

**AMENDMENT 1 TO
MEMORANDUM OF AGREEMENT
BETWEEN BUREAU OF LAND MANAGEMENT-
MT. LEWIS FIELD OFFICE,
THE NEVADA STATE HISTORIC PRESERVATION OFFICER,
AND
MCCEWEN MINING INC.
REGARDING THE
GOLD BAR MINE PROJECT, EUREKA COUNTY, NEVADA**

WHEREAS, the Memorandum of Agreement (MOA) was executed on November 1, 2017; and

WHEREAS, BLM, in consultation with the SHPO, has amended the Area of Potential Effects (APE) for the Mine to include an expansion to the existing Gold Bar Mine, referred to as Gold Bar South, located east of the previously defined APE. BLM has determined that the amended direct APE includes the Gold Bar Mine and Gold Bar South, totaling 5,528 acres, as well as the 1.4-acre parking lot in northern Eureka, NV, while the amended indirect APE is a variable boundary extending up to 7 miles from the direct APE (Attachment A1, Amended); and

WHEREAS, BLM, in consultation with the SHPO, has determined that forty (40) historic properties and unevaluated resources in the amended direct and indirect APEs have the potential to be adversely affected by the Mine (Attachment B, Amended); and

WHEREAS, BLM, in consultation with the SHPO, has previously undertaken activities to mitigate or partially mitigate adverse effects to twenty-two (22) of these historic properties and unevaluated resources (see Attachment B, Amended); and

WHEREAS, BLM, in consultation with the SHPO, has determined that the remaining eighteen (18) historic properties and unevaluated resources will be mitigated under a revised Historic Properties Treatment Plan (Attachment E); and

WHEREAS, BLM has consulted with the Te-Moak Tribe of Western Shoshone, the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone, the Ely Shoshone Tribe, the Duckwater Shoshone Tribe, the South Fork Band of Western Shoshone, and the Yomba Shoshone Tribe, concerning the Mine, and has invited all six Bands or Tribes (hereinafter collectively referred to as Tribes) to participate in the MOA as Concurring Parties; and

WHEREAS, the BLM, in consultation with SHPO, has determined that the requirements of the MOA cannot be fulfilled prior to the expiration of the MOA on November 1, 2022 and that an additional five (5) years will be necessary to complete the stipulations of the MOA; and

WHEREAS, BLM, the SHPO, MMI, and the Tribes, agree that this MOA may be signed in counterparts and the executed MOA, and each signature, will be effective and binding; and

NOW THEREFORE, in accordance with Stipulation IX, BLM and the SHPO agree to amend the MOA as follows:

1. Amend Stipulation I.A. so it reads as follows:

- A. Preparation of Attachment D (HPTP #1): MMI, through a cultural resource management (CRM) firm meeting BLM's and the Secretary of the Interior's Professional Qualifications standards, will prepare an HPTP (identified hereinafter as HPTP #1). This document will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716-37), the guidance provided in the ACHP's Section 106 Archaeology Guidance (www.achp.gov/archguide) (2009), and the documentation requirements of Appendix F of the State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act (December 2014) (State Protocol) as appropriate. The HPTP will contain testing plans for the unevaluated resources and a mitigation strategy for all historic properties. BLM is considering the unevaluated resources to be eligible until an eligibility determination can be made by BLM, with SHPO concurrence, in accordance with the testing plans described in the HPTP. If the unevaluated sites are found to be eligible, then the HPTP Will be amended, as needed, to include mitigation strategies for those unevaluated sites determined to be historic properties.

2. Amend Stipulation I.H as follows:

- H. BLM, in consultation with the SHPO, approved a revised HPTP titled *A Plan to Treat Adverse Effects to Historic Properties Resulting from the Gold Bar South Expansion* (identified hereinafter as HPTP#2) on June 4, 2021. HPTP #2 is Attachment E to this MOA.

3. Renumber Stipulation I.H as I.J and amend as follows:

- J. If BLM determines, in consultation with the SHPO, that some of the unevaluated sites are eligible for the National Register of Historic Places, the Parties will amend HPTP #1 and/or HPTP #2, as needed, to include mitigation strategies for any historic property adversely affected by the Mine not previously addressed in HPTP #1 and/or HPTP #2.
1. The Parties review of any amendments will occur in the same manner as HPTP #1 (Stipulation I.B through Stipulation I.F above)
 2. Amendments to Attachment D and/or Attachment E will not require a formal amendment to the MOA per Stipulation IX below.

4. Amend Stipulation II.B.4 as follows:

4. The SHPO will review the summary within five (5) working days of receipt. If the SHPO does not respond within five (5) working days, BLM may issue the NTP to MMI for work within the avoidance area.

5. Amend Stipulation III so it reads as follows:

This MOA will expire when the stipulations are completed or five (5) years from the date of execution of Amendment 1 to the MOA, whichever comes first. BLM may consult with all Parties prior to expiration in order to re-examine the terms of the MOA and its amendments, determine if those terms are acceptable, and renew the MOA for another period of time not to exceed five (5) years.

If any historic property remains unmitigated at the time of expiration, and work is planned to continue on the Mine that would adversely affect any historic properties, BLM shall either (a) execute a new MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to comments of the ACHP under 36 CFR § 800.7. Prior to such time, BLM may consult with the other Parties to reconsider the terms of the MOA and amend it in accordance with Stipulation IX below. BLM shall notify the parties as to the course of action it will pursue.

6. Delete Stipulation VIII.

7. Add new Stipulation XI.

- XI. Change of Ownership: In the event that the ownership of the Mine changes during the implementation of this MOA, BLM will provide written notice to the SHPO regarding such a change in ownership. BLM will require the new owner to meet all the terms of this MOA as if it was the owner of the Mine at the time of the original execution of this MOA. The new owner will be deemed to be an Invited Signatory of the MOA.

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SIGNATORIES:

BLM, Battle Mountain District, Mount Lewis Field Office



Jon Sherve
Field Manager, Mount Lewis Field Office

8/23/2021
Date

SHPO


Rebecca Lynn Palmer
Nevada State Historic Preservation Officer

08/24/21
Date

INVITED SIGNATORIES

McEwen Mining Inc.

Mike Worley, EHS Manager
McEwen Mining Inc.

Date

CONCURRING PARTIES:

Te-Moak Tribe of Western Shoshone

Joseph Holley, Chairman Te-Moak Tribe of Western Shoshone	Date
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Battle Mountain Band of the Te-Moak Tribe of Western Shoshone

David Carrera, Chairman Battle Mountain Band of the Te-Moak Tribe of Western Shoshone	Date
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South Fork Band of Western Shoshone

Alice Tybo, Chairwoman South Fork Band of Western Shoshone	Date
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Duckwater Shoshone Tribe

Rodney Mike, Chairman Duckwater Shoshone Tribe	Date
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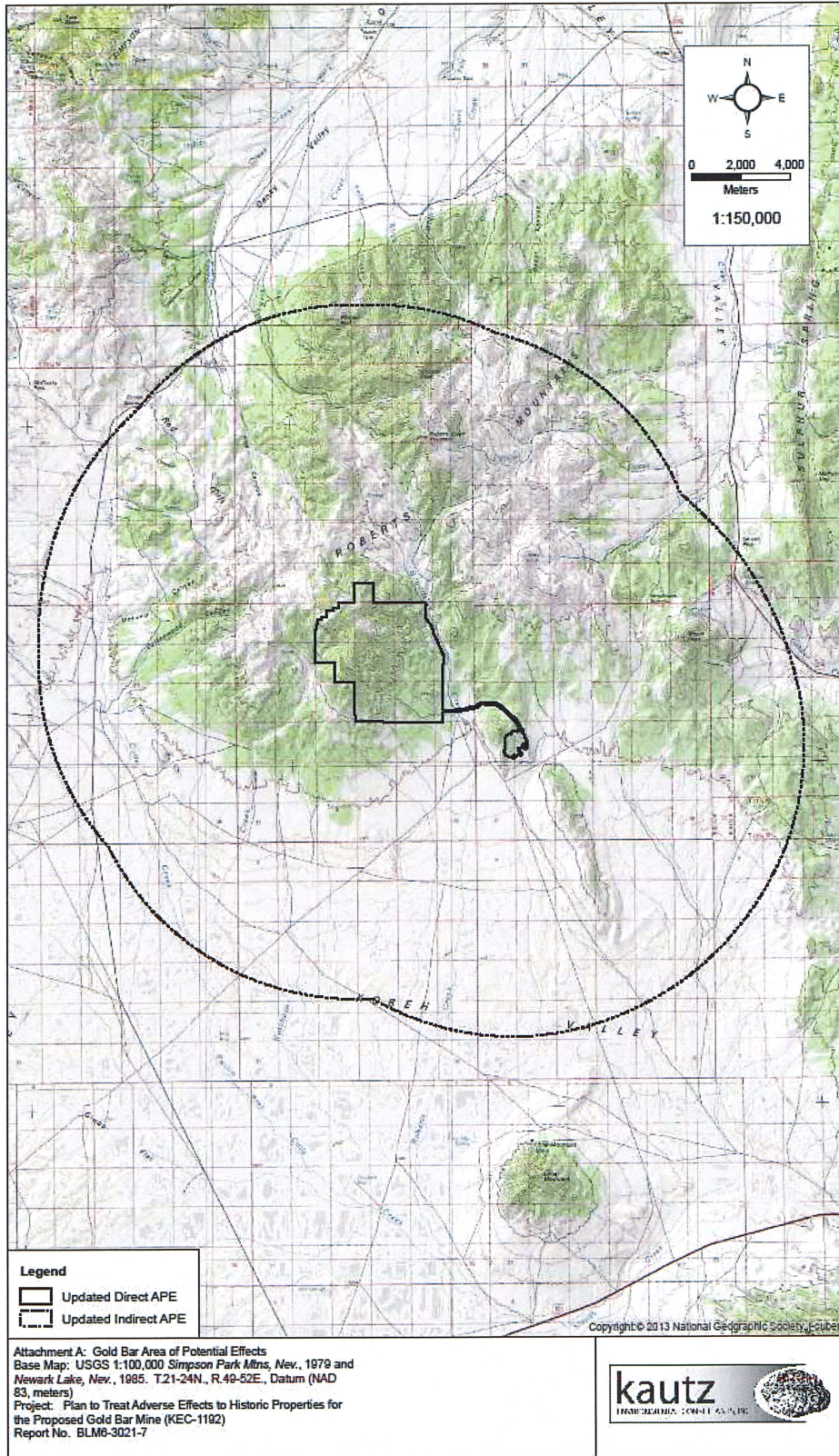
Ely Shoshone Tribe

Diana Buckner, Chairwoman Ely Shoshone Tribe	Date
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Yomba Shoshone Tribe

Ronnie Snooks, Chairman Yomba Shoshone Tribe	Date
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**ATTACHMENT A1 AMENDED: MAP OF MINE PLAN OF OPERATIONS
DIRECT AND INDIRECT APE**



**ATTACHMENT B AMENDED: HISTORIC PROPERTIES ADVERSELY AFFECTED
AND UNEVALUATED CULTURAL RESOURCES POTENTIALLY ADVERSELY
AFFECTED**

State Resource Number	Agency Resource Number CrNV-	Description	NRHP Eligibility (Criteria being treated)	Resource Status at Execution of MOA Amendment 1	Mine PoO APE	
					Indirect	Direct
D121	63-15915	Roberts Mountains Carbonari District	Eligible ACD	Partially Mitigated under HPTP #1 (2020)		x
26Eu344	63-2097	Lithic Scatter, historic refuse*	Eligible D (D)	Unmitigated		x
26Eu1070	63-2139	Roberts Creek Ranch	Unevaluated	Unmitigated	x	
26Eu1431	63-5159	Charcoal production complex with platforms, habitation features	Eligible AD (AD)	Partially Mitigated (1994)		x
26Eu1432	63-5160	Charcoal production complex with platforms, habitation features	Eligible AD (AD)	Mitigated under HPTP #1 (2020)		x
26Eu1433	63-5161	Charcoal production complex with platforms and habitation features; prehistoric isolate*	Eligible AD (AD)	Partially Mitigated under HPTP #1 (2020)		x
26Eu1434	63-5163	Charcoal platforms	Eligible D (D)	Partially Mitigated under HPTP #1 (2020)		x
26Eu1435	63-5164	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu1436	63-5165	Charcoal production complex with platforms and habitation feature	Eligible AD (AD)	Mitigated under HPTP #1 (2020)		x
26Eu1438	63-5167	Charcoal production complex with platforms and habitation features	Eligible AD (AD)	Partially Mitigated under HPTP #1 (2020)		x

State Resource Number	Agency Resource Number CrNV-	Description	NRHP Eligibility (Criteria being treated)	Resource Status at Execution of MOA Amendment 1	Mine PoO APE	
					Indirect	Direct
26Eu1454	63-5155	CCS quarry and associated lithic scatter; charcoal production complex with platforms and habitation features	Eligible ACD (ACD)	Partially Mitigated under HPTP #1 (2020)		x
26Eu1957	63-5658	Lean-to with historic and prehistoric artifacts (possibly ethnohistoric)	Unevaluated	Unmitigated	x	
26Eu1964	63-5665	Charcoal platform, possible habitation feature	Unevaluated	Unmitigated		x
26Eu1968	63-5669	Possible ethnohistoric campsite	Eligible D (D)	Unmitigated		x
26Eu2524		Limestone Cave	Unevaluated	Unmitigated	x	
26Eu3410	63-9309	Historic rockshelter	Unevaluated	Unmitigated	x	
26Eu5189	63-15356	Lithic scatter, charcoal platform	Eligible D (D)	Unmitigated		x
26Eu5191	63-15358	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu5192	63-15359	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu5194	63-15361	Charcoal platforms	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu5196	63-15363	Lithic scatter*; charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu6202	63-15937	Charcoal production complex with platforms and habitation features	Eligible AD (AD)	Unmitigated		x
26Eu6237	63-15972	Rockshelter with lithic scatter	Unevaluated	Unmitigated	x	

State Resource Number	Agency Resource Number CrNV-	Description	NRHP Eligibility (Criteria being treated)	Resource Status at Execution of MOA Amendment 1	Mine PoO APE	
					Indirect	Direct
26Eu6241	63-15976	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu6478	63-18279	Charcoal platforms	Eligible D (D)	Unmitigated		x
26Eu6737	06-1378	Rockshelters and associated lithic scatters	Unevaluated	Unmitigated	x	
26Eu6873	63-6516	Rockshelter with lithic scatter	Unevaluated	Unmitigated	x	
26Eu762	63-482	Pony Express Trail	Eligible A (A)	Ongoing mitigation under HPTP #1	x	
26Eu8298	63-21001	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8299	63-21002	Charcoal platforms, hearth	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8300	63-21003	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8301	63-21007	Charcoal platform	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8302	63-21008	Charcoal platforms	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8303	63-21009	Charcoal platform, dugout	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8304	63-21010	Charcoal platforms	Eligible D (D)	Mitigated under HPTP #1 (2020)		x
26Eu8910	63-21172	Lithic scatter*, charcoal platforms	Eligible AD (AD)	Unmitigated		x
26Eu8914	63-21176	Lithic scatter*, charcoal platforms	Eligible AD (AD)	Unmitigated		x
26Eu8917	63-21180	Lithic scatter, historic refuse*	Unevaluated	Unmitigated		x

State Resource Number	Agency Resource Number CrNV-	Description	NRHP Eligibility (Criteria being treated)	Resource Status at Execution of MOA Amendment 1	Mine PoO APE	
					Indirect	Direct
26Eu8925	63-21192	Rockshelter with lithic scatter	Eligible D (D)	Unmitigated	x	
26Eu9702	63-23206	Lithic scatter, historic refuse*	Eligible D (D)	Unmitigated		x
*Not eligible component						

ATTACHMENT E:
**A PLAN TO TREAT ADVERSE EFFECTS TO HISTORIC PROPERTIES RESULTING
FROM THE GOLD BAR SOUTH EXPANSION**

This attachment contains privileged information that may be exempt from Freedom of Information Act (FOIA) requests.

Please consult the appropriate federal agency concerning this attachment for further information.