

**MEMORANDUM OF AGREEMENT
BETWEEN THE BUREAU OF LAND MANAGEMENT, BLACK ROCK FIELD
OFFICE AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE HYCROFT MINE PHASE II EXPANSION PROJECT IN HUMBOLDT AND
PERSHING COUNTIES, NEVADA**

WHEREAS, the Bureau of Land Management (BLM) will issue a permit for the Hycroft Mine Phase II Expansion to Hycroft Resources and Development, Inc. (HRDI) thereby making the Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. §800; and

WHEREAS, the Project will consist of expanding mining and ore processing activities at the Hycroft mine, including expanding the existing Brimstone Pit below the pre-mining groundwater table, extending mining from 2024 to 2039, extending ore processing activities until 2041, and constructing a tailings storage facility (areas shown in blue on Attachment A); and

WHEREAS, BLM has defined the Project's area of potential effects (APE) as all geographic areas within which the Project may have effects to historic properties. BLM has determined that the direct APE is the disturbance footprint within the Plan of Operations Boundary (shown in blue on Attachment A) and the indirect APE is a variable boundary extending up to six miles to the west, north, and south of the Alternative A Project Area's direct APE (shown in hatched red on Attachment A); and

WHEREAS, BLM, in consultation with the Nevada State Historic Preservation Officer (SHPO), has determined that the Project will have an adverse effect on the historic properties eligible for the National Register of Historic Places (NRHP) listed in Attachment B; and

WHEREAS, BLM has consulted with Tribal governments from the Pyramid Lake Paiute Tribe, the Summit Lake Paiute Tribe, the Fort McDermitt Paiute and Shoshone Tribe, The Winnemucca Paiute Tribe, the Fallon Paiute and Shoshone Tribe, the Battle Mountain Band Tribal Council, and the Lovelock Paiute Tribe (referred to collectively as the Tribes) and has invited the Tribes to sign this Memorandum of Agreement (MOA) as concurring parties; and

WHEREAS, BLM has consulted with HRDI regarding the effects of the Project on historic properties and has invited them to sign this MOA as an invited signatory; and

WHEREAS, in accordance with Component 5 of the *Programmatic Agreement among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers regarding the manner in which the BLM will meet its responsibilities under the National Historic Preservation Act*, (February 2012), BLM has not notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination as it does not meet the thresholds that call for ACHP notification; and

WHEREAS, the signatories and invited signatory (hereinafter collectively referred to as the Parties and individually by name or as Party) agree that this MOA may be signed in counterparts and the executed MOA, and each signature, will be effective and binding as if all Parties had signed the same document; and

NOW, THEREFORE, 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.

STIPULATIONS

BLM shall ensure that the following measures are carried out:

I. HISTORIC PROPERTIES TREATMENT PLAN (HPTP) IMPLEMENTATION

- A. The BLM, in consultation with the SHPO, has prepared an HPTP to conduct data recovery and other measures to resolve the adverse effects of the Project on historic properties that is consistent with the Secretary of the Interior's (SOI) Standards and Guidelines for Archaeology and Historic Preservation (48 C.F.R. §§44716-37) and the ACHP's guidance on archaeology (2009).

The BLM will ensure that data recovery and other measures are completed as outlined in the HPTP (Attachment C; BLM Report CR2-3373, *A Historic Properties Treatment Plan for the Hycroft Mine Phase II Expansion Project, Humboldt and Pershing Counties, Nevada*). Mitigation of unevaluated archaeological sites shall be phased. The HPTP specifies the Phase I mitigation and/or Phase II data recovery measures for each of the historic properties and unevaluated archaeological sites adversely affected.

- B. The BLM will ensure that HRDI provides adequate funds to support a Cultural Resources Management (CRM) firm and persons meeting the SOI professional qualification Standards appropriate to the resource being mitigated to implement the HPTP, including but not limited to mitigation of archaeological sites, artifact processing, preparation of interpretive materials, writing final report of findings and analysis of findings, and curation of artifacts.
1. HRDI will provide a bond to ensure completion of the HPTP including curation. This bond will be based on a budget for post fieldwork costs submitted by the CRM firm, hired by HRDI.

II. MONITORING AND TRAINING

- A. Monitoring of Historic Properties outside the Direct Physical APE. HRDI will continue to implement the monitoring program developed for the Phase I mitigation (Attachment D) when active mine activities commence.

- B. **Monitoring During Construction.** Due to the potential for intact buried deposits in dunes and valley margins HRDI will monitor culturally sensitive areas identified in Attachment D.II during vegetation removal.
- C. **Mine Employee Cultural Education Program.** HRDI shall conduct regular training for field employees focused on protection and reporting of the presence of archaeological materials. HRDI will direct such personnel not to engage in the illegal collection of historic and prehistoric materials. Additionally, HRDI will ensure that the installed protections for the rock shelters and nearby Pulpit Rock and the avoidance protocols for those sensitive areas are explained to HRDI mine employees and contractors. HRDI shall ensure that subsequent hires will receive similar training. Training can be in association with the HRDI's safety and/or related job training and HRDI's orientation.

HRDI will cooperate with BLM to ensure compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470) (ARPA).

III. NOTICES TO PROCEED

- A. BLM will provide HRDI with Notices to Proceed (NTP) after the BLM and the SHPO have had the opportunity to review the fieldwork portion of the mitigation to ensure compliance with the HPTP. To ensure compliance the following will be carried out:
 - 1. The CRM firm hired by HRDI will provide the BLM with a summary of field work after Phase 1 and/or Phase II of the HPTP has been completed ; and
 - 2. BLM shall review the summary within three (3) working days of receipt; and
 - 3. BLM shall provide a copy of the summary to the SHPO with either:
 - a) the agency's determination that no significant subsurface deposits are likely based on the findings of the Phase 1 activity and that the fieldwork portion of data recovery is complete; or
 - b) the agency's determination that significant subsurface deposits are present, or are likely to be present, and that additional data recovery will be required under Phase 2 of the HPTP; or
 - c) the agency's determination that data recovery under Phase 2 of the HPTP has been completed and that the fieldwork portion of data recovery is complete.
 - 4. If BLM submits a total number of individual fieldwork summaries less than four (4) per submission and there are less than four (4) historic properties summarized in any five (5) working day period, the SHPO shall have five (5) working days to provide concurrence or comments on the summary. If the SHPO does not respond within five (5) working days, BLM may issue the NTP for HRDI to either:
 - a) begin mining operations within the avoidance area for that historic property if no significant subsurface deposits are likely based on the findings of the Phase 1 HPTP activity; or
 - b) begin Phase 2 data recovery in accord with the requirements of the HPTP; or

- c) the agency's determination that data recovery under Phase 2 of the HPTP has been completed and that the fieldwork portion of data recovery is complete.
- 5. If BLM submits a total number of individual fieldwork summaries that exceeds four (4) per submission and/or if there are greater than four (4) historic properties summarized in any five (5) working day period, the SHPO shall have ten (10) calendar days to provide concurrence or comments on the summary. If the SHPO does not respond within ten (10) calendar days, BLM may issue the NTP for HRDI to either:
 - a) begin mining operations within the avoidance area for that historic property if no significant subsurface deposits are likely based on the findings of the Phase 1 HPTP activity; or
 - b) begin Phase 2 data recovery in accord with the requirements of the HPTP; or
 - c) the agency's determination that data recovery under Phase 2 of the HPTP has been completed and that the fieldwork portion of data recovery is complete.
- B. HRDI shall not begin any ground disturbing activity within 100 meters of any historic property scheduled for data recovery under the HPTP until BLM issues a NTP for that historic property.

IV. DISCOVERIES AND UNANTICIPATED EFFECTS TO HISTORIC PROPERTIES

If unanticipated discoveries or unanticipated effects to historic properties are discovered during the life of the undertaking, BLM shall implement the discovery plan in the HPTP and the Native American Graves Protection and Repatriation Plan of Action (NAGPRA Plan of Action) attached to the HPTP.

If BLM, or the CRM firm hired to conduct data recovery, makes a discovery that cannot be addressed by the HPTP or the NAGPRA POA, then the signatories and the Tribes shall consult to determine an appropriate course of action. Following consultation, BLM shall prepare an action plan to address the specific discovery.

VI. CURATION

BLM will curate all reports, records, photographs, maps, field notes, artifacts, and other materials collected or developed for the undertaking in the course of the data recovery at the Nevada State Museum in Carson City.

VII. BLM REVIEW OF KEY INDIVIDUALS INVOLVED

The BLM will ensure that all cultural resources work associated with this Project is carried out under the supervision of archaeologists meeting SOI's professional qualifications standards for archaeology and who are permitted to work in the State of Nevada on BLM Lands in Washoe, Pershing, and Humboldt Counties.

VIII. REPORTING

- A. The BLM shall ensure that a draft data recovery report is completed and provided to the SHPO and any Tribal concurring parties within one (1) year after the completion of the fieldwork required by the HPTP, unless otherwise negotiated and that all other provisions of the HPTP are completed.
- B. The SHPO will provide concurrence or comments on the draft data recovery report within thirty (30) calendar days of its receipt. If the SHPO does not respond within thirty (30) calendar days of receipt, BLM may finalize the data recovery report.
- C. The BLM shall ensure that all such reports are consistent with contemporary professional standards, the Department of Interior's Formal Standards for Final Reports of Data Recovery Programs (48 C.F.R. §§44716-44740), and the current standards and guidelines issued by the Bureau of Land Management, Nevada State Office.

IX. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, BLM may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation XI below.

X. 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, BLM shall consult with such party to resolve the objection. If BLM determines that such objection cannot be resolved, BLM will:

- A. Forward all documentation relevant to the dispute, including the BLM's proposed resolution, to the ACHP. The ACHP shall provide 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, BLM shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, SHPO, 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 thirty (30) day time period, 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 SHPO and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.
- C. 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.

XI. 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.

XII. 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 Stipulation XI, above. If within thirty (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, BLM must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. BLM shall notify the SHPO as to the course of action it will pursue.

Execution of this MOA by BLM and the SHPO and implementation of its terms evidence that BLM has taken into account the effects of this undertaking on historic properties.

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SIGNATORIES:

Bureau of Land Management

Mark E. Hall Date 15 Aug 2019
Mark Hall, Black Rock Field Manager

Nevada State Historic Preservation Office

Rebecca L. Palmer Date 20 August 2019
Rebecca L. Palmer, State Historic Preservation Officer

INVITED SIGNATORY

Hycroft Resources (HDRI)

[Signature] President + CEO
08-14-19
Name, Title, Date

CONCURRING PARTIES

The Summit Lake Paiute Tribe

Name, Title, Date

The Pyramid Lake Paiute Tribe

Name, Title, Date

The Battle Mountain Band Tribal Council

Name, Title, Date

The Fort McDermitt Paiute Tribe

Name, Title, Date

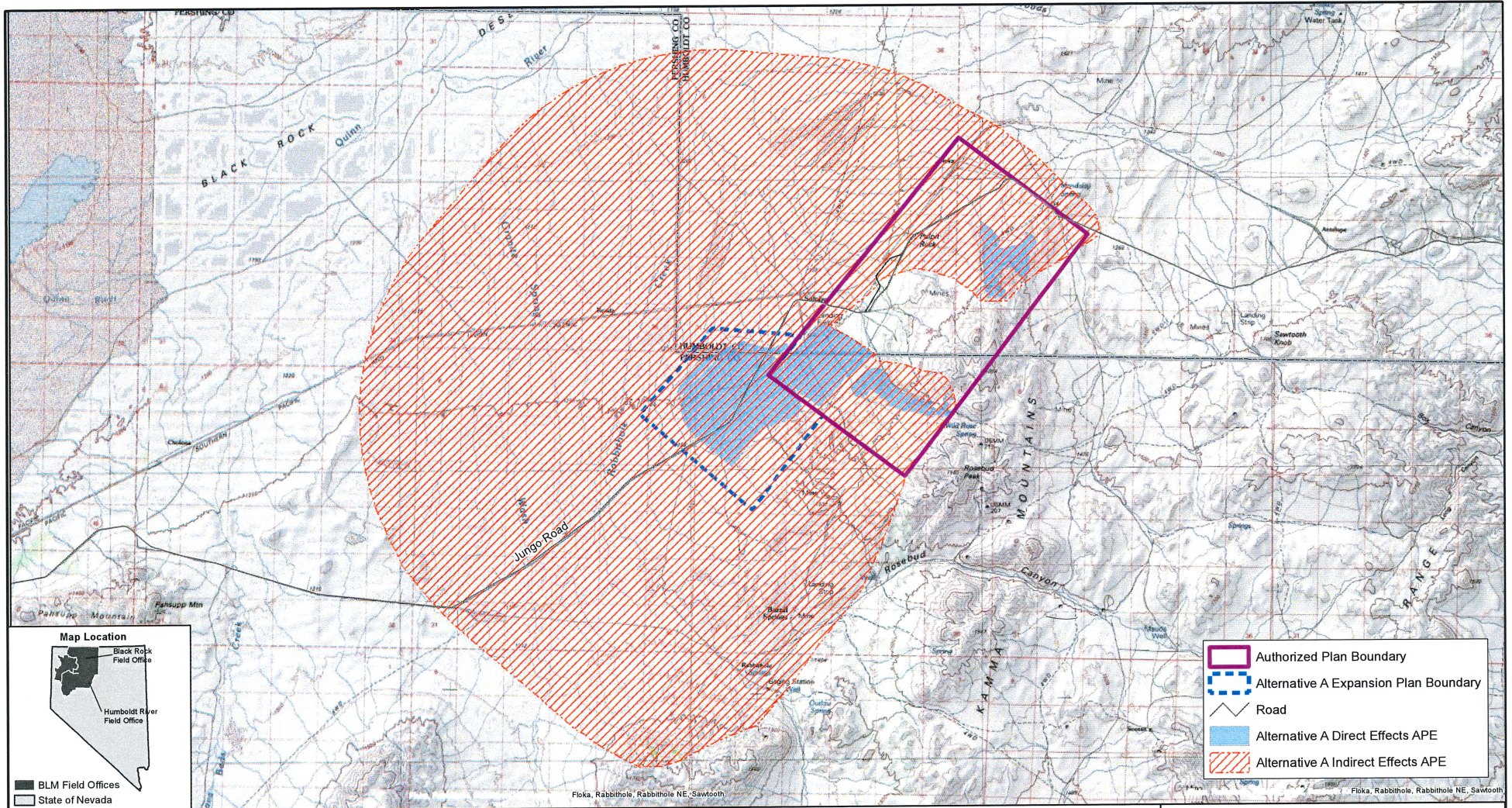
The Lovelock Paiute Colony

Name, Title, Date


The Winnemucca Indian Colony

Name, Title, Date

Attachment A
Map of Project Area

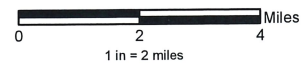


- Authorized Plan Boundary
- Alternative A Expansion Plan Boundary
- Road
- Alternative A Direct Effects APE
- Alternative A Indirect Effects APE



Winnemucca
BLM District
Black Rock Field Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89455

**HYCROFT MINE
PHASE II EXPANSION PROJECT EIS**



**CULTURAL RESOURCES
DIRECT AND INDIRECT
AREA OF POTENTIAL EFFECT**

ATTACHMENT A

7/18/2019

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

Attachment B

**Historic Properties and Unevaluated Sites Subject to Data Recovery
within the Alternative A Direct APE (Affected Under Criterion D)**

CrNV-	Site	Description	Age	NRHP Eligibility
02-11964	26Pe3826	Complex Flaked Stone	Prehistoric	Eligible, D
02-11967	26Pe3829	Basic Habitation	Prehistoric	Unevaluated
02-11988	26Hu7294	Complex Flaked Stone	Prehistoric	Unevaluated
02-11991	26Pe3853	Simple Flaked Stone	Prehistoric	Unevaluated
02-11993	26Pe3855	Complex Flaked Stone	Prehistoric	Eligible, D

**Historic Properties Subject to Other Mitigation within the Alternative A Indirect APE
(Affected Under Criterion A and/or C)**

CrNV-	Site	Description	Age	NRHP Eligibility
02-822	26Pe3158	Applegate Trail	Historic	Eligible, A, D;
02-9765	26Hu5503	Telephone Line	Historic	Eligible, A; Unevaluated, C
22-4665	26Pe2301	Nobles Trail	Historic	Eligible A, D
02-9894	26Hu5590	Jungo Road	Historic	Eligible, A
22-308	26Hu3703	Sulphur Town Site	Multi	Eligible, A, D
33-9978	26Hu5617	Western Pacific Railroad	Historic	Eligible, A

Attachment C
Historic Properties Treatment Plan

This attachment contains information that may be exempt from Freedom of Information Act Requests.

Please consult the appropriate federal agency to obtain this information.

Attachment D

Monitoring Plan

I. General Monitoring of Historic Properties

As part of the Phase I exploration activities (MOA, 2012) BLM developed and implemented a plan to ensure periodic monitoring of selected historic properties by a professional archaeologist to protect against inadvertent damage during mine build-up and operation. BLM will reinstate this monitoring program upon the commencement of Phase II mining activities under this MOA.

BLM, , will select a group of ten (10) historic properties that HRDI will monitor in accord with the schedule below. BLM will attach the list to this MOA as Attachment DII. HRDI will ensure that an SOI qualified archaeologist will conduct the monitoring and that letter reports are submitted to BLM after each monitoring visit. BLM will provide the monitoring report to the Parties annually during the life of the undertaking. If the monitoring results in the identification of inadvertent damage to historic properties, BLM will initiate consultation with the Parties to resolve any adverse effects in accord with the terms of this MOA and amend the MOA as necessary.

Schedule for monitoring:

- A. Non-road historic properties will be monitored:
 - 1. Quarterly during the first year; and
 - 2. Twice yearly for the duration of the MOA.

- B. NRHP-eligible roads, if selected, will be monitored:
 - 1. Quarterly during the first year; and
 - 2. Yearly for the duration of the MOA.

II. Monitoring of Dunes and Fan Margins within Authorized Plan Boundary and Alternative A

BLM shall ensure that HRDI implements archaeological monitoring in the undisturbed dunes and valley margins within the existing Authorized Plan Boundary and Alternative

A area as illustrated on the attached map (during initial grading to remove vegetation). These areas include, but may not be limited to, the undisturbed areas surrounding the existing disturbance, the valley portions of the Southwest Tailings Storage Facility, and areas of the South Process Complex.

BLM shall ensure that HRDI implements this archaeological monitoring with an SOI qualified archaeologist familiar with recognizing and evaluating such subsurface features.

Map of Areas to be Monitored During Construction

This attachment contains information that may be exempt from Freedom of Information Act Requests.

Please consult the appropriate federal agency to obtain this information.