these or other used materials be allowed to accumulate at the site, nor will any of these materials be disposed on or in the land at the site.
14. All reporting requirements specified by the NDEP or NDOW shall also be reported to the BLM HRFO within the same time frames.
15. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the immediate vicinity of the discovery and protect it from the operator's activities for 30 days or until notified to proceed by the authorized officer.
16. The following precautionary measures shall be taken to prevent wildland fires. In the event the operator's actions should start a fire, LNC could be held liable for all suppression costs under 43 CFR 9212.4. These are in addition to any requirements imposed by the Mine Safety and Health Administration or other governing agencies for work-area fire protection.
 - a. All vehicles regularly travelling or working in wildlands outside the mine site shall carry at a minimum a shovel and five gallons of water (preferably in a backpack pump), in addition to a conventional fire extinguisher.
 - b. Adequate firefighting equipment (a shovel, a Pulaski, standard fire extinguisher(s), and an ample water supply) shall be kept readily available at each active work site in a wildland setting.
 - c. All cutting and welding torch use, electric-arc welding, and grinding operations shall be conducted in an area free, or mostly free, from vegetation. In a wildland setting an ample water supply and shovel will be on hand to extinguish any fires created from sparks. At least one person in addition to the cutter/welder/grinder shall be at the work site to promptly detect fires created by sparks.
 - d. Any fire restrictions or closures issued by the BLM WD will be publicized in the local media, and notice will be posted at various sites throughout the district. The BLM will not individually contact operators. The operator's plan serves as an authorization that may exempt its operations from certain restrictions in those orders. The operator's personnel will be responsible for being aware of and complying with the requirements of those orders.

In addition, to enhance coordination of monitoring and mitigation measures, BLM will establish a technical advisory group, comprised of BLM staff, representatives of federal, state, or local agencies with direct interest in water quality and quantity, and LNC. The primary purposes of the group would be to suggest monitoring methods and locations or refinements to those already established, periodically evaluate the monitoring data, suggest mitigation methods and triggers for implementing mitigation action. Specific action decisions will be made by the BLM or other responsible agencies (in particular NDEP) in accordance with their authorities and under the terms of their authorizations or permits.

APPLICANT COMMITTED ENVIRONMENTAL PROTECTION MEASURES

These environmental protection measures, in addition to the above conditions, are part of LNC's Thacker Pass Project (LNC 2019) and listed in Appendix D of the EIS. Other monitoring and mitigation measures are found in Appendices B and H of Plan of Operations NVN-098586.

Feature Number	Resource Affected	Design Feature
AQ-01	Air Quality	LNC would develop a Fugitive Dust Control Plan for the approved project to ensure consistency with NDEP Bureau of Air Pollution Control (BAPC) operating permits.
AQ-02	Air Quality	LNC would control fugitive emissions at the crusher and conveyor drop points using water sprays or baghouses, as necessary.
AQ-03	Air Quality	LNC would install, operate, and maintain pollution control devices installed by equipment manufacturers where required.
AQ-04	Air Quality	LNC would apply surface treatments (chemical stabilization), additional watering and traffic control regulations (such as reduction in speed and traffic volume restrictions on unpaved roads), as necessary.
AQ-05	Air Quality	LNC would stabilize the surface of areas adjoining roads which are fugitive dust sources by vegetating or mulching, as necessary.
AQ-06	Air Quality	LNC would restrict travel of project-related vehicles overland and on unmaintained travel ways, as necessary.
AQ-07	Air Quality	LNC would minimize the area of disturbed land during ongoing surface mining activities as much as possible and practical.
AQ-08	Air Quality	LNC would compact unpaved roads to stabilize the road surface and promptly remove ore, rock, soil, and other debris from roads, as necessary.
AQ-09	Air Quality	LNC would minimize the loss of material to wind and spills by watering and/or treating loaded haul trucks, as necessary.
AQ-10	Air Quality	LNC would ensure prompt revegetation of disturbed lands, as necessary.
AQ-11	Air Quality	LNC would restrict activities causing fugitive dust during periods of air stagnation whenever possible.
WA-01	Water Resources	See the Stormwater Pollution Prevention Plan (Plan NVN-098586, Appendix C).

Feature Number	Resource Affected	Design Feature
NW-01	Noxious Weed Management	See the Noxious and Invasive Weed Management Plan (Plan NVN-098586, Appendix D).
LS-01	Livestock	LNC would install cattle guards at the entrance to the plant and mine area if necessary.
MB-01	Migratory Birds	If possible, LNC would time land clearing and surface disturbance to prevent destruction of active bird nests or young birds during the avian breeding season (March 1 to August 31, annually in accordance with BLM policies), in compliance with the Migratory Bird Treaty Act. If surface disturbing activities are unavoidable during the avian breeding and nesting season, LNC would have a qualified biologist survey area proposed for disturbance to determine the presence of active nests immediately prior to the disturbance. Should active nests be located, or other evidence of nesting be observed (i.e., mating pairs, territorial defense, carrying nesting material, transporting of food, etc.), LNC will avoid the area to prevent destruction or disturbance of nests until the birds are no longer present.
MB-02	Migratory Birds	LNC would install raptor anti-perch devices on the proposed 25-kV power poles that are located within the portions of Project area that support sage grouse habitat. Anti-perch devices would also be installed on tall structures (where appropriate) within the mine facilities and plant site (e.g., communication tower, weather station, some areas of the lithium processing plant, and sulfuric acid plant). Anti-perch devices (usually triangle shaped, cone-shaped, or are spike-type structures) are designed to be mounted on utility poles or tall structures to prevent or dissuade raptors from landing or nesting on the structure.
MB-03	Migratory Birds	LNC would implement a Bird & Bat Conservation Strategy (BBCS) for the Project. The Project BBCS is a Project-specific document that delineates a program designed to reduce the potential risks of raptor, avian, and bat mortality that may result from the interaction of these species with Project facilities. On-site operations will implement measures as outlined in the BBCS.
MB-04	Eagles	LNC would implement an Eagle Conservation Plan (ECP) for the Project. The Project ECP is a Project-specific document that delineates a program designed to reduce the potential risks of eagle mortality that may result from the interaction of these species with Project facilities. On-site operations will implement measures as outlined in the ECP. LNC is coordinating with the USFWS to apply and obtain an Eagle Take Permit (ETP) to account for effects to Golden Eagles from disturbance related to Project construction and operation.
WR-01	Wildlife Resources	LNC would dispose of any animal road kills occurring within the Project site and along the Quinn River Well access road in self-closing trash bins or another secure method.
WR-02	Wildlife Resources	All trash associated with the Project during construction and operation would be contained in secure receptacles to prevent the introduction of subsidized food resources for ravens and other wildlife. LNC would use closed bins during construction for organic waste. To reduce the

Feature Number	Resource Affected	Design Feature
		possibility of ravens or other wildlife from ripping into the bags and exposing the trash, plastic bags containing trash would not be left out for pickup. All trash and food items generated by construction and operation activities would be promptly contained and regularly removed from the Project site to reduce the attractiveness of the area to common ravens and other wildlife.
WR-03	Wildlife Resources	LNC would install the proposed transmission infrastructure such that they are incompatible with the establishment of raven nests. As suggested in Avian Power Line Interaction Committee guidelines, LNC will attach polyvinyl chloride pipe or corrugated drainpipe to the proposed 25-kV distribution line structures to discourage nesting (APLIC 2006). However, ravens are resourceful and, in some cases, have nested around such perch and nest discouraging features. Therefore, LNC would also regularly monitor the usefulness of the deterrence measures and implement different measures if the current effort is unsuccessful.
WR-04	Wildlife Resources	During exploration activities, LNC would install wildlife escape ramps in all open trenches and drilling sumps or areas where wildlife could become trapped. LNC would coordinate with BLM to minimize any potential mortality associated with drilling sumps.
VR-01	Visual Resources	LNC would develop and implement BMPs for the Project to reduce light pollution and impacts to visual resources including implementation of “Dark Sky” practices such as screening light sources, directing light towards intended targets, minimizing new disturbance areas, and utilizing colors found in the natural environment for structures and building. The height and angle of illumination from which floodlights are fixed would be reduced as much as possible while still maintaining the required levels of brightness and safety per operations protocol and MSHA/OSHA regulations.
VR-02	Visual Resources	Concurrent reclamation of mine areas for which mining has been completed would be implemented to mitigate effects to visual resources. During mining operations, this would allow for vegetation to establish where mining has been completed, while mining activities are in progress elsewhere within the Project area. Concurrent reclamation would result in reduced effects to visual resources and visual contrast.
VR-03	Visual Resources	Site-wide post-production reclamation contours and topography would be designed to blend with form, line, color, and texture of the existing landscape. Post-production reclamation would include recontouring, cover placement, placement of growth media, and seeding activities.
VR-04	Visual Resources	Mitigation measures, such as painting buildings and structures to blend with the existing landscape, and when feasible, concurrently sloping and reclaiming stockpiles would minimize permanent visual contrasts within the Project area.

Feature Number	Resource Affected	Design Feature
WF-01	Wildland Fire	LNC and its contractors would comply with all applicable agency and state fire laws and regulations and will implement reasonable measures to prevent and suppress fires within the Project area.
WF-02	Wildland Fire	LNC would not allow open fires within the Project area during the life of the Project.
WF-03	Wildland Fire	LNC would coordinate with the BLM to keep vegetation mowed to serve as a fire break at appropriate locations along the fence line at the base of the Montana Mountains. LNC will immediately contact the appropriate firefighting entity in the event of a fire and report all wildland fires to the BLM Central Nevada Interagency Dispatch Center.
WF-04	Wildland Fire	Vehicles and equipment operated on public and private lands and roads would meet appropriate wildfire preparedness requirements. All vehicles would carry fire extinguishers. Vehicle catalytic converters would be inspected regularly and cleaned of brush and grass debris. Power equipment would be equipped with fire extinguishers, buckets, and shovels.
WF-05	Wildland Fire	Smoking would only be permitted in designated areas that are free of flammable materials and only if allowed by state law or federal regulations.
CR-01	Cultural Resources	Should avoidance to a known site not be feasible due to land disturbance requirements associated with Project development or if adverse effects cannot be prevented, LNC would implement mitigation measures such as data recovery, documentation and reporting at the affected cultural sites. If an unevaluated site cannot be avoided, LNC would gather additional information to evaluate the site. If the site does not meet eligibility criteria, no further cultural survey work will be performed. If the site meets eligibility criteria, LNC would develop a data recovery plan or appropriate mitigation.
CR-02	Cultural Resources	LNC would inform Project employees and contractors that knowingly disturbing cultural resources (historic or archaeological) or collecting artifacts is illegal. Project employees and contractors would be informed on how to proceed with chance finds.
WM-01	Waste Management	LNC would develop and implement a Solid and Hazardous Waste Management Plan that will identify wastes generated at the Project site and their appropriate means of disposal. Employee training would outline appropriate disposal practices, which includes the allowable wastes that can be placed in a landfill, management of used filters, oily rags, fluorescent light bulbs, aerosol cans, and other regulated substances.
WM-02	Waste Management	All solid wastes generated by the mine and process operations would be collected in dumpsters near the point of generation. The roll-off container would be picked up within 90 days (or sooner) of initial waste accumulation and shipped off-site for disposal or disposed of onsite in a Class III Landfill.

Feature Number	Resource Affected	Design Feature
WM-03	Waste Management	Hazardous wastes would be properly stored and placed in roll-off containers near their points of generation for no more than 90 days. Hazardous wastes would be picked up and disposed of at a facility licensed to treat, store, and dispose of the wastes. LNC would place appropriate labels on the roll-off containers at the time of delivery.
WM-04	Waste Management	LNC would place signs in the waste storage area at the accumulation facility to indicate the locations where the containers (e.g. drums, five-gallon pails, and/or boxes) appropriate for confining various materials are to be placed, including an area for hazardous wastes. Full and labeled drums would be placed in the designated areas on pallets with enough aisle space. Empty drums would be stored in a designated area within the fenced accumulation facility.
WM-05	Waste Management	LNC would isolate parts-washer contents from the oil/water separator and the general septic systems. These parts washers would be self-contained and will be located in the maintenance shop. The solvent collected in nearby drums would be returned to a certified recycling/disposal firm.
WM-05	Waste Management	LNC would have a trained response team at the site 24 hours per day to manage potential spills of regulated materials at the site. LNC would implement steps described in the Spill Contingency Plan (Appendix E of the proposed Plan NVN-098586).
SM-01	Survey Monuments	To the extent practicable, LNC would protect all survey monuments, witness corners, reference monuments, bearing trees, and line trees against unnecessary or undue destruction, obliteration, or damage. During operations, if any monuments, corners, or accessories are destroyed, LNC would immediately report the matter to the authorized officer. Prior to obliteration, destruction, or damage during surface disturbing activities, LNC would contact BLM to develop a plan for any necessary restoration or reestablishment activity of the affected monument in accordance with the Manual of Surveying Instructions (DOI 2009). LNC would bear the cost for the restoration or re-establishment activities including the fees for a Nevada Professional Land Surveyor.
RC/LV-01	Recreation & Livestock	The applicant acknowledges the past and current public use of the Thacker Pass corral and staging area located on Pole Creek Road approximately 2.5 miles north of State Highway 293 as shown on Figure 4.8-1 . This area is commonly used by livestock grazing permittees for gathering cattle and by the public as a staging area for recreational activities farther up Pole Creek Road in the Montana Mountains. Under all alternatives analyzed in this EIS, with the exception of Alternative D (No Action Alternative), to ensure continued public access to the staging area, the applicant would not intentionally stage or store mine vehicles or exploration equipment within the designated Livestock and Recreation Staging Area, nor would the applicant close public access to the area via fencing or signage. This area would remain under the administration of the BLM for multiple use including ongoing livestock operations and

Feature Number	Resource Affected	Design Feature
		recreational activity. The applicant would assume no financial or management responsibility or liability for the staging area beyond any commitments included in the North and South Exploration Area Plan of Operations.

This page intentionally left blank.

PLAN OF OPERATIONS APPROVAL DECISION UNDER SURFACE MANAGEMENT REGULATIONS (43 CFR 3809) AND DETERMINATION OF CONCURRENCE UNDER THE REGULATIONS GOVERNING USE AND OCCUPANCY UNDER THE MINING LAWS (43 CFR 3715)

The Winnemucca District, Humboldt River Field Office has reviewed the Plan of Operations and Reclamation Plan for the Lithium Nevada Corporation's North-South Exploration project, case file NVN-098582. The Plan was submitted in September 2019 and was last revised in December 2020. An environmental impact statement, DOI-BLM-NV-W010-2020-0012-EIS, was prepared for the Thacker Pass Project (which includes Plans of Operations NVN-098582 and NVN-098586) and is detailed in the record of decision (ROD).

It is my decision to approve the Plan of Operations NVN-098582, including compliance with the environmental protection measures specified in the Plan and certain of those that are included with the ROD as Attachment A. The specific measures from Attachment A that are applicable to NVN-098582 are: Conditions of Approval #1, #2, #6 through #16, and Applicant Committed Environmental Measures AQ-01, AQ-04, AQ-06, AQ-10, AQ-11, NW-01, MB-01, MB-03, MB-04, WR-01, WR-02, WR-04, WF-01, WF-02, WF-03, WF-4, WF-05, CR-01, CR-02, WM-01, WM-03, WM-05, SM-01, and RC/LV-01. Lithium Nevada Corporation may only perform those operations that have been described in their Plan, and must operate in accordance with BLM's regulations at 43 CFR subpart 3809. The operations proposed, conducted in compliance with BLM regulations and other applicable federal and state laws, would not cause unnecessary or undue degradation.

It is also my determination that the uses and surface occupancy proposed in Plan NVN-098582 meets the conditions specified in BLM's regulations at 43 CFR subpart 3715. The United States Department of the Interior, Bureau of Land Management (BLM) concurs with the occupancy of the subject lands. LNC must remain in compliance with those regulations.

Lithium Nevada Corporation (LNC) may only perform those actions that have been described in their Plan. No work is authorized under the Plan until LNC has complied with all federal, state, and local regulations, including obtaining all necessary permits from the Nevada Department of Environmental Protection and other federal, state, and local agencies.

Surface disturbing activities approved in this decision shall not begin until the BLM Nevada State Office issues a decision accepting the reclamation financial guarantee. In addition to approval of the reclamation financial guarantee from the BLM, LNC must also seek concurrence from the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation. The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact the BLM Nevada State Office at (775) 861-6400 for further information on the financial guarantee process.

Authority

This Decision is in conformance with the National Environmental Policy Act of 1969, 42 USC 4321 *et seq.*; the Federal Land Management and Policy Act of 1976 (FLPMA), 43 USC 1701-1789; the BLM's Surface Management Regulations at 43 CFR Subpart 3809; the BLM's use and

occupancy regulations at 43 CFR Subpart 3715; and the Winnemucca District Resource Management Plan.

Appeal of the Decision

If you are adversely affected by this decision, you may request that the BLM Nevada State Director review this decision. If you request State Director review, the request must be received in the BLM Nevada State Office at: **BLM Nevada State Office, State Director, 1340 Financial Blvd., Reno, Nevada 89502**, no later than 30 calendar days after you receive or have been notified of this decision.

The request for State Director review must be filed in accordance with the provisions in 43 CFR 3809.804 and 3809.805. This decision will remain in effect while the State Director review is pending, unless you request and obtain a stay (suspension) from the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted using the standards and procedures for obtaining a stay (43 CFR 4.21) from the Interior Board of Land Appeals (IBLA).

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the IBLA. You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director review. You have 30 days from the end of the 21-day period in which to file your notice of appeal with this office at 5100 E. Winnemucca Blvd., Winnemucca, Nevada, 89445, which the BLM will forward to the IBLA.

Under 43 CFR 3809.801(a)(1), if you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 4. Your notice of appeal must be filed in this office at 5100 E. Winnemucca Blvd., Winnemucca, Nevada, 89445, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1, which contains information on taking appeals to the IBLA. This decision will remain in effect while the IBLA's decision is pending, unless you request and obtain a stay under 43 CFR 4.21. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted under the criteria in 43 CFR 4.21.

Request for Stay

If you wish to file a petition (request) pursuant to regulations in 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the IBLA is reviewing your appeal, 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, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

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

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

This decision is issued pursuant to 43 CFR 3809.803. It is effective immediately. In the case of an appeal before the Office of Hearings and Appeals, this decision will remain in effect unless the Office of Hearings and Appeals grants a stay under section 4.21(b) of this title.



Ester M. McCullough
District Manager
JAN 15 2021

Date Signed

Enclosure: Appeal Form 1842-1

This page intentionally left blank.

PLAN OF OPERATIONS APPROVAL DECISION UNDER SURFACE MANAGEMENT REGULATIONS (43 CFR 3809) AND DETERMINATION OF CONCURRENCE UNDER THE REGULATIONS GOVERNING USE AND OCCUPANCY UNDER THE MINING LAWS (43 CFR 3715)

The Winnemucca District, Humboldt River Field Office has reviewed the Plan of Operations and Reclamation Plan for the Lithium Nevada Corporation's Thacker Pass Mine project, case file NVN-098586. The Plan was submitted in September 2019 and was last revised in December 2020. An environmental impact statement, DOI-BLM-NV-W010-2020-0012-EIS, was prepared for the Thacker Pass Project (which includes Plans of Operations NVN-098582 and NVN-098586) and is detailed in the above record of decision (ROD).

It is my decision to approve the Plan of Operations NVN-098586, including compliance with the environmental protection measures specified in the Plan and those that are included with the ROD as Attachment A. Lithium Nevada Corporation may only perform those operations that have been described in their Plan, and must operate in accordance with the BLM's regulations at 43 CFR 3809. The operations proposed, conducted in compliance with BLM regulations and other applicable federal and state laws, would not cause unnecessary or undue degradation.

It is also my determination that the uses and surface occupancy proposed in Plan NVN-098586 meets the conditions specified in the BLM regulations at 43 CFR subpart 3715. The United States Department of the Interior, Bureau of Land Management (BLM) concurs with the occupancy of the subject lands. LNC must remain in compliance with those regulations.

Lithium Nevada Corporation (LNC) may only perform those actions that have been described in their Plan. No work is authorized under the Plan until LNC has complied with all federal, state, and local regulations, including obtaining all necessary permits from the Nevada Department of Environmental Protection and other federal, state, and local agencies.

Surface disturbing activities approved in this decision shall not begin until the BLM Nevada State Office issues a decision accepting the reclamation financial guarantee. In addition to approval of the reclamation financial guarantee from the BLM, LNC must also seek concurrence from the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation. The types of financial instruments that are acceptable to the BLM are found at 43 CFR 3809.555. Please contact the BLM Nevada State Office at (775) 861-6400 for further information on the financial guarantee process.

Authority

This Decision is in conformance with the National Environmental Policy Act of 1969, 42 USC 4321 *et seq.*; the Federal Land Management and Policy Act of 1976 (FLPMA), 43 USC 1701-1789; the BLM's Surface Management Regulations at 43 CFR Subpart 3809; the BLM's use and occupancy regulations at 43 CFR Subpart 3715; and the Winnemucca District Resource Management Plan.

Appeal of the Decision

If you are adversely affected by this decision, you may request that the BLM Nevada State Director review this decision. If you request State Director review, the request must be received in the BLM Nevada State Office at: **BLM Nevada State Office, State Director, 1340 Financial Blvd., Reno, Nevada 89502**, no later than 30 calendar days after you receive or have been notified of this decision.

The request for State Director review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director review is pending, unless you request and obtain a stay (suspension) from the State Director. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted using the standards and procedures for obtaining a stay (43 CFR 4.21) from the Interior Board of Land Appeals (IBLA).

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the IBLA. You may contact the BLM Nevada State Office to determine when the BLM received the request for State Director review. You have 30 days from the end of the 21-day period in which to file your notice of appeal with this office at 5100 E. Winnemucca Blvd., Winnemucca, Nevada, 89445, which the BLM will forward to the IBLA.

Under 43 CFR 3809.801(a)(1), if you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 4. Your notice of appeal must be filed in this office at 5100 E. Winnemucca Blvd., Winnemucca, Nevada, 89445, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1, which contains information on taking appeals to the IBLA. This decision will remain in effect while the IBLA's decision is pending, unless you request and obtain a stay under 43 CFR 4.21. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted under the criteria in 43 CFR 4.21.

Request for Stay

If you wish to file a petition (request) pursuant to regulations in 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the IBLA is reviewing your appeal, 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, to the IBLA, and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

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

1. The relative harm to parties if the stay is granted or denied

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

This decision is issued pursuant to 43 CFR 3809.803. It is effective immediately. In the case of an appeal before the Office of Hearings and Appeals, this decision will remain in effect unless the Office of Hearings and Appeals grants a stay under section 4.21(b) of this title.



Ester M. McCullough
District Manager

JAN 15 2021
Date Signed

Enclosure: Appeal Form 1842-1

This page intentionally left blank.