

MEMORANDUM OF AGREEMENT

**BETWEEN THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND
MANAGEMENT, WINNEMUCCA DISTRICT –
HUMBOLDT RIVER FIELD OFFICE**

**AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER**

**REGARDING EXPANSION OF EXISTING MINE FACILITIES
OPERATED BY FLORIDA CANYON MINING, INC.
(A SUBSIDIARY OF JIPANGU INTERNATIONAL, INC.)**

WHEREAS, the Bureau of Land Management, Winnemucca District – Humboldt River Field Office – (BLM) plans to issue a Notice to Proceed to Florida Canyon Mining, Inc. (FCMI), a subsidiary of Jipangu International, Inc., the owners of Florida Canyon Mine for the proposed expansion of existing mine facilities (hereinafter known as the Project) situated in Pershing County, Nevada, thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, the BLM has defined the area of potential effect for this undertaking as a portion of the western edge of the Humboldt Range, located in portions of Sections 2, 3, 4, 9, 10, 11, 14, 15, and 16 of T.31N., R.33E, described in Attachment A; and

WHEREAS, the BLM has determined the Project will have an adverse effect on one historic property (26PE2262) and may potentially affect a second (26PE3779). Both historic properties are eligible for the National Register under Criterion D. FCMI has volunteered to conduct data recovery activities at 26PE2262 and provide protection for 26PE3779 in the form of a barrier fence established with a 50 meter buffer and monitoring by a qualified archaeologist. The BLM has consulted with the Nevada State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800; and

WHEREAS, the BLM has not invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation because the Project does not meet the regulatory requirements for their participation (as specified in Component 5 of the 2012 National PA among BLM, ACHP and National Conference of SHPOs); and

WHEREAS, the BLM has notified the Native American tribes in the area, which includes the Lovelock Paiute Tribe; the Pyramid Lake Paiute Tribe; the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada; and the Paiute-Shoshone Tribe of the Fallon Reservation & Colony, Nevada, through the National Environmental Policy Act (NEPA) process and offered said tribes the opportunity to be concurring parties to this Memorandum of Agreement. There are no known historic properties that have religious or cultural significance for notified tribes; and

WHEREAS, the BLM has consulted with FCMI regarding the effects of the undertaking on historic properties and has invited FCMI to be a concurring party to this Memorandum of Agreement (MOA); and

WHEREAS, the BLM has provided notice through the NEPA process and has determined that there are no interested members of the public who might have concerns regarding the effect of the Project on historic properties; and

WHEREAS, the BLM will sign the Decision Record (DR) for the NEPA process before completion of the Section 106 process; and

WHEREAS, the definitions given in the Protocol Agreement between the Nevada State Office of BLM and Nevada SHPO dated February 4, 2012 regarding the identification, evaluation, and treatment of historic properties throughout the State of Nevada on lands managed by the Nevada State Office of BLM (2009 Protocol Agreement) are applicable throughout this MOA;

NOW, THEREFORE, the BLM and the SHPO agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

The BLM shall ensure that the following measures are carried out:

I. TREATMENT

Prior to implementation of the Project within the expansion area illustrated in Attachment A as proposed by FCMI, a Cultural Resource Management (CRM) firm hired by FCMI will initiate the mitigation of adverse effects to the two historic properties referenced in this document. Research objectives for the data recovery activities, as well as treatment protocols and curation requirements, are outlined in the Treatment Plan (Plan) for these sites entitled *Historic Properties Treatment Plan for Four Prehistoric Sites and One Historic Site at the Florida Canyon Mine, Pershing County, Nevada*, as reviewed and accepted by the BLM and the SHPO.

II. NOTICES TO PROCEED

The BLM will provide FCMI with a Notice to Proceed after the BLM and the SHPO have had an opportunity to review the field portion of the mitigation to ensure its adequacy and compliance with the Plan, as agreed by the BLM and SHPO. To ensure compliance, the following will be carried out:

- A. The CRM firm hired by FCMI will provide the BLM with a summary of field work after a site has been mitigated within five working days; and
- B. The BLM shall review the summary within two working days of its receipt; and
- C. The BLM shall provide a copy of the summary to the SHPO; and
- D. The SHPO shall review the summary within five working days of its receipt. If the SHPO does not respond within five working days, the BLM can assume concurrence and issue the Notice to Proceed; and
- E. FCMI shall not begin any ground disturbing activities within the boundary of any historic property until the BLM issues a Notice to Proceed for that site.

III. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects to historic properties found, the BLM shall implement the discovery plan included in Section 3.6 and Appendix D in the Plan referenced above.

IV. MONITORING AND REPORTING

The CRM firm hired by FCMI to implement the Plan will provide the BLM with progress reports as each stage of the treatment plan is completed. Such reports shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the BLM's efforts to carry out the terms of this MOA.

V. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the BLM shall consult with such party to resolve the objection. If the BLM determines that such objection cannot be resolved, the BLM will:

- A. Forward all documentation relevant to the dispute, including the BLM's proposed resolution, to the ACHP. The ACHP shall provide the BLM with its

advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the BLM shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. BLM will then proceed according to its final decision.

- B. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, the BLM may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, BLM shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The BLM's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VI. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VII. TRANSFER CLAUSE

If the Florida Canyon Mine Project is sold or otherwise transferred to another operator, all provisions of this MOA will remain in effect unless the MOA is amended per Measure VI or terminated per Measure IX.

VIII. DURATION

This MOA shall expire if its stipulations are not carried out within five years from the date of its execution. At such time, and prior to work continuing on the undertaking, BLM shall either (a) execute another MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to comment of the ACHP under 36 CFR § 800.7. Prior to such time, BLM may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI. BLM shall notify the signatories as to the course of action it will pursue.

IX. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Measure VI, above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the BLM must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Prior to such time, the BLM may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VI. The BLM shall notify the signatories as to the course of action it will pursue.

EXECUTION of this MOA by the BLM and the SHPO and implementation of its terms evidence that the BLM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

DOI Bureau of Land Management, Winnemucca District, Humboldt River Field Office

James W Schroeder Date

James W. Schroeder, Humboldt River Field Office Manager

Nevada State Historic Preservation Office

Rebecca Lynn Palmer Date 10/21/14

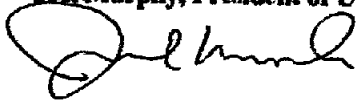
Rebecca Lynn Palmer, Nevada State Historic Preservation Officer

CONCURRING PARTIES:

Florida Canyon Mining, Inc.

10/13/2014 Date

Joel Murphy, President of U.S. Operations / General Manager



The Lovelock Paiute Tribe

_____ Date

Victor Mann, Chair

The Pyramid Lake Tribe

_____ Date

Elwood Lowrey, Chair

The Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada

_____ Date

Ms. Donna Hill, Chairperson

The Paiute-Shoshone Tribe of the Fallon Reservation & Colony, Nevada

_____ Date

Len George, Chair