United States Department of the Interior
Bureau of Land Management

Battle Mountain District
Battle Mountain, Nevada

November 2008

Cortez Hills Expansion Project

NVN-067575
NV063-EIS06-011

Record of Decision and Plan of Operations Amendment Approval

Photo Courtesy of the Eureka Sentinel Museum

COOPERATING AGENCY:

Nevada Department of Wildlife

BLM Mission Statement

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times.

Management is based upon the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife, wilderness, air and scenic, scientific, and cultural values.

BLM/BM/ES-07/007+1793

Cover: Photo of historic Cortez townsite looking northeast toward the site of the Cortez Hills Expansion Project. Printed with permission of Eureka Sentinel Museum, Eureka, Nevada.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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TAKE PRIDE IN AMERICA

In Reply Refer To:
NV063-EIS06-011
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NVN-067575
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NOV 12 2008

Dear Reader:

Enclosed is a copy of the Record of Decision (ROD) and Plan of Operations Approval for the Cortez Hills Expansion Project Final Environmental Impact Statement (Final EIS), NVN-067575, prepared by the Bureau of Land Management (BLM), Battle Mountain District Office.

The BLM's selection of a Preferred Alternative was based on the BLM's National Environmental Policy Act (NEPA) analysis of the Plan, including public comments received throughout the NEPA process. The decision of the District Manager, BLM Battle Mountain District, is to select the Proposed Action (inclusive of committed environmental protection measures) with the Revised Cortez Hills Pit Design Alternative for the Cortez Hills Complex facilities, and the mitigation measures specified in Chapter 3.0 of the Final EIS, as the BLM's Preferred Alternative. The Preferred Alternative is the alternative that best fulfills the agency's statutory mission and responsibilities, considering economic, environmental, technical, and other factors. The BLM has determined that implementation of this decision with the identified monitoring and mitigation measures will not cause unnecessary or undue degradation of the public lands. The decision authorizes the development of new facilities and an expansion of existing gold mining and processing operations at the Cortez Gold Mines Operations Area located in north-central Nevada, approximately 24 miles south of Beowawe in Lander County.

If you wish to appeal this decision, the appeal procedures are outlined beginning on page 32 of the enclosed document.

Please contact Christopher Worthington or Steve Drummond should you have any questions or would like additional information at (775) 635-4000.

Sincerely,

Gerald M. Smith
District Manager
Battle Mountain

Enclosure

RECORD OF DECISION
AND
PLAN OF OPERATIONS AMENDMENT APPROVAL

Cortez Hills Expansion Project

NVN-067575
NV063-EIS06-011

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain District
50 Bastian Road
Battle Mountain, NV 89820

Record of Decision and Plan of Operations Amendment Approval:

Gerald M. Smith

Gerald M. Smith
Battle Mountain District Manager

11/12/08

Date Signed

SUMMARY

Barrick Cortez Inc. (formerly known as Cortez Joint Venture or Cortez Gold Mines [CGM]), as manager of the Cortez Joint Venture, proposes to construct and operate the Cortez Hills Expansion Project (Project), which will include the development of new facilities and an expansion of its existing open-pit gold mining and processing operations at the Cortez Gold Mines Operations Area located in north-central Nevada, approximately 24 miles south of Beowawe in Lander County. CGM submitted an Amendment to the Pipeline/South Pipeline Plan of Operations (Plan) for the Cortez Hills Expansion Project (NVN-067575) and Modification to Reclamation Plan Permit Application (No. 0093) (CGM and SRK Consulting [SRK] 2008) to the Bureau of Land Management (BLM) Battle Mountain District (then Field Office) pursuant to 43 Code of Federal Regulations (CFR) 3809 and 3715.

The proposed mining activities are subject to review and approval by the BLM pursuant to the Federal Land Policy and Management Act of 1976 as amended, and the BLM's surface management regulations (43 CFR Subpart 3809). The BLM's review and approval of a mine plan of operations under the surface management regulations constitutes a federal action that is subject to the National Environmental Policy Act of 1969 (NEPA). The BLM determined that the Project constitutes a major federal action and determined that an environmental impact statement (EIS) was required to fulfill NEPA requirements. A Notice of Intent to prepare an EIS was published in the Federal Register (FR) on December 2, 2005. Public scoping meetings for the EIS were held in Crescent Valley and Battle Mountain, Nevada, on December 19 and 20, 2005, respectively. The comments received during the scoping process were considered in developing the Draft EIS.

A 60-day public comment period for the Draft EIS commenced on October 5, 2007, with the publication of the Draft EIS Notice of Availability (NOA) in the FR. Public meetings for the Draft EIS were held in Crescent Valley and Battle Mountain, Nevada, on November 6 and 7, 2007, respectively. The comments received during the public comment period were considered in preparing the Final EIS, which, in response to public comments and geotechnical concerns identified in the Draft EIS analysis, included a new alternative (Revised Cortez Hills Pit Design Alternative). A 30-day review period for the Final EIS commenced on October 3, 2008, with the publication of the Final EIS NOA in the FR.

The BLM's selection of a Preferred Alternative was based on the BLM's NEPA analysis of the Plan, including public comments received throughout the NEPA process. The decision of the District Manager, BLM Battle Mountain District, is to select the Proposed Action (with the committed environmental protection measures) with the Revised Cortez Hills Pit Design Alternative for the Cortez Hills Complex facilities, and the mitigation measures specified in Chapter 3.0 of the Final EIS, as the BLM's Preferred Alternative. The Preferred Alternative is the alternative that best fulfills the agency's statutory mission and responsibilities, considering economic, environmental, technical, and other factors. The BLM has determined that implementation of this decision with the identified monitoring and mitigation measures will not cause unnecessary or undue degradation of the public lands.

RECORD OF DECISION
and
PLAN OF OPERATIONS AMENDMENT APPROVAL

Cortez Joint Venture -
Cortez Hills Expansion Project

Plan of Operations #: NVN-067575
EIS#: NV063-EIS06-011

PREPARED BY:
Bureau of Land Management
Battle Mountain District
Battle Mountain, Nevada

COOPERATING AGENCY:
Nevada Department of Wildlife

INTRODUCTION

Barrick Cortez Inc. (formerly known as Cortez Joint Venture or Cortez Gold Mines [CGM]), as manager of the Cortez Joint Venture, wholly owned by Barrick Gold Corporation, proposes to construct and operate the Cortez Hills Expansion Project (Project). For the purposes of this Record of Decision (ROD), Barrick Cortez Inc., as manager of the Cortez Joint Venture, and CGM are the same entity. The Project includes development of new facilities and expansion of CGM's existing open-pit gold mining and processing operation in Lander County, Nevada, approximately 24 miles south of Beowawe, Nevada. CGM submitted an Amendment to the Pipeline/South Pipeline Plan of Operations (Plan) for the Cortez Hills Expansion Project (NVN-067575) and Modification to Reclamation Plan Permit Application (No. 0093) (CGM and SRK Consulting [SRK] 2008) to the Bureau of Land Management (BLM) Battle Mountain District (then Field Office) in compliance with 43 Code of Federal Regulations (CFR) 3809 and 3715.

The Project is located within Township 27 North (T27N), Range 48 East (R48E); T27N, R47E; T27N, R46E; T26N, R47E; T26N, R48E; T28N, R46E; and T28N, R47E in Lander County. No facilities will be located in Eureka County; however, the Project boundary extends onto BLM-administered lands in Eureka County to accommodate a portion of the Cortez Hills Pit buffer zone and ancillary facilities. The majority of the new surface disturbance will be located on public lands administered by the BLM Battle Mountain District; private lands owned by CGM also will be associated with the project.

CGM will mine the ore bodies associated with the Project concurrently with and after mining of the existing Pipeline/South Pipeline ore bodies. The majority of the high grade ore mined under the Cortez Hills Expansion Project will be processed at the existing Pipeline and/or Cortez mills; the primary method of

processing low grade ore will be heap leaching. A lesser quantity of refractory ore will be sold to an off site processing facility. The Project will include an expansion of two existing open pits (one expanded and one deepened) and the development of one new open pit, underground mining, the construction of two new heap leach pads and associated processing facilities, the expansion of two existing and construction of three new waste rock disposal areas, expansion of one existing mill, expansion of an existing tailings facility, construction of an overland conveyor with associated crusher and stockpile, and the relocation of portions of two county roads and a transmission line. In addition, the Project will use some of the existing primary facilities and ancillary support facilities. The anticipated mine life will be approximately 10 years, followed by an estimated 3 years for ongoing ore processing, chemical stabilization of heaps, site closure, and final reclamation.

In addition to incorporation of the Project, the Plan amendment also consolidates CGM's three existing mine plans (Pipeline/South Pipeline Plan of Operations [NVN-067575], Cortez Plan of Operations [NVN-67261] as amended for the Underground Exploration Project, and Gold Acres Plan of Operations [NVN-67174]) into a new mine plan of operations boundary known as the Cortez Gold Mines Plan of Operations. The consolidation of mine plans and boundary modifications will eliminate overlap between various plan boundaries and approved activities. The plan boundaries for CGM's two existing exploration plans (Pipeline/South Pipeline/Gold Acres Exploration Project [NVN-67575] and Horse Canyon/Cortez Unified Exploration Project [HC/CUEP] [NVN-66621]) also will be modified to eliminate the overlap of the exploration plan boundaries with the Cortez Gold Mines Plan of Operations boundary. The two existing exploration plans still will be in effect within their modified boundaries.

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

The Proposed Action, four action alternatives (Grass Valley Heap Leach Alternative, Crescent Valley Waste Rock Alternative, Cortez Hills Complex Underground Mine Alternative, and Revised Cortez Hills Pit Design Alternative) and the No Action Alternative were analyzed in the Final EIS. In addition, five mining alternatives, a waste rock facility alternative, and an infrastructure alternative were considered but not analyzed in detail. The action alternatives were considered relative to their means of addressing the identified purpose and need, their technological and economic feasibility, as well as their potential to address environmental issues and reduce potential impacts. The No Action Alternative considered the continuation of CGM's currently authorized mining activities, without the development of the Cortez Hills Expansion Project.

DECISION

The decision of the District Manager, BLM Battle Mountain District, is to select the Proposed Action (inclusive of committed environmental protection measures) with the Revised Cortez Hills Pit Design Alternative for the Cortez Hills Complex facilities, and the mitigation measures specified in Chapter 3.0 of the Final EIS, as the BLM's Preferred Alternative. Development of the Project is authorized by this decision. The BLM decision is based on the final Plan (NVN-067575, dated July 2008), submitted to the BLM pursuant to 43 CFR 3809 and 3715, and the analysis in the Final EIS. In making this decision, BLM is relying on the Final EIS, the data and analyses prepared in connection with the Final EIS, and the prior NEPA documents identified in Appendix A of the Final EIS. The BLM has determined that implementation of this decision with the identified monitoring and mitigation measures will not cause unnecessary or undue degradation of the public lands and is consistent with other applicable legal requirements.

All mitigation that has been developed and adopted is consistent with regulations and policies in order to avoid or minimize environmental harm resulting from the selection of the BLM's Preferred Alternative. Means or methods to avoid or minimize environmental harm resulting from the selection of the BLM's Preferred Alternative have been adopted. All mitigation will be implemented and enforced.

MANAGEMENT CONSIDERATIONS

The rationale for the above decision is supported by the Surface Management Regulations (43 CFR § 3809), FLPMA, and the Mining Law of 1872, as amended. The Plan has been analyzed under the Council on Environmental Quality implementing regulations for NEPA. Selection of the BLM's Preferred Alternative will allow CGM to undertake and continue a legitimate use of the public lands in an environmentally sound manner without causing unnecessary or undue degradation.

The BLM's selection of the Preferred Alternative primarily was based on the impacts associated with social and economic values and recovery of a substantial portion of the identified mineral resource within the Pediment and Cortez Hills deposits. The Proposed Action will have greater beneficial social and economic impacts (see Section 3.13 of the Final EIS, Social and Economic Values) relative to employment, expenditures, and tax revenues, primarily in comparison to the No Action and Cortez Hills Complex Underground Mine alternatives. The incorporation of the Revised Cortez Hills Pit Design Alternative addresses potential long-term stability issues associated with the east wall of the Cortez Hills Pit, including potential impacts to the properties of cultural and religious importance (PCRI) located to the east of the pit. Under the No Action Alternative, the identified mineral resources would not be developed, resulting in the loss of approximately 8 million ounces of recoverable gold. Due to geotechnical and safety conditions under the Cortez Hills Complex Underground Mine Alternative, none of the Pediment deposit would be mined and only approximately 37 percent of the Cortez Hills deposit would be mined. As a result, recovered gold reserves would total approximately 3 million ounces, compared to 8 million ounces that will be recovered under the Proposed Action (see Section 3.1 of the Final EIS, Geology and Minerals). Identified impacts under the Grass Valley Heap Leach and Crescent Valley Waste Rock alternatives generally would be similar to the Proposed Action. Both of these alternatives would result in additional impacts associated with

increased ore or waste rock haulage; however, neither would provide greater environmental benefits than the Proposed Action.

The BLM, NDOW, and CGM have collaborated to mitigate environmental impacts that may result from the Project. CGM's committed environmental protection measures and the mitigation measures outlined below will minimize adverse environmental impacts identified in the Final EIS. Monitoring requirements of the Plan and Final EIS will assist CGM, the BLM, and others in identifying, mitigating, or avoiding unforeseen environmental impacts that may occur.

The BLM in coordination with the Nevada Division of Environmental Protection (NDEP) has determined that a reclamation bond amount of $87,530,928 is required for surface reclamation of the Project facilities and existing facilities for the Cortez Gold Mines Plan of Operations. The bond is subject to change based on periodic (3-year) review of the reclamation cost estimate. In addition to the reclamation bond, CGM has posted an archaeological bond of $1,378,000 to conduct the Historic Properties Treatment Plan (HPTP) under the Programmatic Agreement (PA).

The Preferred Alternative is in conformance with the Shoshone-Eureka Resource Management Plan (RMP) ROD that states: "Make available and encourage development of mineral resources to meet national, regional, and local needs consistent with national objectives for an adequate supply of minerals." The RMP ROD also states "All public lands in the planning area will be open for mining and prospecting unless withdrawn from mineral entry."

The Project is in conformance with the President's National Energy Policy as put forth in Executive Order 13212 and will not have an adverse impact on energy development, production, supply, and/or distribution.

Summary of the Proposed Action

The Proposed Action includes the development of new facilities at the new Cortez Hills Complex and, to minimize additional surface disturbance and environmental impacts, the utilization of some of CGM's existing facilities at the Cortez, Pipeline, and Gold Acres complexes, some of which will be expanded.

The Proposed Action will result in a total of approximately 6,792 acres of new surface disturbance within the 57,058-acre Project boundary. A total of approximately 112 million tons of heap leach ore, 53 million tons of mill-grade ore, 5 million tons of refractory ore, and 1,577 million tons of waste rock will be mined. The Proposed Action will involve the construction, or modification, of the following primary components:

Cortez Hills Complex:

- New open pit (Cortez Hills Pit) for development of Cortez Hills and Pediment ore zones
- Development of underground operations
- Underground mining
- New groundwater dewatering system to include in-pit, perimeter, and underground facilities
- New Grass Valley Heap Leach Facility with associated solution ponds, new carbon-in-column (CIC) facility, and reagent storage area

- New ore, subgrade ore, and growth media stockpiles
- Three new waste rock facilities (Canyon, North, and South)
- New ancillary facilities (maintenance shop; safety, security, and administrative facilities; 90-day temporary waste storage area; and fuel and lubricant storage facilities)
- New primary crusher, conveyor offload stockpiles, and approximately 12-mile-long conveyor system
- Two new water supply wells and associated power distribution line, water pipeline, and water reservoir or head tank
- Construction and upgrade of haul roads
- Relocation of portions of an existing county road (CR) and 60-kilovolt (kV) transmission line segment in the project boundary
- Installation of new 120-kV transmission line segment and substation
- Construction of new Class III waivered landfill
- Development of new borrow source in Grass Valley
- Modification of existing HC/CUEP boundary to remove overlap with the Cortez Gold Mines Plan of Operations boundary

Cortez Complex:

- Deepening of existing Cortez Mine open pit
- Expansion of existing Cortez Waste Rock Facility
- Expansion of existing F-Canyon backfill
- New Cortez Heap Leach Facility with associated solution ponds, CIC facility, and reagent storage area
- Expansion of existing tailings facility
- Expansion of diesel fuel storage facilities
- Ancillary facilities for underground support (backfill crushing, additional ore stockpiles, shotcrete plant, conveyor onload area, and haul road)

Pipeline Complex:

- Expansion of existing Pipeline open pit (North Gap Pit expansion)
- Expansion of existing Pipeline Waste Rock Facility
- New North Gap backfill
- Relocation of existing county road around waste rock facility expansion area
- Expansion of existing Pipeline Mill to facilitate an increase in throughput from currently permitted 13,500 tons per day (tpd) to an average of 15,000 tpd
- Modification of existing Pipeline/South Pipeline/Gold Acres exploration plan boundary to remove overlap with the Cortez Gold Mines Plan of Operations boundary

Existing CGM facilities will be used for the Project, to the extent possible, to minimize additional disturbance. The following primary existing facilities, which will not be modified, will be utilized for the Proposed Action:

Cortez Complex:

- Cross-valley water pipelines to the existing Pipeline infiltration basins and process facilities
- 120-kV transmission line (to underground portals)
- Underground portals and surface support facilities in the F-Canyon Pit
- Grinding and carbon-in-pulp circuits at the Cortez Mill (which will be reactivated)
- Class III waivered landfill (which will be reactivated)
- Administrative offices and ancillary buildings

Pipeline Complex:

- Pipeline Heap Leach/Tailings Facility (with currently permitted expansion)
- Pipeline South Area Heap Leach Facility
- Assay lab, administrative offices, and shop
- Groundwater infiltration sites

Gold Acres Complex:

- 90-day temporary hazardous materials storage facility (e.g., oil, etc.)
- Class III waivered landfill
- Hydrocarbon bio-remediation facilities
- Blasting materials storage area

Land Ownership and Mining Claims

The Project boundary is composed of approximately 57,058 acres, of which 53,790 acres are public lands administered by the BLM and 3,268 acres are owned by CGM. The majority (97 percent) of the approximately 6,792 acres of new disturbance will occur on public lands administered by the BLM Battle Mountain District; the remainder of the new disturbance (3 percent) will occur on private land owned by CGM.

Schedule and Work Force

Construction and operation of the Project will be initiated in late 2008, following CGM's receipt of all required permits and approvals. The life of the mine will include approximately 10 years of active mining. Concurrent reclamation will be conducted during this period as areas become available. Up to an additional 3 years will be required for ongoing ore processing, site closure, and final reclamation.

CGM currently employs approximately 500 workers at the existing Pipeline/South Pipeline Project. For the existing Cortez Underground Exploration Project, CGM currently employs 58 CGM workers. The current CGM work force will fulfill a portion of the work force requirements for the Project. It is anticipated that a contractor work force of approximately 300 workers for 18 months will be required for construction of facilities, to initiate mining, and for other site preparation activities during the construction period.

Approximately 200 employees will be required in addition to CGM's existing work force for open-pit mining and processing operations and concurrent reclamation, and a maximum of approximately 150 employees will be required for underground mining. Approximately 155 workers will be required for the final 3 years of ongoing ore processing, closure, and reclamation. Existing employees currently live in the communities of Crescent Valley, Beowawe, Battle Mountain, Carlin, Elko, and Spring Creek. It is anticipated that the majority of the additional work force will be hired from the local communities to the extent possible. It is anticipated that the Project will provide employment opportunities through 2018, concurrently with the existing Pipeline/South Pipeline Project.

Summary of the BLM's Preferred Alternative

The BLM's Preferred Alternative comprises the Proposed Action with the Revised Cortez Hills Pit Design Alternative for the Cortez Hills Complex facilities. The Revised Cortez Hills Pit Design Alternative was developed based on the analyses of the Proposed Action for the Draft EIS and in response to public comments to address potential long-term stability issues identified for the east wall of the proposed Cortez Hills Pit, including potential impacts to the PCRI located to the east of the pit. The Revised Cortez Hills Pit Design Alternative includes a flatter east pit wall and reduction in the size of the open pit, expansion of the underground mining component, and an associated reduction in the size of the Canyon, North, and South waste rock facilities. The BLM's Preferred Alternative includes all applicant-committed environmental protection measures incorporated into the design of the Proposed Action and all mitigation measures specified in Chapter 3.0 of the Final EIS.

The BLM's Preferred Alternative (inclusive of modifications to the Cortez Hills Complex facilities as described above) will result in a total of approximately 6,633 acres of new surface disturbance. A total of approximately 102 million tons of heap leach ore, 47 million tons of mill-grade ore, 5 million tons of refractory ore, and 1,102 million tons of waste rock will be mined.

The BLM's Preferred Alternative includes the construction, modification, and use of existing facilities at the Cortez, Pipeline/South Pipeline, and Gold Acres complexes as summarized above for the Proposed Action. It also includes the construction and operation of facilities at the Cortez Hills Complex. These facilities will be the same as summarized above for the Proposed Action, with the following operational and design modifications specified for the Revised Cortez Hills Pit Design Alternative in Chapter 2.0 of the Final EIS.

- The Cortez Hills Pit will have a flatter east pit wall with a slope angle of approximately 2horizontal:1vertical, a maximum bottom elevation of 4,600 feet above mean sea level (amsl), and a surface disturbance of approximately 835 acres. The average daily mining rate will be 300,000 to 450,000 tpd.

- Underground mining will be conducted from approximately the 4,600-foot elevation to approximately the 3,800-foot elevation and will have an approximate underground horizontal extent of 3,000 feet wide by 4,500 feet long.

- The Canyon Waste Rock Facility will have a design capacity of 800 million tons; a disturbance footprint of approximately 1,504 acres; a maximum height above existing topography of approximately 1,400 feet; and a maximum crest elevation of approximately 6,290 feet amsl.

- The South Waste Rock Facility will have a design capacity of 65 million tons; a disturbance footprint of approximately 170 acres; a maximum height above existing topography of approximately 500 feet; and a maximum crest elevation of approximately 6,500 feet amsl.

- The North Waste Rock Facility will have a design capacity of 165 million tons; a disturbance footprint of approximately 242 acres; a maximum height above existing topography of approximately 850 feet; and a maximum crest elevation of approximately 5,850 feet amsl.

- The Cortez Hills and Cortez ancillary facilities will be approximately 750 acres and 267 acres, respectively.

- Underground operations will be conducted concurrently with open-pit operations throughout the approximately 10 years of active mining. Underground closure will be conducted during the additional 3 years required for ongoing ore processing, site closure, and final reclamation.

On a Project-wide basis, the BLM's Preferred Alternative will be the same as described above for the Proposed Action, with the operational changes associated with inclusion of the Revised Cortez Hills Pit Design Alternative for the Cortez Hills Complex facilities. In addition to the current CGM work force, a contractor work force of approximately 300 workers will be required during the 18-month construction period; approximately 135 new employees will be required for open-pit mining and processing operations and concurrent reclamation; approximately 150 new employees will be required for underground mining operations; and approximately 190 workers will be required for the final 3 years of ongoing ore processing, surface and underground closure, and reclamation.

CGM-committed Environmental Protection Measures

Environmental protection measures identified in the Final EIS and incorporated into the Plan that will be implemented as standard operating procedures for the BLM's Preferred Alternative are summarized below. This ROD and Plan Approval expressly incorporates each of the following environmental protection measures.

Geology

- The Cortez Hills Pit design included evaluation and consideration of the potential for both kinematic failures and mass failures under static and seismic conditions and the consequences of such failures. That analysis was incorporated into the design of the east pit wall to avoid impacts to the White Cliffs and to avoid the PCRI boundary to the east of the pit.

- Geotechnical monitoring, consisting of geologic structure mapping, groundwater monitoring, and slope stability analyses, will be conducted during active mining to assist in optimizing the final pit designs.

Slope movement monitoring also will be initiated to evaluate the safety of the open pit high walls. In addition, operational procedures for controlling blasting and bench scaling will facilitate mining with stable pit walls.

- In response to earth fissuring that occurred in November 2002 to the east of the existing Pipeline South Area Heap Leach Facility, CGM has implemented management, monitoring, and mitigation measures to address possible future fissuring in the Pipeline Complex area. These measures are described in the Pipeline/South Pipeline Pit Expansion Project Final SEIS (BLM 2004). These protective measures, which will continue as part of the Project, include integration of the following components:

  - Storm water diversion ditch to intercept and route surface water runoff away from the fissure area;
  - Dewatering pipeline instrumentation and pressure monitoring;
  - Intercept trench east of the existing Pipeline/South Pipeline Heap Leach Facility and west of the main fissure complex;
  - Backfilling of existing open fissure gullies;
  - Protective berming and grading to exclude water from the fissure field;
  - Alluvial waste rock dikes to provide containment and channelization in the event of a dewatering line break; and
  - Monitoring of subsidence rates and horizontal strain.

Water Resources

- To minimize impacts to water resources, new and expanded heap leach facilities will be designed and operated as zero discharge facilities, with a composite liner system in accordance with the BLM and NDEP criteria. Expanded mill and tailings facilities also will be designed and operated as zero discharge facilities.

- Selective placement of waste rock, as needed, and routine monitoring of the waste rock disposal facilities during operations will be implemented to reduce the potential for acid rock drainage that does not meet applicable Nevada water quality standards.

- To limit erosion and reduce sediment transport from project disturbance areas, erosion control measures as outlined in the project's Storm Water Pollution Prevention Plan and Reclamation Plan will be installed, as needed, and maintained. To further reduce erosion potential, stormwater diversions will be installed around project facilities, as needed, to divert stormwater runoff around disturbance areas. Facilities will be monitored following spring snowmelt and intense rain events to ensure that drainage and sediment control measures are effective and operating properly. In addition, implementation of concurrent reclamation will further reduce erosion potential.

- A groundwater monitoring plan has been incorporated into CGM's Integrated Monitoring Plan for the Cortez Hills Complex, which is part of the Plan of Operations approved by this Decision. Groundwater monitoring will be conducted to ensure compliance with permit criteria and to provide for early

identification of potential impacts. If any monitoring wells go dry or if impacts change due to dewatering activities, the monitoring program will be re-evaluated in coordination with the BLM and NDEP.

- All mineral exploration and development drill holes, monitoring and observation wells, and production dewatering wells will be properly abandoned following completion of their functions to prevent contamination of groundwater resources.

- CGM's Integrated Monitoring Plan will be reviewed and updated annually to include additional surface water and groundwater resources monitoring locations in the project vicinity.

Soils, Vegetation, and Invasive and Non-native Species

- To minimize impacts to soils and provide for re-establishment of vegetation, suitable growth media will be salvaged and stockpiled during the development of the mine open pits and during construction of the waste rock facilities and heap leach pads for subsequent use in reclamation. Alternately, the growth media may be transported to, and redistributed on, mine-related surface disturbance areas undergoing concurrent reclamation (e.g., waste rock disposal facilities).

- CGM will avoid the use of the native silty Relley-Broyles soil association in reclaiming the Pipeline Waste Rock Facility expansion area due to its high erodibility.

- BMPs will be used to limit erosion from project facilities and disturbance areas during and following construction and operations. These practices may include, but will not be limited to, installation of storm water diversions to route water around disturbance areas and project facilities and the placement of erosion control devices (e.g., silt fences, staked weed-free straw bales, riprap, etc.). To ensure long-term erosion control, all sediment and erosion control measures will be inspected periodically, and repairs will be performed, as needed.

- Revegetation of disturbance areas will be conducted as soon as practical to reduce the potential for wind and water erosion, minimize impacts to soils and vegetation, help prevent the spread of invasive and non-native species in disturbance areas, and facilitate post-mining land uses. Following construction activities, areas such as cut and fill embankments and growth media stockpiles will be seeded. Concurrent reclamation will be conducted to the extent practical to accelerate revegetation of disturbance areas. Areas undergoing concurrent reclamation will be fenced, as necessary, to minimize livestock and wildlife access until vegetation has been re-established. All sediment and erosion control measures and revegetated areas will be inspected periodically to ensure long-term erosion control and successful reclamation.

- Piñon-juniper will be cleared in advance of mine construction/development in accordance with mitigation measure NA1 (see page 23). Funding for the value of any firewood not harvested per mitigation measure NA1 will be provided as a contribution to an off site BLM or NDOW revegetation project.

- To minimize the introduction and spread of noxious weeds in project-related disturbance areas, CGM's Noxious Weed Control Plan (SRK 2005) will be implemented. The plan outlines procedures for the prevention, monitoring, and treatment of noxious weed infestations. The results of the monitoring program will provide the basis for updating the plan, if needed.

- Certified weed-free seed mixes will be used for reclamation.

- Implementation of the project's fire control plan will minimize potential fire-related impacts to vegetation.

Wildlife, Special Status Species, and Livestock Protection

- Implementation of the Reclamation Plan will minimize habitat impacts for wildlife species. Implementation of the plan also will minimize impacts to range resources through the re-establishment of forage.

- Eight-foot-high chain link fencing (i.e., NDOW-approved exclusion fencing per the Industrial Artificial Pond Permit) will be installed around the heap leach facilities, and netting, pond covers, or floating "bird balls," as appropriate, will be installed over ditches and ponds that will contain leach solutions, to minimize potential impacts to avian and terrestrial wildlife species. In addition, the heaps will be scarified to minimize ponding and pooling of process solutions.

- To prevent livestock access, BLM-approved fencing will be installed along both sides of the conveyor corridor. To facilitate the passage of wildlife across the cross-valley conveyor corridor, five wildlife overpasses or ramps will be installed. One wildlife ramp will be constructed over the conveyor corridor on the western slope of the Cortez range to provide for mule deer migration. The other four wildlife ramps will be constructed over the conveyor corridor to facilitate antelope movement in Crescent Valley. All wildlife ramps will be sized and field located in coordination with the BLM and NDOW prior to construction. The ramps will include appropriately sized safety berms and barriers and ends will be fenced. Wildlife passage over the ramps will not be impeded at any time with a fence, gate, or guard, unless a barrier is temporarily required for public, livestock, or wildlife safety.

  CGM will coordinate with BLM and NDOW to develop a protocol to evaluate big game use of conveyor overpasses or ramps (e.g., track surveys, movement observations, etc.). If it is determined by these agencies that the overpasses or ramps are not used by big game, CGM will coordinate with BLM and NDOW to develop additional measures to encourage migration movement, or develop off site habitat enhancement/water development projects within the immediate vicinity of the study area to offset potential habitat losses associated with the conveyor corridor.

- To minimize potential impacts to wildlife species, weak acid dissociable cyanide concentrations in the tailings impoundments will be maintained at non-lethal levels. As added protection, the existing cyanide detoxification system (which uses in-line addition of ferrous sulfate to the tailings solution) will be used if it should become necessary to lower the cyanide levels in the tailings discharge to the tailings facility.

- CGM will work with the BLM and local permittees to develop livestock fencing that will preserve grazing to the extent possible while providing protection for both reclaimed mine facilities and livestock. Fencing between the Pipeline and Cortez complexes may be constructed to exclude cattle from the mine area during select times of the year. While the conveyor corridor will be fenced along its route, the wildlife overpasses will remain open, and, therefore, the conveyor corridor will not serve in the capacity of livestock fencing without additional components.

- Livestock watering troughs previously installed to deter livestock from attempting to access water in the infiltration basins will continue to be operated on a rotational basis in coordination with the BLM and grazing permittees.

- To aid livestock movement around the water distribution pipelines from the Grass Valley water well, CGM will consult with the BLM and grazing permittees on appropriate locations for installation of earthen ramps over the pipelines.

- The rerouted transmission line segment will be designed and constructed in accordance with applicable regulations to minimize raptor electrocution and collision potential. To minimize the collision potential for foraging raptors, standard safe designs as outlined in Mitigating Bird Collisions with Power Lines (Avian Power Line Interaction Committee [APLIC] 1994) will be incorporated, as applicable. To minimize electrocution of raptor species attempting to perch on the lines in areas of identified avian concern, standard safe designs as outline in Suggested Practices for Raptor Protection on Power Lines (APLIC 1996; APLIC and U.S. Fish and Wildlife Service 2005) will be incorporated, as applicable.

- In the event that initiation of the 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 protect nesting birds, removal of migratory bird habitat on currently undisturbed lands in the disturbance areas will be avoided to the extent possible between March 1 and July 31. Should removal of habitat be required during this period, CGM 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.

Cultural Resources

- Facilities in the Cortez Hills Complex, including the Cortez Hills Pit, have been located and designed to avoid the Mount Tenabo/White Cliffs PCRI. Access to these areas via public roads will be maintained throughout the life of the project.

- Facilities in the Cortez and Cortez Hills complexes have been located and designed to avoid the historic Cortez and Shoshone Wells town sites. Road construction/maintenance is proposed in the northernmost area of the Shoshone Wells town site, the affected portion of which will be mitigated through an approved data recovery plan, as prescribed in the HPTP.

- If previously undocumented cultural resource sites are discovered during construction of the mine facilities, construction will be halted in the area of the discovery, and the BLM Authorized Officer will be contacted to evaluate the find. If the site is eligible to the National Register of Historic Places (NRHP), impacts will be mitigated through avoidance or an appropriate data recovery program developed pursuant to the PA (effective October 20, 2005) among the BLM, Nevada State Historic Preservation Office (SHPO), and CGM.

- CGM will continue to train employees and contractors in their responsibilities to protect cultural resources and enforce CGM's policy against off-road cross-country travel and the removal of artifacts.

- CGM will provide for continued access to the historic Cortez townsite and erect a marker designed in coordination with the BLM at the townsite to provide historical information for visitors.

- All areas of proposed disturbance have been inventoried for historic properties by archaeologists conducting Class III archaeological surveys. All inventory reports have been reviewed and approved by the BLM and the Nevada SHPO. BLM has made a determination of NRHP eligibility for all archaeological sites identified by the surveys. The Nevada SHPO has concurred with BLM's eligibility determinations. After consultation with the Nevada SHPO and others, the BLM has determined that certain historic properties may be adversely affected by the Project and directed the development of a HPTP to mitigate or reduce adverse effects.

- Mitigation of adverse effects to NRHP-eligible archaeological and historic sites is addressed in the HPTP (which has been prepared by a BLM-approved archaeological contractor) and the PA. The HPTP has been accepted by the BLM, and the mitigation of historic properties by data recovery under National Register of Historic Places Criterion d has been approved by the Nevada SHPO. Approval of any mitigation of historic properties determined eligible under Criteria a, b, or c is pending Nevada SHPO concurrence. In accordance with the National Historic Preservation Act regulations, Nevada BLM Protocol, and the PA, these portions of the HPTP will be finalized following the ROD to incorporate any changes that result from consultation with the Nevada SHPO.

Air Quality

- Fugitive dust controls, including water application on haul roads and other disturbed areas, chemical dust suppressant application (e.g., magnesium chloride), where appropriate, and application of other BMPs as approved by the NDEP Bureau of Air Pollution Control, currently are, and will continue to be, implemented.

- Temporary disturbance areas (e.g., growth media stockpiles, cut and fill embankments, etc.) will be seeded with an interim seed mix and concurrent reclamation will be implemented on completed portions of the waste rock facilities, thereby minimizing fugitive dust emissions.

- To reduce the generation of fugitive dust from the overland conveyor, the conveyor will be partially covered on the south side, which is the predominate wind direction in the project vicinity. If needed, a

water line and water sprays also will be installed on the conveyor to further reduce fugitive dust generation.

- To control combustion emissions, all manufacturer installed pollution control equipment will be operated and maintained in good working order.

- As part of the Nevada Mercury Control Program, CGM currently uses, and will continue to use, a chemical stabilizing agent in the processing circuit to inhibit the adsorption of mercury on the activated carbon and remove it from the system before it can be emitted into the atmosphere. In addition, a baghouse on the existing refinery furnace and wet scrubber on the existing carbon kiln are currently used, and will continue to be used, to control mercury emissions from these sources. As part of the ongoing program, CGM has installed carbon beds on the refinery furnace baghouse exhaust, the carbon kiln wet scrubber exhaust, and the electrowinning cells exhaust in 2008 to further control mercury emissions. CGM has installed a mercury retort to replace the existing gold drying ovens. The retort exhaust also will be routed through a carbon bed.

Land Use and Access and Socioeconomics

- Post-mining safety barriers (e.g., berms, fencing, or other appropriate barriers) will be installed peripherally to the ultimate perimeters of the pits after mining has been completed.

- Public access will be maintained during construction of the reroute segments on CR 225 and CR 222.

- Development of post-mining land use plans that may include future utilization of mine infrastructure for long-term economic benefits for the region.

Recreation

- CGM will provide for continued access to the historic Cortez townsite and erect a marker at the townsite to provide historical information for visitors.

Visual Resources and Noise

- During operations, the margins of the waste rock facilities will be constructed to provide for variable topography during final regrading, thereby providing a more natural post-mining landscape.

- Following the completion of mining, structures and buildings will be dismantled and removed from the site.

- Concurrent reclamation will be implemented to the extent possible.

- Prior to initiation of mining, CGM will conduct an inventory of the condition of the headstones in the Cortez cemetery. During the life of the project, the headstones periodically will be monitored to identify any damage so that preventative measures or repairs can be quickly and appropriately accomplished.

Hazardous Materials

- The existing Hazardous Materials Spill and Emergency Response Plan (CGM and SRK 2008) has been amended to include the Cortez Hills Expansion Project. Implementation of the prevention, containment, and cleanup procedures in this plan will minimize the potential for related impacts to soils, vegetation, wildlife, and water resources.

- Prior to initiation of the project, the existing Solid and Hazardous Waste Management Plan (JBR Environmental Consultants, Inc. 2006) will be amended, as necessary, to include the Cortez Hills Expansion Project. Implementation of the management procedures for the handling of solid and hazardous waste generated at the site, reagent storage, transportation, and handling requirements will minimize the potential for related impacts to soils, vegetation, wildlife, and water resources.

- A training program will be implemented to inform employees of their responsibilities in proper waste disposal procedures.

General Measures

- The existing perimeter fence will be extended to encompass the new and expanded facilities for security and safety purposes. BLM-approved four-strand range fencing (three stands barbwire and a smooth bottom strand) will be used. Leach pads, ponds, process areas, and the water storage reservoir will be fenced with 5- or 8-foot chain link fencing for wildlife exclusion.

- To the extent practical, CGM will protect all survey monuments, witness corners, reference monuments, bearing trees, and line trees against unnecessary or undue destruction or damage. Public land survey system monuments will be protected and preserved in accordance with Nevada BLM Instructional Memorandum No. NV-2007-003. If destroyed, CGM immediately will report the matter to the Authorized Officer.

Sustainability Activities

CGM currently incorporates, and will continue to incorporate, sustainability activities into day-to-day operations to minimize impacts to the human environment. The sustainability activities are discussed in the Pipeline/South Pipeline Pit Expansion Final SEIS (BLM 2004e). In summary, the activities include creating a positive work environment for employees; working proactively with federal, state, and county agencies and stakeholders; incorporating environmentally sound practices into operations; addressing legacy issues associated with older mining operations in the project boundary; working with other mining companies and affected communities on an overall plan to minimize post-closure impacts to communities, including identification of post-mining land uses of the mine site that may provide long-term economic stability to the local area; maintaining an active donations and scholarship program; and encouraging employees to be active in their local communities.

Monitoring and Mitigation Measures

Methods to minimize environmental effects from the BLM's Preferred Alternative have been identified in the Final EIS and made part of this ROD. A full discussion of these measures can be found in Chapter 3.0 of the Final EIS. CGM will implement and adhere to all monitoring and mitigation measures identified in the Final EIS.

Geology and Minerals

EIS Issue #1: Geotechnical designs for some waste rock, heap leach, and tailings facilities were not available for review as part of the EIS.

Mitigation Measure GM1: Facility Design: Waste rock facilities, heap leach pads, and tailings facilities will be designed, constructed, monitored, and maintained in a stable manner during both the operation and post-mining periods. Stability analyses will be performed for the Cortez and Pipeline waste rock facility expansions, Cortez Heap Leach Facility, and Cortez Tailings Facility to ensure that all these facilities will remain functional after the passage of an Operational Basis Earthquake, and will not fail catastrophically or release tailings or fluids during a Maximum Credible Earthquake. The minimum factors of safety for all slope designs will be determined as part of the permits, inspections, and approvals granted by the NDEP, Nevada Division of Water Resources (NDWR), Dam Safety Division, and the BLM.

EIS Issue #2: There is a potential for slope failures in the east wall of the Cortez Hills Pit in the post-mining period.

Mitigation Measure GM2: The potential for failure of the east wall of the Cortez Hills Pit in the post-closure period will be reduced by: 1) pit slope monitoring; 2) development of "trigger points for mitigation" if significant slope movement is detected; 3) geotechnical pit mapping; and 4) routine review of the monitoring results and geotechnical data to develop corrective actions or optimize the final pit slope configuration as necessary to minimize the potential for failure during mine operations (CGM 2007a,b). The results of the pit slope monitoring, geotechnical data collection, modifications to pit design, and development of corrective actions will be provided in an annual report to the BLM for the life of the Project. In addition, the final pit slope will be designed to conform to a minimum factor of safety of 1.0 under seismic loading for potential failure surfaces that could extend to the quartzite outcrop on the western flank of Mount Tenabo known as the White Cliffs, which is located east of the Cortez Hills Pit crest. Seismic loading will be evaluated in terms of pseudostatic analyses applied to limit equilibrium methods, with a coefficient equal to 50 percent of the peak free-field horizontal ground acceleration associated with an earthquake event expected to occur on the average of once every 1,000 years. Other measures to address long-term stability of the east wall of the Cortez Hills Pit (such as slope buttressing) will be evaluated as mining progresses and provided in the final closure plan based on the results of pit slope monitoring, geotechnical data collection, and stability analysis.

EIS Issue #3: Subsidence southeast of the Pipeline Pit is predicted to continue with the extended dewatering program associated with the Project.

Mitigation Measure GM3: Subsidence and Earth Fissures: The current "Monitoring Plan for Ground Subsidence and Related Earth Fissure Development near the Pipeline Mine" (CGM 2005) includes subsidence and fissure monitoring and mitigation throughout the life of the Project within the area affected by dewatering-induced ground subsidence or as approved by the BLM and NDEP.

Water Resources and Geochemistry

CGM has committed to conduct surface and groundwater monitoring for the Project. The new monitoring sites will supplement the additional monitoring program that is conducted in accordance with the Cortez Integrated Monitoring Plan developed for the Cortez Pipeline Deposit Final EIS (BLM 1996) and for the water pollution control permits for the various components of the existing Cortez Gold Mine. Details regarding the monitoring program are provided in Tables 3.1 through 3.4 in Appendix 7 of the Plan of Operations (CGM and SRK 2008).

The monitoring plan addresses the monitoring of new and expanded Project facilities that may have the potential to affect waters of the state, or pose a risk to the environment and human health. Water quantity measurements will include diversion rates from groundwater pumping, water levels in monitoring wells and piezometers, and flow rates of springs and other surface water monitoring locations associated with stormwater controls. Water quality monitoring of groundwater resources will consist of quarterly measurements of field parameters and collection and analysis for the NDEP Profile I list of constituents.

Under this monitoring plan, CGM will monitor surface water quality and flow at 10 existing seep and spring sites located in the vicinity of the Project. CGM also will monitor water levels monthly and water quality quarterly in at least 19 monitoring wells in various hydrolithologic units within the projected groundwater drawdown area. These monitoring sites will include a minimum of three wells in Crescent Valley and two wells in Grass Valley situated in the basin fill sediments, six wells in the Cortez Window, three wells in volcanic rocks located west and southwest of the Project facilities; one well in the intrusive stock situated northeast of the Cortez Window, and two wells in the Cortez Fault (one located in Crescent Valley and one in Grass Valley). A minimum of two additional wells will be monitored (i.e., monthly water levels and quarterly water quality samples during the fall and summer months) in the Horse Canyon area located in the Pine Valley hydrographic area.

CGM has committed to conduct groundwater monitoring of at least three locations (one upgradient and two downgradient) for each of the following process facilities: Cortez Mill Leach Pad #1, Grass Valley Leach Pad, and tailings impoundment expansion area. Monitoring of these process facilities will include monthly water level measurements and quarterly water quality samples.

Monitoring results will be provided to NDEP and BLM on a quarterly basis and summarized in an annual report. Monitoring of surface water and groundwater diversion rates will be submitted to the NDWR on a monthly basis and summarized in an annual report.

EIS Issue #1: Mine-induced drawdown of groundwater levels could impact flows in Mill Creek and identified seeps and springs located within the area affected by drawdown.

Mitigation Measure WR1a: The Cortez Integrated Monitoring Plan has been revised and expanded as necessary to identify and monitor potential impacts to perennial surface water resources and groundwater resources within the mine-related drawdown area. CGM's amendments to the Cortez Integrated Monitoring Plan are included in the Plan of Operations for the Project (Appendix 7, CGM and SRK 2008). Revisions to the Cortez Integrated Monitoring Plan have been reviewed and approved by both the BLM and NDWR prior to implementation of any new dewatering activities associated with the Project.

CGM will be responsible for continued monitoring and reporting of changes in groundwater levels and surface water flows prior to, and during, operation and for at least 3 years in the post-reclamation period. The plan includes the following:

1. Investigate sources of recharge to determine if mine-induced dewatering will affect flows.

2. Seasonal monitoring of flow at two locations along perennial reaches of Mill Creek.

3. Installation of monitoring wells in the vicinity of Mill Creek to monitor changes in groundwater elevations over time in the vicinity of this surface water resource.

4. Monitoring of these new surface water stations, and of spring and seep sites currently monitored for CGM's existing operations, will include annual flow measurements during the low-flow season (late September through mid-October). The depth of groundwater also will be monitored on a quarterly basis.

CGM will provide the results of water level monitoring, describe any deviations from the original predictions, evaluate if changes in flow are attributable to mine-induced drawdown, and propose modifications to the monitoring plan, as necessary, in an annual report to the NDWR and the BLM. If the monitoring results identify changes in flow to perennial waters that are attributable to mine-induced drawdown, the network of monitored seeps, springs, and streams will be expanded to include all perennial surface water features located within 2 miles of the affected area. The combined surface and groundwater monitoring results will be used to trigger the implementation of Mitigation Measure WR1b to mitigate impacts to water resources, if applicable. Monitoring and reporting will continue until impacts to water resources have been mitigated.

Mitigation Measure WR1b: If monitoring (WR1a) indicates that flow reductions in perennial surface waters are occurring and that these reductions are likely the result of mine-induced drawdown, the following measures will be implemented:

1. The NDWR and the BLM will evaluate the available information and determine if mitigation is required.

2. If mitigation is required, CGM will be responsible for preparing a detailed, site-specific plan to enhance or replace the impacted perennial water resources. The mitigation plan will be submitted to the NDWR and BLM identifying drawdown impacts to surface water resources. Mitigation will depend on the actual impacts and site-specific conditions and could include a variety of measures (flow augmentation, on-site

or off-site improvements). Methods for providing a new water source or improving an existing water source may include, but are not limited to:

- Installation of a water supply pump in an existing well (e.g., monitoring well);
- Installation of a new water production well;
- Piping from a new or existing source;
- Installation of a guzzler;
- Enhanced development of an existing seep to promote additional flow; and/or
- Fencing or other protection measures for an existing seep to maintain flow.

3. An approved site-specific mitigation plan will be implemented followed by monitoring and reporting to measure the effectiveness of the implemented measures. If initial implementation is unsuccessful, the NDWR or BLM may require implementation of additional measures.

EIS Issue #2: Mine-induced drawdown potentially could reduce flow at the point of diversion for surface water rights, or reduce water levels in water supply wells.

Mitigation Measure WR2: CGM will be responsible for monitoring groundwater levels between the mine and water supply wells, groundwater rights, and surface water rights within the projected mine-related drawdown area as part of the water resources monitoring program (Mitigation Measure WR1a). Adverse impacts to water wells and water rights will be mitigated, as required by the NDWR.

Mitigation for impacts to water rights will depend on the actual impact and site-specific conditions and could include a variety of measures. Methods for addressing impacts to water rights may include but will not be limited to the following. For wells, mitigation could include lowering the pump, deepening an existing well, drilling a new well, and/or providing a replacement water supply of equivalent yield and general water quality. For surface water rights, mitigation could require providing a replacement water supply of equivalent yield and general water quality.

EIS Issue #3: Placement of waste rock facilities within the Federal Emergency Management Agency (FEMA)-designated flood hazard Zone A in Crescent Valley could exacerbate potential flood conditions and related damages.

Mitigation Measure WR3: CGM will work with state and county FEMA representatives and with other state or federal agencies, as appropriate, to design the Pipeline Waste Rock Facility expansion area and CR 225 reroute to safely convey the 100-year, 24-hour flood event through or around the Project boundary with minimal or no hazard to human life, property, or Project components. A shorter duration flood event (e.g., 6 hours) or an appropriate rain-on-snow event may be selected as the Project design flood if a larger peak discharge and/or a longer flood hydrograph duration will result. Flow conveyance structures and Project component configurations will be such that stream and floodplain stability will be maintained or enhanced, and erosion and sedimentation will be avoided or minimized.

EIS Issue #4: Long-term overtopping or infiltration through the bed and sideslopes of the stormwater diversion along the east side of the Cortez Hills Pit could contribute to instability of the pit wall in that locale. Failure of diversion outlet features over the long term will lead to accelerated erosion downgradient of the diversion.

Mitigation Measure WR4: Prior to final reclamation, CGM will work with federal and state agency representatives to design and construct a stormwater diversion system along the east side of the Cortez Hills Pit that will route runoff away from the pit wall over the long term with little or no maintenance, and adequately control flow velocities so as to prevent outlet failure and resulting accelerated erosion. Such design and construction safely will accommodate flow from a reasonable runoff event selected in cooperation with state and federal agencies. Methods to minimize seepage and infiltration (e.g., a compacted clay layer protected by adequately-sized durable riprap) will be incorporated into the design and implemented during construction of the diversion. No embankments will remain as outlet structures; all outlet features will be designed and constructed to minimize erosion and provide energy dissipation (e.g., installation of shallow excavated basins with outlets on grade with the existing land surface in combination with rock riprap).

Soils and Reclamation

Based on the EIS analysis, no additional monitoring or mitigation is required for soils.

Vegetation

EIS Issue #1: The long-term loss of riparian/wetland vegetation as a result of mine-related surface disturbance (approximately 0.7 acre) and groundwater drawdown impacts to seeps and springs (approximately 3.5 acres) and perennial streams are considered a significant impact.

Mitigation Measure V1: CGM will coordinate with the BLM to develop new riparian/wetland areas and/or enhance existing riparian/wetland areas at off-site locations to compensate for the loss of riparian/wetland vegetation. The loss of riparian/wetland vegetation will be compensated at a 2:1 ratio (i.e., for every acre of riparian/wetland vegetation removed or disturbed by mine development or groundwater drawdown, 2 acres of riparian/wetland vegetation will be created and/or enhanced). Where appropriate, replacement of wetland/riparian vegetation will be developed in conjunction with Mitigation Measure WR-1b. This measure identifies potential methods for development of new water sources or improvement to existing local water sources to off-set mine-related groundwater drawdown effects on perennial waters (see Section 3.2, Water Resources and Geochemistry). CGM, in coordination with a BLM botanist, will identify appropriate wetland/riparian species to be seeded or transplanted in these locations. Alternately, local existing areas of wetland/riparian vegetation unaffected by mine-related groundwater drawdown will be identified in coordination with the BLM for enhancement. Enhancement methods can include, but will not be limited to, the use of BLM-approved fencing to minimize livestock impacts, implementation of weed controls, and/or supplemental planting or seeding, as appropriate.

CGM will be responsible for monitoring these sites on an annual basis for approximately 3 years after creation or enhancement to ensure that these mitigation measures were effective and that the

riparian/wetland sites are self-sustaining and provide similar functions as existing riparian/wetland areas. CGM will be responsible for developing an annual riparian/wetland vegetation monitoring report, which will be provided to the BLM for review and approval.

EIS Issue #2: Known occurrences of special status plant species, as recorded by the Nevada Natural Heritage Program (NNHP), may occur in proposed disturbance areas previously surveyed in 2007.

Mitigation Measure V2: Prior to the initiation of ground-disturbing activities in any unsurveyed areas, CGM will obtain information from the NNHP regarding any known occurrences of special status plant species that occur within this area. If known populations occur within this proposed disturbance area, an additional field survey will be conducted for the appropriate species prior to mine development in order to determine the extent of these populations. A survey report, which will include survey methods, results, summary, a map illustrating the areas surveyed, and any populations observed during the survey, will be submitted to the BLM. After BLM's review of the report, CGM will coordinate with the BLM to develop appropriate mitigation measures.

Wildlife and Fisheries Resources

Implementation of mitigation recommended to minimize mine-related impacts to wetland/riparian vegetation as described above under Vegetation will minimize related impacts to wetland/riparian habitats. Implementation of mitigation recommended to minimize mine-related impacts to livestock watering sources as described below under Range Resources will minimize potential water quantity-related impacts to wildlife species identified as a result of mine-related groundwater drawdown.

EIS Issue #1: The long-term loss of available surface water and riparian/wetland habitat for wildlife species as a result of mine-related surface disturbance (approximately 0.7 acre) and groundwater drawdown impacts to seeps and springs (approximately 3.5 acres) and perennial streams are considered a significant impact.

Mitigation Measure WL1: CGM will coordinate with the BLM to develop new surface water sources (e.g., seeps and springs) and riparian/wetland habitat to offset the loss of available surface water and riparian/wetland habitat for wildlife, including special status species. The loss of available surface water and riparian/wetland habitat will be mitigated at a 2:1 ratio or greater. This measure will be developed in conjunction with Mitigation Measure V1, where appropriate. The location and design of new surface water sources (e.g., wells, pipelines, or ponds) and riparian/wetland habitat will be developed in coordination with the BLM and NDOW. CGM will be responsible for monitoring these sites on an annual basis for the life of the Project to ensure that this mitigation measure is effective. CGM will be responsible for developing an annual surface water and riparian/wetland vegetation monitoring report, which will be provided to the BLM and NDOW for review and approval. Surface water and riparian/wetland mitigation will continue until natural water sources return to pre-dewatering conditions.

EIS Issue #2: Potential wildlife/vehicle collision impacts resulting from increased cross-valley truck transport of ore.

Mitigation Measure WL2: CGM will continue its mandatory employee education program for all personnel to minimize wildlife/vehicle-related impacts during Project operation.

EIS Issue #3 (relative to Mitigation Measure WL3 and WL4): Direct and indirect disturbance of potential bat roosting habitat (identified adit) located in the immediate vicinity of the proposed relocation of CR 222.

Mitigation Measure WL3: Prior to construction of the CR 222 reroute, a qualified biologist will determine if the adit that was identified in the vicinity of the reroute during baseline biological surveys will be directly impacted by the road construction. If the adit will be directly impacted, CGM will coordinate with the BLM on applicable mitigation measures, as needed.

Mitigation Measure WL4: CGM will install a NDOW-approved bat gate at the existing mine working that is located in the immediate vicinity of the CR 222 reroute.

EIS Issue #4: Direct loss of potentially suitable habitat for pygmy rabbits will be considered a moderate impact, depending on the relative habitat quality. Also, direct mortalities of individual rabbits likely will occur, if present in proposed disturbance areas.

Mitigation Measure WL5: Prior to construction of mine facilities, a qualified biologist will conduct surveys in the areas containing Wyoming big sagebrush and basin big sagebrush habitats for the presence or sign (e.g., burrows, fecal pellets) of pygmy rabbits. If pygmy rabbits are identified, CGM will coordinate with the BLM to determine whether additional mitigation will be required, based on the quality of habitat conditions.

EIS Issue #5: Potential flow or water level reductions in seep/spring habitats as a result of cumulative mine-related groundwater drawdown and associated impacts to springsnails, if present.

Mitigation Measure WL6: Prior to initiation of pit dewatering, a springsnail survey was conducted in previously unsurveyed perennial seeps and springs located within the projected cumulative mine-related 10-foot groundwater drawdown contour to determine if springsnails are present. If springsnails are identified in the future, a monitoring program will be developed in coordination with the BLM to determine if the species is affected by cumulative mine-related groundwater drawdown. For those springs with known springsnail populations, water levels will be monitored in a selected number of springs. If water levels are reduced in any of these springs, mitigation will be implemented. Mitigation options will include flow augmentation, habitat enhancement, and/or relocation of springsnails. The relocation option will be feasible if the population size is relatively small and a spring with suitable habitat is identified.

Range Resources

EIS Issue #1: Long-term loss of three water-related range improvements for livestock use.

Mitigation Measure LS1: CGM will monitor three water-related range improvements that are projected to be affected by mine-related groundwater drawdown. If effects occur to these water sources, CGM will coordinate with the BLM to determine the appropriate placement and type of water-related range

improvement to be developed. CGM routinely will inspect these water-related range improvements to ensure that they are operating in an appropriate manner.

Paleontological Resources

EIS Issue #1: Potential impacts to unique or site-specific invertebrate, vertebrate, or paleobotanical fossils, if present, requiring protection under FLPMA and BLM Manual H-8270.

Mitigation Measure P1: If vertebrate fossils are discovered during construction, operation, or reclamation of the Project, construction activities will be halted in the area of the discovery and CGM will contact the BLM Authorized Officer. The BLM Authorized Officer will evaluate the discovery within 5 working days of being notified. If the discovered paleontological resource is determined significant, appropriate measures will be developed to mitigate potential adverse effects. Construction activities will not resume until a notice to proceed is granted by the BLM Authorized Officer.

Cultural Resources

All adverse effects under the National Historic Preservation Act and direct and indirect impacts under NEPA to known NRHP-eligible properties identified within the Area of Potential Effect will be mitigated in accordance with the PA (Appendix D of the Final EIS) and the HPTP prepared for the Project. Any newly discovered NRHP-eligible properties will be mitigated in accordance with the PA. Therefore, no additional mitigation or monitoring is required.

Native American Traditional Values

The following mitigation measures have been recommended during Native American consultation for the Project and at other tribal meetings and during Project coordination/communication. Refinement and implementation of the recommended mitigation measures will be determined in coordination with the Cortez Hills Working Group (Te-Moak Tribe of Western Shoshone and Western Shoshone Committee of Duck Valley), BLM, and CGM.

EIS Issue #1: Decrease in the piñon groves and impacts to potential future pine nut gathering affecting the supply of pine nuts for personal use and distribution to others.

Mitigation Measure NA1: CGM has hired a contractor to harvest affected wood products for firewood and posts and distribute the wood products to local Western Shoshone communities. Each Western Shoshone community will coordinate with CGM relative to the number of cords of firewood and posts needed. CGM will haul the wood to tribal distribution locations, and the tribes will be responsible for distributing the wood to their members. These harvested wood products will not be available for resale to the public. Due to the lack of harvestable pine nuts (i.e., mature piñon trees) in the project area, no mitigation is required for pine nut gathering.

EIS Issue #2: Some Western Shoshone consultants have expressed concerns about the ability of archaeologists to identify Western Shoshone historic archaeological sites and culturally significant landmarks. They feel that many sites and landmarks lack obvious features or are too subtle to be recognized by archaeologists without the input of Western Shoshone specialists.

Mitigation Measure NA2: The HC/CUEP Native American observer program will be expanded to include the Project. As part of the program, Western Shoshone observers will be provided the opportunity to be present during Project-related construction activities (i.e., new surface disturbance) and during any data recovery (i.e., archaeological excavation) within the Project boundary.

EIS Issue #3: Loss of Western Shoshone artifacts and heritage.

Mitigation Measure NA3: In addition to implementation of Mitigation Measure NA2, CGM will coordinate with the BLM in implementing appropriate mitigation to further minimize potential impacts to Western Shoshone artifacts and heritage. Mitigation will be based on the ongoing discussions between the BLM and the Cortez Hills Working Group (Te-Moak Tribe of Western Shoshone and Western Shoshone Committee of Duck Valley). Mitigation includes the establishment of formal training for Western Shoshone monitors/observers in cultural resource management and artifact identification via Great Basin College's ARTIFACT Program, which started in the 2007-2008 academic year.

EIS Issue #4: Tribal involvement in Cortez Hills Expansion Project reclamation and closure plan development to ensure these plans address Native American plants with tribal significance, visual impacts, and other Native American issues.

Mitigation Measure NA4: CGM will coordinate with the BLM in incorporating Tribal recommendations, as appropriate, into the project's reclamation and closure plans. Recommendations will be based on discussions between the BLM and Cortez Hills Working Group (Te-Moak Tribe of Western Shoshone and Western Shoshone Committee of Duck Valley) that will be initiated prior to finalization of the reclamation plan and during development of the closure plan for the Cortez Hills Expansion Project.

Air Quality

CGM will continue to implement the current meteorological monitoring programs at the Cortez Gold Mines Operations Area. Based on the EIS analysis, no additional monitoring or mitigation is required for air quality.

Land Use and Access

EIS Issue #1: Potential conflict between mine haul truck traffic and non-project surface traffic where the cross-valley haul road crosses the county roads.

Mitigation Measure A1: CGM will monitor traffic conflicts at the intersections of the cross-valley haul road with CR 222 and CR 225 to ensure traffic controls at the intersections will be sufficient to protect public and Project worker safety.

Recreation and Wilderness

Based on the EIS analysis, no additional monitoring or mitigation is required for recreation or wilderness.

Social and Economic Values

The BLM encourages local, county, and state governments or agencies to initiate discussions with CGM on the basis of the analysis presented in the Final EIS. The establishment of a dialogue based on mutual advantage and understanding, and a commitment to a shared responsibility for resolution of the potential impacts associated with Project development, could lead to the preparation and implementation of mitigation measures that are advantageous to all parties. In particular, the volatility of the mining economy suggests that predicted social and economic effects could change if employment opportunities in the industry change. It is recommended that local agencies monitor mining industry trends to ensure that the effects discussed in the Final EIS analysis remain on track through the construction and early operations periods.

Environmental Justice

Mitigation measures recommended to minimize impacts to the PCRI and other areas of tribal concern are presented above under Native American Traditional Values. Based on the EIS analysis, no mitigation measures are required for Environmental Justice.

Visual Resources

During active mining, little can be done to reduce the landform and color contrasts without unduly interfering with mine operations. However, based on implementation of CGM's committed environmental protection measures, the visual effects will be minimized as required by Visual Resource Management Class IV objectives.

EIS Issue #1: Potential effects of night lighting on the surrounding area.

Mitigation Measure VR1: To the degree possible, consistent with mine safety, night lighting for the Project will be directed downward and shielded to minimize spillover of light beyond the Project boundaries.

Noise

Based on the EIS analysis, no additional monitoring or mitigation is required for noise.

Hazardous Material and Solid Waste

Due to the legal framework (and associated requirements) that regulates the transportation, storage, use, and disposal of hazardous materials and the disposal of solid wastes, no additional monitoring or mitigation is required.

PUBLIC INVOLVEMENT

A Notice of Intent to prepare an EIS was published in the Federal Register (FR) on December 2, 2005 (FR Volume 70, Number 231). Public scoping meetings for the EIS were held in Crescent Valley and Battle Mountain, Nevada, on December 19 and 20, 2005, respectively; the comments received during the scoping process were considered in developing the EIS.

The scope of the EIS reflects input received from the public and from appropriate government agencies. The scoping comments were summarized in the preliminary EIS Preparation Plan. The following are the key scoping issues identified for the Project.

- Potential air quality impacts from fugitive dust and mercury emissions
- Potential visual impacts associated with mine expansion
- Potential vibration-related impacts to culturally and spiritually important areas as a result of blasting
- Potential short-term and long-term impacts to groundwater and surface water quality
- Potential impacts to groundwater and surface water from pit dewatering and mercury emissions
- Potential impacts to water quality from acid-generating waste rock
- Post-closure pit water quality
- Regional impacts to groundwater from drawdown
- Potential for pit lake aquatic community development and associated potential impacts for fisheries and vegetation
- Potential impacts to native vegetation and soil productivity as a result of Project development and reclamation
- Potential impacts to wildlife and wildlife habitat from land clearing, mine operations, conveyor and power line installation, noise, and a potential hazardous materials spill
- The need for an ecological risk assessment
- Potential short-term and long-term livestock grazing impacts
- Potential noise impacts from mine operations
- Potential transportation impacts associated with off site transport of ore and mine access traffic safety

- Access to, and protection of, cultural and spiritual sites
- Potential social and economic impacts
- Potential cumulative impacts

The Draft EIS Notice of Availability (NOA) was published in the FR on October 5, 2007, initiating a 60-day public comment period for the Draft EIS. Two public meetings were held during this period; a meeting was held in Crescent Valley on November 6, and a meeting was held in Battle Mountain on November 7. The BLM received a total of approximately 70 letters; 5,900 form letters; 200 postcards; and 11,600 petition signatures during the Draft EIS public comment period. The public comments were addressed in the Final EIS.

The Final EIS NOA was published in the FR on October 3, 2008, initiating a 30-day review period for the Final EIS. The BLM received approximately 6,000 letters, postcards, and emails, including approximately 5,900 form letters, during the Final EIS review period. Substantive comments were evaluated and considered by BLM before approving this Decision. The BLM considered and addressed these comments and determined that they did not identify or present any significant new information or changed circumstances that would warrant additional NEPA analysis.

The BLM reviewed and considered each comment received during the NEPA process for the Cortez Hills Expansion Project in determining the BLM's Preferred Alternative, including monitoring and mitigation measures, and in preparing this Record of Decision for the Project.

Native American Consultation and Coordination

In early November 2005, the BLM initiated government-to-government consultation for the Cortez Hills Expansion Project EIS by sending letters to the following tribal groups: Yomba Shoshone Tribe, Battle Mountain Band, South Fork Band, Wells Band, Elko Band, Te-Moak Tribe of the Western Shoshone, Duckwater Shoshone Tribe, Ely Shoshone Tribe, Timbisha Shoshone Tribe, Duck Valley Shoshone-Paiute Tribes of Idaho and Nevada, and Confederated Tribes of the Goshute Reservation. In addition, the BLM sent letters to the Western Shoshone Defense Project, Western Shoshone Committee of Duck Valley, and Bureau of Indian Affairs to inform them of the proposed Project. As part of the government-to-government consultation process, the BLM organized several field tours of the Project area, attended several tribal meetings, and made numerous follow-up contacts with the above-listed tribes, bands, and groups. The intent of the field tours, meetings, and contacts was to discuss the proposed mine expansion and to identify tribal resources in the Project area and potential impacts to these resources.

In September 2006, the Te-Moak Council designated individuals to form a working group to work with the BLM on issues pertaining to the proposed mine expansion and to develop an action item list to address tribal issues, potential impacts to tribal interests, and suggested measures to reduce or eliminate potential impacts and proposed implementation procedures, and to identify individuals or entities with the means and

authority to address the issues. Over the next 2 years, the BLM regularly met with the Cortez Hills Working Group to draft the action item list and discuss any additional issues. In February 2008, the Chairman of the Duck Valley Shoshone Paiute Tribes of Idaho and Nevada sent a letter to the BLM requesting consultation on the proposed Project. The BLM and the Cortez Hills Working Group subsequently incorporated the Western Shoshone Committee of Duck Valley into the established consultation process and invited them to meet with the Working Group.

The BLM has worked with members of the Cortez Hills Working Group to define and implement an action list for the Project to address participating Western Shoshone concerns. Some items on the action list already have been implemented, and some items have been included as mitigation measures in this Decision. As part of its ongoing consultation and coordination with participating Tribal entities, the BLM will continue to meet with members of the Cortez Hills Working Group to discuss concerns and to further refine and implement portions of the action list.

In addition to the contacts identified in the Final EIS, on November 5, the BLM met with the Te-Moak Council and the Cortez Hills Working Group at their request to discuss the Final EIS and the Record of Decision. The BLM considered input from that meeting as well as all other information received during consultation and coordination in the ROD.

PLAN OF OPERATIONS AMENDMENT APPROVAL

CGM's Amendment to the Plan of Operations, filed pursuant to 43 CFR § 3809, for the Cortez Hills Expansion Project initially was filed with the BLM in August 2005; the final revision was filed in July 2008. The Plan was assigned BLM case file number NVN-067575.

Approval of the Plan is granted based on the adoption of CGM-committed environmental protection measures and compliance with mitigation and monitoring detailed in the Final EIS (NV063-EIS06-011) and ROD. CGM only may perform those actions that have been described in the Plan. CGM also must comply with all federal, state, and local regulations including obtaining all necessary permits from NDEP and other federal, state, and local agencies, and fulfilling any other FLPMA requirements applicable to the Project before proceeding with this Project.

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

Based on review of the reclamation cost estimate submitted by CGM for the Plan, this office has determined the total bond amount to be $87,530,928 for the 16,071 acres of total possible surface disturbance on public and private lands. As previously stated, an archaeological bond of $1,378,000 also is required to conduct the HPTP under the PA. Within 60 days of receipt of this Decision, a financial guarantee in the amount of $87,530,928 must be filed and accepted by the BLM, Nevada State Office, Branch of Minerals Adjudication, P.O. Box 12000, Reno, Nevada 89520-0006. CGM must receive written notification from that office accepting and obligating the financial guarantee before CGM may begin any new surface disturbing

operations. Failure to provide an acceptable financial guarantee within the specified time frame will result in an enforcement action against CGM for failure to maintain an acceptable financial guarantee.

CGM will continue to maintain the long-term contingency fund, as established in the Pipeline and South Pipeline RODs and reaffirmed in the Pipeline/South Pipeline ROD. The principal contribution will total approximately $2,625,000 by 2015. This long-term financial assurance will be used by the BLM for long-term monitoring of the Project after cessation of mining operations and may be used to remediate any future unacceptable environmental impact that may develop as a result of the Project's development, including pit lake water quality degradation or other dewatering-related impacts. This long-term contingency fund does not preclude BLM from requiring further reclamation, monitoring, or mitigation measures pursuant to 43 CFR § 3809 in the future, should conditions warrant.

At a minimum of 2 years prior to commencing final closure and reclamation, the operator of the Project will submit to the BLM and NDEP a final permanent closure plan for the heap leach facility and associated ponds with a detailed environmental impact analysis. On the basis of this and any other relevant information, BLM may require additional bonding.

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

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

Approval of the Plan will not now nor in the future serve as a determination of the ownership or the validity of any mining claim in which it may relate. Approval of the Plan in no way implies the economic viability of the operation. Any modification to the Plan must be coordinated with and approved by the Authorized Officer. Surface occupancy related to the Plan is reasonably incidental to the mining operation.

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 Blvd. 89502, P.O. Box 12000, Reno, Nevada 89520-0006, no later than 30 calendar days after you receive this decision. A copy of the request also must 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 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Battle Mountain District, 50 Bastian Road, Battle Mountain, Nevada 89820) 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 also must 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 by 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.

REFERENCES

Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines: the State of the Art in 1996. Edison Electric Institute.

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APLIC and U.S. Fish and Wildlife Service (USFWS). 2005. Avian Protection Plan Guidelines. April 2005.

Bureau of Land Management (BLM). 2004. Pipeline/South Pipeline Pit Expansion Project Final Supplemental Environmental Impact Statement. Battle Mountain Field Office, Battle Mountain, Nevada. December 2004.

_____. 1996. Cortez Pipeline Gold Deposit, Final Environmental Impact Statement — Volume 1. U.S. Department of the Interior, Bureau of Land Management, Battle Mountain District, Shoshone — Eureka Resource Area. January 1996.

Cortez Gold Mines (CGM). 2007a. Memorandum providing a review of the stability of the east wall of the Cortez Hills Pit, to V. Randall (ENSR) from G. Fennemore (CGM). March 27, 2007.

_____. 2007b. Memorandum regarding geotechnical monitoring guidelines for the East Wall of the Cortez Hills Open Pit to G. Fennemore from J. Cabello. March 19, 2007.

_____. 2006. Hazardous Materials Spill and Emergency Response Plan. Version 1.0. May 2006.

_____. 2005. Monitoring Plan for Ground Subsidence and Related Earth Fissure Development Near the Pipeline Mine. Unpublished report submitted to BLM. July 7, 2005

CGM and SRK Consulting (SRK). 2008. Amendment to the Pipeline/South Pipeline Plan of Operations for the Cortez Hills Expansion Project and Modification to Reclamation Permit Application. Submitted to the Bureau of Land Management, Battle Mountain Field Office. July 2008.

JBR Environmental Consultants, Inc. 2006. Solid and Hazardous Waste Management Plan.

SRK. 2005. Noxious Weed Management Plan. Prepared for Cortez Gold Mines, Inc. August 2005.

Form 1842-1
(September 2005)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,

AND

2. You believe it is incorrect

IF YOU APPEAL THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL.....	Bureau of Land Management, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada 89820
WITH COPY TO SOLICITOR.....	Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 S. State Street, Salt Lake City, UT 84138-1180
3. STATEMENT OF REASONS	Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).
WITH COPY TO SOLICITOR.....	Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 S. State Street, Salt Lake City, UT 84138-1180
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2801.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (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 other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

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

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

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

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

STATE OFFICES AND AREAS OF JURISDICTION:

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

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

(Form 1842-1, September 2005)