

PROGRAMMATIC AGREEMENT
AMONG THE BUREAU OF LAND MANAGEMENT, MOUNT LEWIS AND TUSCARORA
FIELD OFFICES, THE NEVADA STATE HISTORIC PRESERVATION OFFICER, THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND BARRICK CORTEZ INC.
REGARDING
MINERAL EXPLORATION AND DEVELOPMENT FOR BARRICK CORTEZ'S PROPERTIES
IN THE CORTEZ AREA, EUREKA AND LANDER COUNTIES, NEVADA

WHEREAS, Barrick Cortez, Inc. (Proponent) is the operator of Mining and Exploration Projects in the Area of Implementation (AOI) defined in Stipulation B and will seek additional approvals from the Bureau of Land Management (BLM) for modifications to existing mining operations or approved exploration, or propose new mining operations, exploration, or support facilities all within the AOI; and

WHEREAS, the BLM has determined that mineral exploration and development projects proposed by the Proponent may be Undertakings pursuant to Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 3006108; and

WHEREAS, the Proponent's proposals may include, but not be limited to, three general categories of activities: (a) open pit and underground mining and associated infrastructure (hereafter a "Mining Project"); (b) surface exploration and associated infrastructure (hereafter an "Exploration Project"); and (c) support facilities for multiple activities such as access roads, transmission lines, pipelines, water management facilities, surface-disturbing baseline studies and other support facilities and activities (hereafter a "Support Project"). Mining Projects, Exploration Projects, and Support Projects will be individually referred to herein as an "Undertaking" and collectively as "Undertakings". These activities are further described in Appendix F. Each Undertaking within the AOI will have designated Areas of Potential Effect (APEs); and

WHEREAS, the BLM has determined that Undertakings may have Direct, Indirect, and Cumulative Effects on Cultural Resources included in or Eligible for inclusion in the National Register of Historic Places (NRHP), hereinafter called Historic Properties; and

WHEREAS, this Programmatic Agreement (PA) specifies the process by which the BLM will implement and complete Section 106 compliance regarding the effects of Undertakings within the AOI to Historic Properties; and

WHEREAS, the BLM has consulted with the Nevada State Historic Preservation Officer (SHPO), pursuant to Section 106 of the NHPA and 36 CFR § 800.14(b)(2), who is a Signatory to this PA; and

WHEREAS, the BLM has notified the Advisory Council on Historic Preservation (ACHP) per 36 CFR § 800.6(a)(1)(C) of the development of this PA and the ACHP has elected to participate per 36 CFR § 800, Appendix A(c)(3) and is a Signatory; and

WHEREAS, the BLM has invited the Proponent to participate in the development of this PA as an Invited Signatory under 36 CFR § 800.6(c)(2)(iii) as it bears certain financial and other obligations under this PA, and it has accepted and is an Invited Signatory; and

WHEREAS, for purposes of this PA, a reference to “Proponent” includes a reference to any of its successors in interest regarding these Undertakings; and

WHEREAS, federally recognized Indian Tribes who attach religious and cultural significance to the Historic Properties that may be affected by Undertakings within the AOI, including the Te-Moak Tribe of Western Shoshone Indians, the Yomba Shoshone Tribe, the Duckwater Shoshone Tribe of the Duckwater Reservation, the Ely Shoshone Tribe, and the Shoshone-Paiute Tribe of the Duck Valley Reservation (Tribes), have been consulted regarding this PA, have been invited to consult on and concur with this PA, and will be consulted in the future as detailed in this PA; and

WHEREAS, reference to “Parties” shall be taken to include Signatories, the Invited Signatory, and the Tribes. The Tribes shall be afforded the opportunity to participate as outlined in the PA; it is understood that their participation does not necessarily imply an endorsement of any Undertaking in part or as a whole; and

NOW, THEREFORE, the Signatories and Invited Signatory to this PA agree that Undertakings shall be implemented in accordance with the following stipulations to take into account the effect of Undertakings on Historic Properties in compliance with Section 106 of the NHPA.

DEFINITIONS

Specific terms used herein and not defined herein have the meanings given them in 36 CFR § 800.16 or in the definitions set forth in Appendix B, attached hereto.

BLM shall ensure that the following stipulations are followed:

A. PURPOSE AND INTENT

The purpose of this PA is to establish an agreement among the BLM, the SHPO, the ACHP, and the Proponent on how the consultation process under Section 106 will be implemented regarding Undertakings within the AOI, and the manner in which the Parties shall be afforded an opportunity to participate in that Section 106 consultation process. This PA defines general and specific measures that will be undertaken by all Parties to ensure that the BLM’s responsibilities under Section 106 will be fulfilled. It is the intent of this PA that the Parties shall work to avoid, minimize, or mitigate Adverse Effects to Historic Properties identified within an APE, regardless of surface ownership.

B. AOI FOR THE PA; DIRECT, INDIRECT, AND CUMULATIVE APES FOR UNDERTAKING(S)

1. The AOI for this PA consists of lands administered by the BLM in Lander and Eureka Counties, Nevada, and private lands as described and depicted in Appendix A.
2. The AOI contains the NRHP Eligible Cortez Historic Mining District (CHMD). During inventories or evaluation of an Undertaking affecting the CHMD, all historic sites and isolated features pertaining to the theme of historic mining will be additionally evaluated to assess whether they are contributing or non-contributing elements to the CHMD, per guidance set forth in NRHP Bulletin 36.
3. The APE for Direct Effects for an Undertaking will be those locations undergoing any exploration and development from such Undertaking within the AOI that are subject to surface disturbance.

4. The APE for Indirect Effects for an Undertaking will be those locations within the AOI deemed potentially affected by visual, vibrational, auditory, and atmospheric effects of such Undertaking.

5. Cumulative Effects are the effects on the environment which result from the incremental effect of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes the actions. For the purposes of this PA, the APE for Cumulative Effects is the same as that for Direct and Indirect Effects.

6. BLM will establish the, the Direct and Indirect Effects APEs for each Undertaking in writing through the submission of a Cultural Resource Information Form (CRIF), as described in this PA. The CRIF is equivalent to the Cultural Resources Inventory Needs Assessment Form (CRINA) as established in Section I.B.1(a-c) and Section 1.B.3-4 of the Protocol, dated December 22, 2014.

C. ROLES AND RESPONSIBILITIES

1. BLM

a. BLM is responsible for administering this PA and will ensure that all of the PA's stipulations are carried out. This includes but is not limited to ensuring that the Signatories and Proponent carry out their respective responsibilities as stipulated during the implementation of this PA. The Mount Lewis Field Office Manager is the BLM Agency Official for this PA. The BLM Agency Official, or their designee, is the PA point of contact for BLM.

b. BLM is responsible for consultation with Tribes, as outlined in this PA. Any consultation will comply with the NHPA and be guided by the latest edition of BLM Manual 1780 and associated Handbook 1780-1, as it may be amended, and other BLM Information Memoranda and Information Bulletins relaying guidance on tribal consultation from the Washington Office or BLM Nevada State Office, or by consultation procedures agreed to by BLM and a Tribe through a signed Memorandum of Understanding.

c. BLM will be responsible for all submissions to the SHPO, the ACHP, the Tribes, and the Proponent during the implementation of this PA for each Undertaking. Any submission not from BLM will be considered as informational only and will not trigger any compliance timelines or other actions.

d. BLM shall ensure that historic, architectural and archaeological work conducted pursuant to this PA is carried out by or under the direct supervision of persons meeting qualifications set forth in the current Secretary of the Interior's Professional Qualification Standards. Ethnographic work required by BLM under this PA will meet appropriate requirements and ethnographers working on any Undertaking under this PA shall be supervised by a qualified professional or otherwise be approved by BLM. The BLM Nevada State Office will permit inventories, recordation, and mitigation work on historic and prehistoric resources. Architectural resources must be inventoried by consultants who meet the *Secretary of Interior's Historic Preservation Professional Qualification Standards* (36 CFR § 61, Appendix A [1983]) appropriate for the resource being evaluated, and they will use the standards and forms in the latest edition of *Guidelines for Recording and Reporting Architectural Resources in Nevada*, issued by the BLM Nevada State Office.

e. The BLM will ensure that adequate identification, recordation, and treatment efforts are completed without regard to the ownership status of the lands involved. If a private landowner refuses to allow the aforementioned activities on its land, BLM will provide an assessment concerning the

likelihood of the presence of Historic Properties on the private lands based on a search of existing records surrounding the property and consultation with the Signatories, the Proponent, and the Tribes.

i. If this probability is low then BLM may make a determination that no cultural work is required on those private lands for this reason and seek SHPO concurrence, concluding review under this PA of those private lands.

ii. If the BLM assessment indicates that Historic Properties are likely to exist on those private lands, and the BLM is able to reasonably determine that the Undertaking proposed to be authorized by a BLM permit or other BLM approval may result in Adverse Effects to them, then BLM will work with the Proponent to implement reasonable measures to avoid Adverse Effects. BLM, in consultation with the SHPO, may approve a Treatment Plan for similar resources located on nearby public lands.

2. Proponent

a. The Proponent, in cooperation with BLM, the SHPO, and interested Tribes, shall develop an in-house training program. The Proponent shall maintain a record of having provided the in-house training program to all of its personnel and all the personnel of its contractors and subcontractors engaged in an Undertaking under this PA. Such personnel will also be directed not to engage in the illegal collection of historic and prehistoric materials. The Proponent shall ensure that subsequent hires will receive similar training. Training can be in association with the Proponent's safety and/or related job training and Proponent's orientation for a specific Undertaking. The Proponent will cooperate with BLM to ensure compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470) (ARPA) on Federal lands and with Nevada Revised Statutes (NRS) 383 for private lands.

b. The Proponent's designee will be the Proponent's point of contact for this PA and provide BLM with all information in the Proponent's possession necessary to implement this PA.

c. The Proponent shall bear the reasonable expense of identification, evaluation, and treatment of all Historic Properties directly or indirectly affected by an Undertaking under this PA. Such costs shall include, but not be limited to, pre-field planning, fieldwork, post-fieldwork analysis, research and report preparation, interim and summary report preparation, monitoring of audible, visual, and vibrational effects of an Undertaking, all mitigation, including publications for the general public, and the cost of curating project documentation and artifact collections. The BLM may require the Proponent to bear the reasonable cost for data gathering to assist the BLM in identifying, evaluating, and treating TCPs and PCRI. If the Proponent withdraws any Undertaking application, then the Proponent shall incur no further expense except for completing fieldwork and post-fieldwork activities (production of final inventory, evaluation, and data recovery reports covering the description and analysis of data, and the curation of materials) that has been initiated prior to the date of withdrawal of that application.

D. TYPES OF UNDERTAKINGS

Because the degree and nature of potential Undertakings that the Proponent may propose within the AOI may vary widely, this PA is intended to be flexible, requiring more extensive consultation when more Historic Properties or more extensive Adverse Effects are anticipated, and streamlining consultation for less intensive activities. In general, the following types of processes will apply to the three types of Undertakings under this PA:

1. Mining Projects generally have extensive surface disturbance and have a greater potential for Direct, Indirect, and Cumulative Effects to Historic Properties. Effects from Mining Projects tend to

be longer term, with reclamation occurring later in the mine life. Identification, evaluation, consultation and data recovery, along with other forms of mitigation, will be extensive for Mining Projects proposed under this PA, and these steps as outlined under this PA are anticipated to be conducted concurrently with the review and public processes under the National Environmental Policy Act (NEPA).

2. Exploration Projects involve multi-year exploration field seasons including initial wide-spaced exploration and later close-spaced exploration as detailed in an Exploration Plan. Treatment and data recovery are not favored mitigation for exploration, and unless otherwise approved by the BLM after consultation with the SHPO and the Tribes as outlined in this PA, strict use of Avoidance Buffer Zones under the procedure set forth in Appendix E will be required for Exploration Projects. When use of Avoidance Buffer Zones is practiced, adverse effects to Historic Properties from exploration activities are prevented. BLM will evaluate Exploration Plans, including details of the exploration processes. Once BLM approves an Exploration Plan, the Proponent submits annual workplans detailing the locations of exploration drilling for that year's field season, including the plans to use Avoidance Buffer Zones and any other stipulations in the approved Exploration Plan. Annual workplans are subject to the Notice to Proceed (NTP) process in Stipulation H, and the Avoidance Procedures in Appendix E.

3. Support Projects are either minor standalone projects not associated with a Mine Plan or Exploration Plan, or require a separate BLM approval. Support Projects shall be evaluated under this PA at an appropriate level based on the nature of the Support Project, the approvals needed and the level of surface disturbance or other potential effects to Historic Properties. This evaluation will include the CRIF process, as set forth in this PA, and may also include more intensive forms of mitigation, depending on specific Support Project designs and requirements.

4. Certain categories of Undertakings are exempted from inventory requirements and further review under this PA. These exemptions are listed in Appendix G to this PA. At the end of each fiscal year, BLM will summarize for the SHPO the use of exemptions under this PA during the year.

E. CRIF PROCESS

1. At the earliest feasible planning stage, BLM in conjunction with the Proponent and/or the CRM Contractor, will develop a CRIF for any Undertaking covered under this PA.

a. The intent of the CRIF is to establish the Direct and Indirect effect APEs, provide a summary of known resources present within the APEs, evaluate inventory needs, describe the methods (other than standard inventory) that will be used to analyze effects (e.g., visual and auditory simulation modeling), and list the Tribes and members of the public who will be consulted for individual Undertakings. The CRIF will also describe whether specialty resource knowledge such as an architectural historian is necessary and will outline any other appropriate recommendations for the Undertaking.

b. In the CRIF, BLM will determine and describe the information needed to identify and evaluate Historic Properties within the APEs. BLM will base such determinations on a file search of the BLM/SHPO Cultural Resource records, aerial photographs, Government Land Office (GLO) records, BLM land records, resource management plans, project-specific NEPA documents of the proposed project area, available Cultural Resource planning models, and on information sought and obtained from the SHPO. As needed, BLM in conjunction with the Proponent and/or the CRM Contractor, will gather the necessary information through appropriate levels of inventory or interviews with members of the public, professionals, and the Tribes. Resources of religious and cultural significance to the Tribes must be included in determining inventory needs based on appropriate notification and consultation.

c. BLM may provide the Tribes with an opportunity to consult on the CRIF. If the

BLM provides an opportunity to consult on the CRIF, the agency must describe those procedures and any input that was received, in the CRIF itself.

2. Level of Field Inventory: Class III Inventory will be the standard level of field inventory required to identify archaeological and architectural resources. However, there are cases where Class II surveys (sample designed, reconnaissance, etc.) are adequate or no survey is required. The level of survey proposed by BLM will be based on the Undertaking as a whole; thus, a Class III Inventory requires 30-meters or less spacings across the entire APE, while a Class II inventory proposes some degree of inventory but more than 30-meter spacings across all or part of an APE. The CRIF will include justifications for the level of inventory required, as well as the methods BLM will use to determine the potential Undertaking's Direct and Indirect Effects on Historic Properties.

a. The BLM may determine that specific Undertakings will not require further identification efforts, as listed below. Any such determination will be documented in the CRIF.

i. Disturbed Areas: If the BLM determines that previous ground disturbance has modified the surface of an APE so that the probability of finding intact Cultural Resources within the APE is negligible, then the disturbed portion of the APE should be excluded from further inventory.

ii. Previous Adequate Inventory: If the BLM determines that all Direct and Indirect APEs have been adequately inventoried and were previously reviewed and concurred on by the SHPO.

iii. Age of Inventory: The BLM will evaluate inventories more than 20 years old to determine their adequacy for contemporary identification purposes in locating and evaluating Historic Properties in relation to the type of proposed Undertaking. This will include an assessment of the need for further consultation with the Tribes.

3. Once the BLM completes the CRIF, the BLM will send one copy to the designated SHPO email.

4. The SHPO will have five (5) working days from receipt of the CRIF to respond to the BLM by email.

a. The SHPO may indicate that it has no questions or issues with the information contained in the CRIF or it may recommend additional parties that the BLM may consult, provide additional inventory recommendations, comment on the adequacy of the designated APEs, and/or comment on the adequacy of the methods designed to assess effects. BLM will consider these comments when finalizing project plans.

b. If the SHPO has not responded by the close of business on the fifth working day after a CRIF submission, BLM will proceed with the process described in the CRIF and outlined in this PA.

F. IDENTIFICATION OF ELIGIBLE HISTORIC PROPERTIES

As outlined in this PA, the CRIF will describe BLM's determination of the Cultural Resource inventory requirements for the Direct and Indirect APE(s) for any Undertaking under this PA. BLM shall ensure the required inventory is completed prior to the initiation of any ground-disturbing activities. This inventory and the reporting of inventory results will follow the procedures of this PA, as outlined below.

1. BLM must consult with the Tribes regarding the identification of potential Traditional

Cultural Properties (TCPs) and Properties of Cultural and Religious Importance (PCRIs).

2. Unless authorized in advance by the BLM Nevada State Office through issuance of a separate ARPA permit, no artifacts will be collected during the inventory phase of the fieldwork.

3. The CRM Contractor shall perform the inventory for Cultural Resources in accordance with the CRIF and will provide the BLM with a draft inventory report.

4. Upon receipt of the draft inventory report from the CRM Contractor, BLM shall have thirty (30) calendar days for review. The BLM will either accept the draft inventory report as complete, or will provide comments and/or direction to the CRM Contractor regarding edits and/or additional work needed before it can be accepted as complete.

5. Using the inventory report and any information gathered through consultation with the Tribes, BLM shall evaluate all newly identified Cultural Resources, including TCPs and PCRIs, for NRHP Eligibility as Historic Properties. BLM will utilize the Criteria found in 36 CFR § 60.4 prior to initiation of any activities that may affect those Historic Properties. In order to determine the effect of an Undertaking on Historic Properties, BLM must document which aspects are important in defining the integrity of the property in the eligibility evaluation for each property.

a. In the circumstance that information gathered by the inventory process proves inadequate for determining site Eligibility, the BLM, in consultation with the SHPO via formal letter, may authorize an Evaluation Plan, which would include the issuance of an ARPA permit for the purpose of subsurface testing.

b. In developing an Evaluation Plan, the BLM shall ensure that any testing is limited to defining the nature, density and distribution of materials within the boundaries of the unevaluated property in question. Such testing is intended to provide the minimum data necessary to make final evaluations of NRHP Eligibility and to enable the development of appropriate treatment options.

6. BLM shall provide the Tribes and the Proponent with the agency's initial determination of NRHP Eligibility for those newly identified Cultural Resources. The Tribes and the Proponent will have thirty (30) calendar days to provide the BLM with comments or to request further consultation. The BLM acknowledges that the Tribes possess special expertise in assessing the Eligibility of Cultural Resources that may possess cultural and religious significance to them. The BLM may modify its initial Eligibility determinations based on such consultation with the Tribes or the Proponent.

7. After consultation with the Tribes and Proponent, the BLM will transmit its determination of NRHP Eligibility for the newly identified Cultural Resources to the SHPO for consultation.

a. The BLM's transmittal must include details about consultation with the Tribes and the Proponent, including any comments that BLM received.

b. The SHPO shall have thirty (30) calendar days from receipt to either concur with the BLM's Eligibility determinations (in whole or in part) or provide the BLM with its comments. BLM will address comments from the SHPO, as appropriate. If the SHPO fails to respond within thirty (30) calendar days of receipt, BLM will consider the determination final.

c. Once the SHPO concurs or fails to respond to BLM's transmittal

concerning BLM's Eligibility determinations, the determinations will be considered final.

8. BLM will be responsible for informing the Tribes and Proponent of the final Eligibility determinations within five (5) working days of SHPO concurrence.

G. EVALUATION OF EFFECTS ON HISTORIC PROPERTIES

In determining if an Undertaking has an effect on Historic Properties, BLM will follow the procedure outlined in this PA.

1. Effect means alteration to the characteristics of a Historic Property qualifying it for inclusion in or Eligible for the NRHP.

a. An Adverse Effect is found when an Undertaking may alter, directly or indirectly, any of the characteristics of a Historic Property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

b. BLM will consider all qualifying characteristics of a Historic Property, including those that may have been identified subsequent to the original evaluation of the property's Eligibility for the NRHP.

c. Adverse Effects may include reasonably foreseeable effects caused by the Undertaking that may occur later in time, be farther removed in distance or be cumulative.

2. BLM and Proponent shall seek to avoid Historic Properties through use of Avoidance Buffer Zones, modifications to the design of Undertaking activities, the relocation of Undertaking activities, or by other means, as practicable, recognizing valid existing rights.

a. Avoidance Buffer Zone is defined in Appendix B and the process to be used to accomplish avoidance for all Undertakings under this PA is described in Appendix E to this PA.

b. If BLM and Proponent can ensure avoidance of all Historic Properties for an Exploration Project, then the BLM will notify the SHPO and the Tribes either via formal letter or CRIF, and the Undertaking can proceed.

3. If BLM, informed by discussion with Proponent, determines that avoidance is not feasible or prudent, BLM shall evaluate the effects of the Undertaking on Historic Properties.

a. BLM will prepare a determination of effects on Historic Properties within the APEs. BLM will explain whether it has determined there will be No Effect, No Adverse Effect, or an Adverse Effect resulting from the Undertaking. If BLM initially determines that the Undertaking will have an Adverse Effect on a Historic Property, BLM will also prepare a Treatment Plan. BLM may also require the Proponent to acquire the services of a CRM Contractor to prepare effects recommendations and Treatment Plans at the BLM's discretion.

i. When archaeological data recovery is the preferred treatment option for a Historic Property or Properties under Criterion (D) because of the data it contains, BLM shall ensure that the Proponent's CRM Contractor develops a Treatment Plan based on an appropriate research design prior to the commencement of any data recovery. Data recovery plans shall be consistent with the

Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 44716-37) and shall conform to the stipulations outlined in the BLM Manual 8140.26 and following the guidance provided in the ACHP's website online at <http://www.achp.gov/archguide/>.

ii. For Historic Properties Eligible under Criteria (A) through (C), other forms of mitigation may be considered in the Treatment Plan in lieu of or in addition to data recovery, including interpretation, public education, collection of oral histories, or other mitigation (e.g., oral history, historic markers, exhibits, interpretive brochures, publications, informational websites, etc.). All public media will adhere to BLM Media Design Standards. In some cases, off-site mitigation may be appropriate to take into account identified Adverse Effects.

b. BLM will provide its initial determinations of effect and initial mitigation plans to the Tribes and the Proponent, which will have thirty (30) calendar days from receipt to provide comments or request further consultation.

i. The BLM acknowledges that an Undertaking's potential effects to Historic Properties, especially those that are TCPs and PCRIs, and reasonable treatments for those effects can only be determined in consultation with those Tribes who value the property.

ii. The BLM may modify its initial determinations of effect and initial mitigation plans based on such consultation with the Tribes and the Proponent.

4. After consultation with the Tribes and the Proponent, the BLM will transmit its determinations of effect and mitigation plans for Historic Properties within the APEs to the SHPO for consultation.

a. The BLM's transmittal must include details about consultation with the Tribes and the Proponent, including any comments that BLM received.

b. The SHPO shall have thirty (30) calendar days to either concur with the BLM's determinations of effect and mitigation plans (in whole or in part) or provide the BLM with its comments. BLM will address comments from the SHPO, as appropriate. If the SHPO fails to respond to the BLM within thirty (30) calendar days of receipt of a submission, the BLM shall proceed accordingly.

c. Once the SHPO concurs or fails to respond, to the BLM's determinations of effect and mitigation plans, they shall be considered final.

5. BLM will be responsible for informing the Tribes and Proponent of the final determinations of effect and mitigation plans within five (5) working days of SHPO concurrence.

H. NOTICES TO PROCEED

Notices to Proceed (NTPs) typically are used to confirm that requirements of an existing BLM authorization have been met and are not new BLM decisions. For example, an approved Mine Plan, Exploration Plan, or other BLM authorization may contemplate a NTP process to confirm BLM decision requirements for Historic Property concerns have been met. For such purposes under this PA, NTPs may be issued by BLM to the Proponent under any of the following conditions:

1. The APE of an Undertaking has been adequately inventoried and evaluated and BLM, in consultation with the SHPO through the CRIF process as detailed in this PA, has determined that there

are no Historic Properties within the specific Undertaking APE; or

2. The BLM, in consultation with the SHPO, the Proponent and Tribes as outlined in this PA, has determined that there are no Historic Properties adversely affected by an Undertaking; or

3. The BLM, in consultation with the SHPO, the Proponent and Tribes as outlined in this PA, has approved a Treatment Plan for all Historic Properties adversely affected by the Undertaking and that Treatment Plan does not require additional fieldwork within the Undertaking APE; or

4. The BLM, in consultation with the SHPO, the Proponent and Tribes as outlined in this PA, has determined that the Proponent has implemented an adequate Treatment Plan for the Undertaking that would affect Historic Properties, and:

- a. The fieldwork phase of the treatment has been completed; and
- b. BLM has accepted a summary description of fieldwork performed for the Undertaking; and
- c. BLM has provided an electronic copy of the summary to the SHPO; and
- d. The SHPO has reviewed the summary and either concurred or provided further comments within two (2) working days of receipt. BLM will address comments from the SHPO, as appropriate. If the SHPO fails to respond to the BLM within two (2) working days, BLM may issue the NTP.

5. Once an Undertaking has gone through the relevant review process set forth in the stipulations above and the Undertaking has been approved by BLM, the BLM shall consider the Section 106 review complete for that Undertaking. Stipulation I of this PA provides the process for considering discoveries and unanticipated effects to Historic Properties after an Undertaking has been approved. New information received after the issuance of an NTP will be considered in consultation on subsequent Undertakings proposed under this PA.

I. DISCOVERY OR UNANTICIPATED EFFECT SITUATIONS

1. Discoveries of previously unidentified Cultural Resources are not anticipated, however if there is a post-review discovery of Cultural Resources during the conduct of the Proponent's activities, the BLM will ensure that the following stipulations are met. These provisions will be included in all construction, operations, and maintenance plans, Historic Properties Treatment Plans, and project managers will brief field personnel.

2. The Parties believe that the stipulations in this PA will generally prevent unanticipated effects to previously identified Historic Properties. However, the Parties also adopt the stipulations below that set forth the procedures to be followed to address effects to Historic Properties that were not known, anticipated, or addressed at the time of review under this PA for a prior Undertaking.

3. Prior to the initiation of any new Undertaking, the Proponent will provide the Parties to this PA with a list of employees with the authority to halt activities in a discovery or unanticipated effects situation, and who will be responsible for notifying BLM of any discoveries or unanticipated effects. At least one of these authorized persons will be available via telephone during all ground-disturbing Undertaking activities. The currently authorized personnel are listed in Appendix C.

4. Discovery/Unanticipated Physical Effect:

a. Cultural resources not previously identified which are discovered while conducting any approved Undertaking are subject to the terms outlined in this PA. If, at any point, such resources are discovered, or an unanticipated physical effect (including newly identified physical effects resulting from vibration from an Undertaking) to an Historic Property occurs, all ground-disturbing activities within fifty (50) meters of the initial location of discovery or unanticipated physical effect will cease immediately and the Proponent shall take adequate steps to ensure the protection of the discovered resource and notify the BLM Agency Official within 24 hours after the discovery. Activity within 50 meters of the initial location of the discovery or unanticipated physical effect will remain halted until the BLM Agency Official issues an NTP following the procedure outlined in this PA.

b. BLM shall notify the SHPO and any Tribe that ascribes significance to the affected property, through email, or phone call, within 48 hours of Proponent's notice of the discovery or unanticipated physical effect. This initial notification shall describe the nature of the discovery or unanticipated physical effect, describe the plan to protect the discovery or unanticipated physical effect in order to reduce or minimize effects to the extent practicable, and provide a timeline for carrying out the rest of the provisions in this stipulation. Some instances of unanticipated physical effects may not be detectable by the Proponent and may be brought to the attention of the BLM through its own observations or by a third party. In such instances, the Proponent will follow the procedures in I.4.a above regarding cessation of activity immediately upon notice of the unanticipated physical effect from the BLM.

c. Upon notification of a discovery (with the exception of human remains, which will be handled pursuant to Stipulation I.7 below) or unanticipated physical effect, the BLM will ensure that adequate documentation is acquired from the Proponent or the Proponent's CRM Contractor, to facilitate a determination of Eligibility, finding of effects, and appropriate measures for the treatment of the discovery or unanticipated physical effect.

d. BLM shall ensure that all discoveries and unanticipated physical effects are documented in accordance with the current archaeological and architectural BLM Guidelines. BLM shall submit reports to the SHPO, the ACHP, the Proponent and any affected Tribe in accordance with Stipulation K.

e. BLM shall make an initial determination of Eligibility for the NRHP for all discoveries. BLM shall also make an initial finding of effect for discoveries and an initial determination of what actions must be taken to avoid, minimize, or mitigate any identified physical Adverse Effects.

f. BLM shall provide the SHPO, the Proponent, the ACHP, and any affected Tribe with its initial Eligibility determination and effects finding and any proposed actions to resolve Adverse Effects to Historic Properties. BLM shall afford the SHPO, the Proponent, the ACHP, and affected Tribe five (5) working days to respond with recommendations. Following the 5-day consultation period, BLM shall take any comments and suggestions provided by the SHPO, the Proponent, the ACHP, and affected Tribe into account before making a final decision and proceeding. If the BLM receives no response prior to the established deadline, BLM may proceed with implementation.

g. If a Treatment Plan or other measures are adopted, Undertaking activities in the fifty (50) meter buffer, or other appropriate distance determined by BLM, will remain suspended until the BLM Agency Official notifies the Proponent via an NTP issued in accordance with this PA that activities may resume.

5. Unanticipated Auditory, Visual, or Atmospheric Effects.

h. If, at any point, an unanticipated auditory, visual, or atmospheric effect to a Historic Property occurs, BLM shall notify the SHPO, the Proponent, the ACHP, and any Tribe that ascribes significance to the affected property, through email, or telephone call, within 48 hours of the identification of an unanticipated auditory, visual, or atmospheric effect. This initial notification shall describe the nature of the unanticipated effect and any measures to immediately reduce or minimize effects to the extent practicable and provide a timeline for carrying out the rest of the provisions in this Stipulation I.5. The Proponent is generally not required to cease activity during consultation to address the newly identified auditory, visual, or atmospheric effect, but the BLM may require it in certain circumstances, consistent with its regulatory authorities. The BLM will endeavor to limit any required cessation of activity to such areas or activities reasonably necessary to protect the Historic Property affected by the activity.

i. The BLM will ensure that adequate documentation is acquired from the Proponent or the Proponent's CRM Contractor (if any relevant information is available to them), to facilitate consideration and findings regarding auditory, visual, or atmospheric effects and appropriate measures for the avoidance, minimization, or mitigation of Adverse Effects.

j. BLM shall ensure that all unanticipated auditory, visual, or atmospheric effects are documented in accordance with the current archaeological and architectural BLM Guidelines. BLM shall submit reports to the SHPO, the Proponent, the ACHP, and any affected Tribe in accordance with Stipulation K.

k. BLM shall provide the SHPO, the Proponent, the ACHP, and any affected Tribe, with its initial effects finding and any proposed actions to resolve Adverse Effects to Historic Properties. BLM shall afford the SHPO, the Proponent, the ACHP, and affected Tribe five (5) working days to respond with recommendations. Following the 5-day consultation period, BLM shall take any comments and suggestions provided by the SHPO, the Proponent, the ACHP, and affected Tribe into account before making a final decision and proceeding with implementation of any proposed actions. If the BLM receives no response prior to the established deadline, BLM may proceed with implementation.

6. Newly Identified TCPs.

a. During the term of this PA, it is possible that the location or existence of a previously unidentified Traditional Cultural Property (TCP, as defined in Appendix B) may be revealed to the BLM. If such identification occurs after the conclusion of review for any Undertaking under this PA, the BLM shall follow the procedures below. The BLM will evaluate all of the effects of the Undertaking on the new TCP, including physical, auditory, visual, or atmospheric effects.

b. BLM shall notify the SHPO, the Proponent, and any appropriate Tribe that a new TCP has been identified within two (2) working days of such identification. Unless the BLM has determined that continuing operations in the vicinity of the new TCP would cause immediate physical Adverse Effects, the approved Undertaking may proceed during such period and during BLM, SHPO, and Tribal review of the new TCP.

c. Within five (5) working days after the initial identification of a new TCP to the BLM, the BLM shall notify the Tribe that ascribes significance to such resource of the need for the following information: 1) information regarding the property's boundary, its Eligibility and qualifying characteristics, and effects from the Undertaking, 2) input on ways to avoid, minimize, or mitigate any

Adverse Effects to the TCP, and 3) information as to why this resource was not identified during earlier identification and consultation efforts to inform the review process moving forward. The BLM shall afford such Tribe thirty (30) calendar days to provide such information to the BLM, unless the BLM required the Undertaking to cease work due to immediate physical Adverse Effects, in which case the Tribe must provide the requested information within five (5) calendar days.

d. Upon receipt of information regarding the TCP set forth in the Stipulation I.6.c above, in consultation with SHPO and any Tribe that may attach significance to the TCP, BLM shall make an initial determination of Eligibility for the NRHP and initial assessment of effect. The BLM Agency Official will make an initial determination of what actions must be taken to avoid, minimize, or mitigate any identified Adverse Effects. If the Tribe that identified the new TCP fails to provide the required information within the afforded time, the Undertaking may proceed without further review.

e. If physical effects to the new TCP are identified, the BLM, the SHPO, the Proponent, and affected Tribe shall follow the procedures outlined in Stipulation I.4 above. If the effects of the Undertaking are believed to be limited to auditory, visual, or atmospheric effects, the BLM, the SHPO, the Proponent, and affected Tribe shall follow the procedures outlined in Stipulation I.5 above.

f. Human remains and associated funerary objects may be discovered during development or during controlled archaeological excavations. BLM, the Proponent and its contractors will follow the requirements of 43 CFR § 10.4 (Inadvertent Discoveries) of the regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) for human remains discovered on public land, and NRS 383.150 to 383.190 for human remains discovered on state and private land.

g. In all cases of a discovery of human remains and associated funerary objects, the Proponent's representative will immediately notify the BLM Agency Official and the relevant county coroner or sheriff if the discovery is located on public lands, and the BLM Agency Official, relevant county coroner or sheriff, and the SHPO if the discovery is located on private or state lands. Contact will be by telephone or in person, followed by written notification, of any discoveries of human remains, associated and unassociated funerary objects, sacred objects or objects of cultural patrimony. If requested by the BLM or law enforcement in accordance with applicable law, the Proponent's CRM Contractor will assess age, affiliation, and circumstances of burial and will notify the BLM Agency Official and the BLM will consult with the Tribes. Direction for treatment of human remains will be addressed in compliance with 43 CFR § 10.4 or NRS 383.150 to 383.190 concerning human remains.

h. Immediately upon discovery of human remains, all activity will stop and no further activity will take place within a fifty (50) meter perimeter of the discovery. The Proponent's authorized representative will respectfully ensure the protection and security of the location. It may be necessary for the Proponent to provide 24-hour onsite security for NAGPRA associated discoveries or other discoveries as directed by BLM up to a maximum of 48 hours, at which time BLM or law enforcement shall take over site security or take custody of the remains or artifacts. This protection will remain in effect until such time as the BLM Agency Official has approved the appropriate disposition of the remains in accordance with applicable local, state, and federal statutes.

7. The SHPO has determined that this PA meets the terms found in NRS 383.121 as amended (Chapter 523, Statutes of Nevada 2017, page 3544) for an "existing agreement with a federal agency that was executed pursuant to federal law and that relates to the discovery of prehistoric native Indian human remains or a funerary object." The SHPO has determined that execution of this PA means that the provisions for notification found in NRS 383.121, as amended, do not apply. Standard notification

requirements found in NRS 383.150 to NRS 383.190, amended, do apply.

J. CONFIDENTIALITY

1. Information considered proprietary by the Tribes and provided to the BLM will be held confidential by BLM to the extent provided for under federal law.

2. The Signatories, the Proponent, and any Tribe that signs this PA, each agree to maintain the confidentiality of Protected Information to the extent permissible under applicable law. During the implementation of this PA, Protected Information will continue to be generated, submitted, and/or included in documentation to be generated by and/or submitted to the Signatories, Tribes, and Proponent under this PA. For Protected Information and any documentation containing Protected Information generated by the BLM, to the extent permitted by applicable law, the permission of the BLM is required before any dissemination of such information by any Signatory, the Proponent, or Tribe.

3. For Protected Information and documentation containing Protected Information held by the BLM, should a conflict over dissemination of information arise between any Signatory, Tribe, or Proponent, the BLM will contact the BLM Nevada State Director to implement the provisions set forth in Section 304 of the NHPA (54 U.S.C. § 307103), 36 CFR § 800.11(c), and Section 9 of ARPA (16 U.S.C. § 470aa-mm). Pending implementation of the Section 304 provisions, the confidentiality of the information must be preserved.

4. The Proponent agrees to maintain the confidentiality of any Protected Information, and to design procedures (in consultation with the BLM) to ensure that such information only is provided to the Proponent's personnel with a need to know this information in order to design Undertaking facilities or conduct operations in a manner to avoid, minimize, or mitigate effects to Historic Properties. The Proponent shall keep such information in a secure location with access limited to necessary personnel and Proponent representatives. The Protected Information obtained by the Proponent under this PA will not be used for any purpose other than consultation with the BLM, the Tribes, and the SHPO, the performance of Proponent operations in compliance with this PA and applicable laws, or participation in any administrative or legal process related to an Undertaking reviewed under this PA. Should the Proponent cease operations in the AOI, the Proponent agrees to destroy or return this information to the BLM.

K. REPORTS AND CURATION

1. All reporting of inventory results, Treatment Plans, or other mitigation efforts, will be executed in a professional manner, through utilization of currently acceptable scientific practices and in conformance with guidelines set forth in the latest edition of BLM Nevada's Guidelines and Standards for Archaeological Inventory, and Guidelines for Recording and Reporting Architectural Resources in Nevada, and BLM Manual series 8110. All final reports submitted to the BLM will include copies of all relevant GIS data generated during activities conducted under this PA, as specified in the latest edition of BLM Nevada's Guidelines and Standards for Archaeological Inventory.

2. Draft and Final Reports:

a. Unless otherwise approved by BLM, the Proponent will ensure that draft reports of all identification, evaluation, treatment or other mitigation activities are submitted to BLM no more than sixty (60) calendar days after the completion of fieldwork by the Proponent's CRM Contractor. Reports on large and/or complicated identification and treatment projects will understandably require

more time and agreed timelines should be negotiated in advance.

b. BLM will have a minimum of thirty (30) calendar days in which to review reports and inform the Proponent's CRM Contractor if the BLM accepts the report as-is, accepts it with editorial modifications, rejects the report pending substantive changes, or that the BLM needs further review time. The Proponent will ensure that any corrections required by the BLM will be incorporated into an acceptable report that will be due to BLM thirty (30) calendar days after receipt of BLM's comments unless otherwise negotiated.

c. BLM will submit all BLM accepted reports of identification, evaluation, treatment, or other mitigation activities to the SHPO for a thirty (30) day consultation period. In the letter from BLM transmitting inventory and evaluation reports to the SHPO, BLM will clearly identify its determinations of Eligibility and effect, and state clearly BLM's intent to obtain the SHPO's concurrence. If the SHPO does not respond within thirty (30) calendar days of receipt, BLM will finalize the documents contained in the submission. If the SHPO responds with comments, BLM will address them, as appropriate.

3. BLM shall ensure that reports on mitigation efforts are prepared in accordance with contemporary professional standards and conform to the Department of the Interior's Formal Standards for Final Reports of Data Recovery Programs (42 FR 5377-5579).

4. BLM shall ensure that all final mitigation reports resulting from actions pursuant to this PA will be provided to the SHPO and made available to other interested parties, subject to the limitations concerning data accountability listed below:

a. Precise site location data will be redacted to the extent authorized by law, if it appears that release of such data could jeopardize Historic Properties.

b. It is within the BLM Agency Official's purview to withhold the release of any and all reports resulting from activities pursuant to this PA if BLM determines, after completing compliance with 54 U.S.C. §307103 and the process in 36 C.F.R. § 800.11(c)(1), that the release of those reports may jeopardize Historic Properties.

c. Subject to Stipulation J, Stipulation K.4.c, and Appendix E, BLM shall provide, or authorize the CRM Contractor to provide the Proponent a copy of locational and other information for Cultural Resources, Historic Properties, TCPs and PCRIs (collectively, the "Protected Information") within the AOI, and updates of this information.

5. Curation of Archaeological Materials: All records, photographs, maps, field notes, artifacts and other materials collected or developed for any identification, evaluation, or treatment activities will be curated at the Nevada State Museum in Carson City, Nevada (NSM), unless otherwise approved by the BLM's Deputy Preservation Officer. All materials collected by a CRM Contractor will be maintained in accordance with 36 CFR § 79 until the final treatment reports are complete and collections are curated. If materials are collected on private lands, all such material will be returned to their owners after analysis is complete, unless the owners agree to donate the materials to the NSM. As to materials collected on Proponent-owned lands, the Proponent agrees to work with the Tribes to transfer ownership of materials of importance to the Tribes.

6. Discoveries or Unanticipated Effects Situations: These Treatment Plans and reports are subject to the timelines outlined in Stipulation I.

L. MONITORING AND OBSERVING

1. BLM may require monitoring during any Undertaking involving initial surface-disturbance, or during any Undertaking activity within an APE that involves areas previously identified through consultation with the SHPO and/or the Tribes to contain Historic Properties, unevaluated Cultural Resource(s), or other areas considered sensitive by BLM. Monitoring will be conducted by a CRM Contractor and may include a representative of the Tribes. BLM may require Tribal monitoring in any Eligible TCP or PCRI. The BLM will consult with the Tribes regarding desired monitoring in other areas within an Undertaking's APE. Tribal monitoring, if required, shall be conducted in accordance with Appendix D. Tribal Monitors will be invited to be present during Class III inventories, during Undertaking-related construction activities (i.e., new surface disturbance) and during any data recovery (i.e., archaeological excavation) within an Undertaking's APE.

2. All Treatment Plans drafted for an Undertaking within the AOI will include provisions for monitoring in accordance with this PA and its appendices.

3. The Parties may, at their own expense, observe any actions carried out to comply with this PA at any time. To the extent practicable, every effort will be made to minimize the number of observers involved. Depending on the activity or area being observed, the observers may be required to attend mandatory safety training prior to entering an active mine or exploration area.

M. DISPUTE RESOLUTION

1. If any Signatory, the Proponent, or Tribe signing this PA disagrees regarding Eligibility, the BLM shall notify all Signatories of the dispute and consult with the SHPO. If the dispute cannot be resolved, the BLM shall seek a formal determination of Eligibility from the Keeper of the National Register under 36 CFR §63.4. The Keeper's determination will be final in accordance with 36 CFR § 63.4.

2. Should any of the Signatories or the Proponent to this PA object at any time to any actions proposed or the manner in which the terms of this PA 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) calendar 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, the Signatories, and the Proponent, 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) calendar 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 Signatories, the Proponent, and the SHPO, and provide them and the ACHP with a copy of such written response.

3. At any time during implementation of the terms of this PA, should an objection pertaining to the PA be raised by a Tribe or a member of the interested public, the BLM shall immediately notify all Parties, consult with the objector and the Signatories, the Proponent, the Tribes, and the SHPO about the objection, and take the objection into account. The other Tribe may comment on the objection to the BLM. The BLM shall consult with the objecting Tribe or person for no more than thirty (30)

calendar days. Within fourteen (14) calendar days following closure of consultation, the BLM will render a final decision regarding the objection and proceed accordingly after notifying all the objecting Tribe or person and the Parties of its decision in writing. In reaching its final decision, the BLM will take into account comments from the objecting Tribe or person and the Parties regarding the objection.

4. BLM's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remains unchanged.

N. AMENDMENT

1. This PA may be amended only upon written agreement of the Signatories and the Invited Signatory.

2. Upon receipt of a request to amend this PA from any Signatory or Invited Signatory, the BLM will immediately notify the Parties and Tribes, then initiate a thirty (30) calendar day period to consult on the proposed amendment, whereupon all Parties shall consult to consider such amendments.

3. An amendment to this PA shall take effect on the date that they are fully executed by the Signatories and the Invited Signatory.

O. TERMINATION

1. If any Signatory or Invited Signatory to this PA 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 N, above. If, within sixty (60) calendar days or another time period as agreed upon by the Signatories, an amendment cannot be reached the following termination procedures apply:

a. Any Signatory or Invited Signatory may terminate the PA upon written notification to the other Signatories and Invited Signatory.

If the PA is terminated prior to work completion on any Undertaking subject to the terms of this PA, the BLM shall either (a) execute another PA pursuant to 36 CFR § 800.14(b), or (b) comply with the process set forth in 36 CFR § 800 for each individual Undertaking. The BLM may implement relevant portions of the Protocol in the Section 106 review for Undertakings that culminate in No Effect or No Adverse Effect determinations. In those cases, the Protocol shall govern BLM-SHPO interactions, but BLM shall ensure the consultation requirements of 36 CFR § 800.4-800.5 are met for other Parties.

P. DURATION

The PA shall become effective on the date of the last Signatories' signature below (Effective Date), and shall remain in effect for thirty (30) years from the Effective Date. The BLM shall propose a meeting of the Parties every five (5) years to review the PA.

Q. SURETY BONDS

1. The Proponent will post a surety bond with the BLM in an amount sufficient to cover reasonable curation and post-fieldwork costs associated with implementing an Undertaking-specific Treatment Plan, or other mitigation activity.

2. The bond posted shall be subject to forfeiture if post-fieldwork tasks are not completed

within time periods established by the Treatment Plan, provided, however, that BLM and the Proponent may agree at any time to extend any such time periods, and provided that failure to complete tasks is not due to delay caused by Parties other than the Proponent. The BLM shall consider a request by the Proponent for a reasonable extension of such time periods. The BLM shall notify the Proponent that the bond is subject to forfeiture and shall allow the Proponent forty five (45) calendar days to take corrective action before the BLM acts to forfeit the bond.

3. The bond shall be released in whole or part as specified curation and post-fieldwork tasks are completed and accepted by the BLM.

R. NATURE OF OPERATOR CONTRACTUAL OBLIGATIONS.

The contractual obligations of the Proponent created by this PA are enforceable only by the BLM against the Proponent. This PA creates no contractual right or obligation between the Proponent and any other person or entity, including any other Signatory (other than the BLM against Proponent), any Tribe, or member of the public. Nothing herein shall limit any person's or entity's rights under the NHPA or the Administrative Procedure Act.

S. THE PROPONENT'S RESERVATION OF RIGHTS; NO WAIVER

Nothing in this PA shall waive or otherwise limit any administrative or judicial remedy or right of review available to the Proponent under applicable law or regulation. By agreeing to this PA, the Proponent does not waive any right to challenge any BLM decision under relevant law.

T. TERMINATION OF EXISTING AND PRIOR PROGRAMMATIC AGREEMENT

1. Upon execution of this PA by all of the Signatories and the Proponent, the existing Programmatic Agreement entitled, "Programmatic Agreement Among the Bureau of Land Management, Battle Mountain and Elko Field Offices, The Nevada State Historic Preservation Office and Cortez Joint Venture dba Cortez Gold Mines Regarding the Treatment of Historic properties During Cortez Gold Mines Mineral Exploration and Development in Eureka and Lander Counties, Nevada" (2005), as amended, shall terminate and have no further force or effect.

2. The execution of this PA constitutes completion of the thirty (30) calendar days' notice and consultation necessary to satisfy the termination requirements of the existing Programmatic Agreement entitled, "Programmatic Agreement Among the Bureau of Land Management, Battle Mountain and Elko Field Offices, The Nevada State Historic Preservation Office and Cortez Joint Venture dba Cortez Gold Mines Regarding the Treatment of Historic properties During Cortez Gold Mines Mineral Exploration and Development in Eureka and Lander Counties, Nevada" (2005), as amended.

U. EXECUTION OF THIS PA

Execution of this PA by the BLM and Signatories and implementation of its terms shall evidence that the BLM has taken into account the effects of this Undertaking on Historic Properties and afforded the ACHP an opportunity to comment.


IN WITNESS WHEREOF, the Parties have executed this PA on the dates set forth below, to be effective as of the Effective Date.

SIGNATORIES:

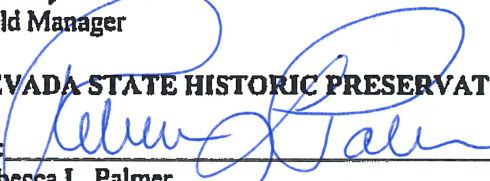
BUREAU OF LAND MANAGEMENT, MOUNT LEWIS FIELD OFFICE

By:  Date: 09/06/2018
Jon Sherve
Field Manager

BUREAU OF LAND MANAGEMENT, TUSCARORA FIELD OFFICE

By:  Date: 9/19/18
Melanie Peterson
Field Manager

NEVADA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 9/21/18
Rebecca L. Palmer
State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
John M. Fowler
Executive Director

INVITED SIGNATORY:

BARRICK CORTEZ, INC

By:  Date: 09/19/18
William MacNevin
President and Chief Executive Officer

INDIAN TRIBES:

TE-MOAK TRIBE OF THE WESTERN SHOSHONE

By: _____ Date: _____
Lydia Johnson
Tribal Chair

YOMBA SHOSHONE TRIBE

By: _____ Date: _____
James Birchim Sr.
Tribal Chair

DUCKWATER SHOSHONE TRIBE

By: _____ Date: _____
Rodney Mike
Tribal Chair

ELY SHOSHONE TRIBE

By: _____ Date: _____
Victor MacQueen
Tribal Chair

SHOSHONE-PAIUTE TRIBES OF DUCK VALLEY

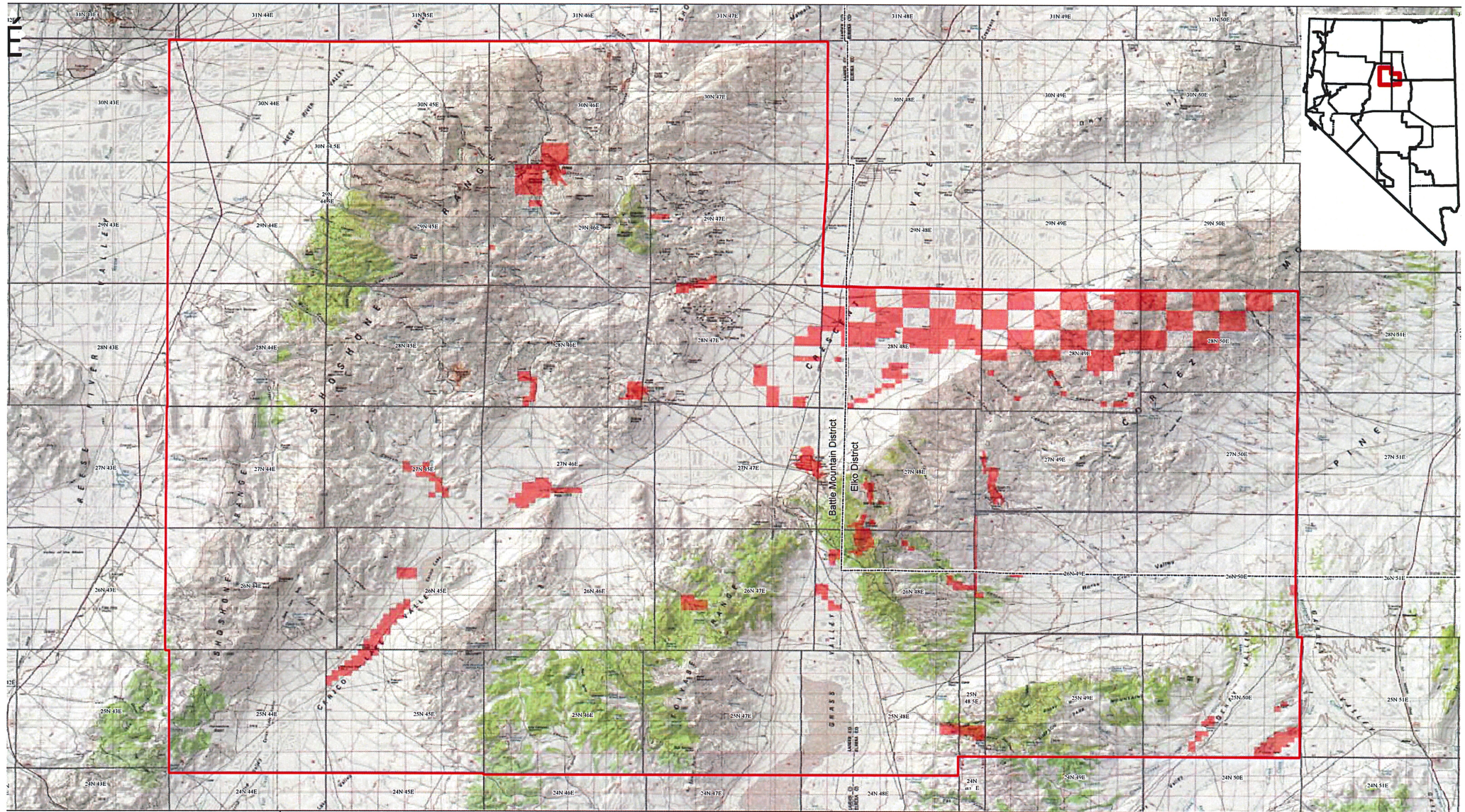
By: _____ Date: _____
Theodore Howard
Tribal Chair

APPENDIX A: AREA OF IMPLEMENTATION (AOI)

Map of area covered by this Programmatic Agreement.

Includes all or portions of Township 25N, Ranges 44E, 45E, 46E, 47E, 48E, 48.5E, 49E, and 50E; Township 26N, Ranges 44E, 45E, 46E, 47E, 48E, 49E, and 50E; Township 27N, Ranges 44E, 45E, 46E, 47E, 48E, 49E, and 50E; Township 28N, Ranges 44E, 45E, 46E, 47E, 48E, 49E, and 50E; Township 29N, Ranges 44E, 44.5E, 45E, 46E, and 47E; and Township 30N, Ranges 44E, 44.5E, 45E, 46E, and 47E

Note: Shapefile available to BLM personnel at \\blm\dfs\nv\bm\pub\Cultural\Programmatic Agreements\Barrick Cortez

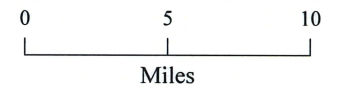


Provisional Map – This map was not prepared from a field survey and should not be relied on as a representation of legal land descriptions. Information on this map may not be complete or up to date and its accuracy not to be relied upon. This map is intended only as a general representation of land status and is for Barrick's use only.

Legend

- Programmatic Agreement Boundary
- BLM District Boundaries
- Barrick Private Lands
- Township

Barrick Cortez
Programmatic Agreement
Area of Interest



APPENDIX B: PA – SPECIFIC DEFINITIONS

ACHP. Advisory Council on Historic Preservation. Signatory to this PA.

Adverse Effect. Defined at 36 CFR § 800.5(a)(1), when an activity or Undertaking alters, directly or indirectly, any of the characteristics of a Historic Property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Area of Implementation (AOI). The geographic area where this PA applies, described in Appendix A.

Areas of Potential Effect (APEs). The total geographic area or areas within which an Undertaking may directly or indirectly cause alterations in the character or use of Historic Properties, if any such properties exist (36 CFR § 800.16(d)).

ARPA. The Archaeological Resources Protection Act of 1979, 16 U.S.C. § 470aa et seq.

Avoidance Buffer Zone. Implementation can prevent a potential Adverse Effect to a Historic Property from occurring by partial or complete relocation of a proposed land use outside of the immediate area of the Historic Property. The default Avoidance Buffer Zone is thirty (30) meters, but the BLM may, on a case-by-case basis, agree to a smaller Avoidance Buffer Zone where appropriate based on the nature of the Historic Property and/or the nature of the proposed land use.

BLM or BLM Agency Official. The Bureau of Land Management, Mount Lewis and Tuscarora Field Offices are Signatories to this PA. The Mount Lewis Field Office Manager of the Battle Mountain District is the Agency Official who is responsible for administering this PA and ensuring all of its stipulations are carried out.

BLM Guidelines or BLM Nevada's Guidelines. The Nevada BLM Cultural Resources Inventory General Guidelines governing archaeological inventory (Guidelines and Standards for Archaeological Inventory, 5th edition, 2012) and the Guidelines governing architectural inventory (Guidelines for Recording and Reporting Architectural Resources in Nevada, November 2014).

Class III Inventory. A professionally conducted intensive field survey; a continuous, intensive survey of an entire target area, aimed at locating and recording all archaeological properties that have surface indications, by walking close-interval parallel transects spaced at 30 meters or less until the area has been thoroughly examined.

Cultural Resource Information Form (CRIF). A Section 106 planning document that establishes the Direct and Indirect Effects APEs, provides a summary of the known Cultural Resources present within the APEs, determines inventory needs, and lists the tribes and interested individuals to be consulted for specific Undertakings; BLM-SHPO concurrence is established for these processes upon agreement of the CRIF contents by both parties.

CRM Contractor. The BLM's or the Proponent's third party cultural resources management contractor that meets the Secretary of Interior's Qualifications Standards and whom performs Section 106 compliance work hereunder.

Criteria or Criterion. Requirements a Cultural Resource must meet to be eligible for inclusion in the National Register of Historic Places, as defined in 36 CFR § 800.16(r).

Cultural Resource. A definite location of human activity, occupation, or use identifiable through field inventory, historical documentation, or oral evidence. The term includes archeological, historic, or architectural sites, structures, or places with important public or scientific uses, and may include definite locations (sites or places) of traditional cultural or religious importance to specified social and/or cultural groups. Cultural Resources are concrete, material places and things that are located, classified, ranked and managed through a system of identification and protection set forth in the BLM Manual 8100 series. A Cultural Resource may or may not be Eligible for the National Register of Historic Places.

Cumulative Effects. Effects on the environment which result from the incremental effect of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes the actions. For the purposes of this PA, the APE for Cumulative Effects is the same as that for Direct and Indirect Effects.

Direct Effects. Those locations undergoing any exploration and development from such Undertaking within the AOI that are subject to surface disturbance.

Effective Date. Date of the last Signatories' signature which is the day this PA became effective.

Eligible or Eligibility. A Cultural Resource that meets the Criteria for listing on the NRHP.

Evaluation Plan. A plan for testing the data potential of a Cultural Resource to make a properly informed decision about a site's Eligibility to the NRHP.

Exploration Plan. A plan of operations submitted to the BLM under 43 CFR § 3809.400 for exploration activity that involves more than five (5) acres of surface disturbance.

Exploration Project. Surface exploration for minerals and associated infrastructure described in an Exploration Plan. This type of project includes a phased plan of exploration, including initial exploration on small scattered parcels to identify targets, followed by closer-spaced drilling to explore identified targets or to delineate mineral resources and ore bodies, along with drilling or other studies to establish baseline and underground conditions in preparation of a Mine Plan of operations. Facilities associated with an exploration plan of operations may include multiple drilling pads and sumps, access roads or overland travel, growth media stockpiles, pumps, water source, water tank, generators, laydown areas and portable sanitary facilities, sumps, light plants, communication towers, fuel skid, office trailers and storage areas.

Historic Property. Cultural resource Eligible for listing or listed in the NRHP, as defined in 36 CFR § 800.16(l)(1).

Indirect Effects. Those locations within the AOI deemed potentially affected by visual, vibrational, auditory, and atmospheric effects of such Undertaking.

Invited Signatory. In accordance with 36 CFR § 800.6(c)(2), a party that, upon signing, has obligations under a programmatic agreement and the authority to amend and terminate a programmatic agreement. The Proponent is the Invited Signatory to this PA.

Keeper. The Keeper of the National Register of Historic Places, as defined in 36 CFR § 60.3(f).

Mine Plan. A plan of operations submitted to the BLM under 43 CFR § 3809.400 et seq. for mining operations.

Mining Project. Open pit or underground mining and associated infrastructure associated with a Mine Plan. This type of project may include continued use of, proposed construction of, and/or expansion of an underground or open pit mine, which may include a new open pit or underground portal, shaft, ramp or raise, or expansion of such existing facilities, and expansion of ore stockpiles, heap leach and waste rock storage facilities, access roads and other ancillary facilities directly related to the mining and processing of ore from a mine expansion.

NAGPRA. The Native America Graves Protection and Repatriation Act of 1979, 25 U.S.C. § 3001 et seq.

National Register of Historic Places (NRHP). As defined in 36 CFR 60.

NHPA. The National Historic Preservation Act, 54 U.S.C. § 300101 et seq.

No Adverse Effect. Defined at 36 CFR § 800.5(b), when the Undertaking's effects do not meet the criteria of Adverse Effect, or the Undertaking is modified or conditions are imposed to avoid Adverse Effects.

No Effect. When an activity or Undertaking does not alter, directly or indirectly, any of the characteristics of a Historic Property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Notice to Proceed (NTP). Communication issued by the BLM to confirm that requirements of an existing BLM authorization have been met and work may proceed under such existing authorization.

Party or Parties. Includes Signatories, the Invited Signatory (Proponent), and the Tribes.

Property of Cultural and Religious Importance (PCRI). For the purpose of this PA, the NRHP Eligible component(s) of a TCP that contains both Eligible and ineligible or unevaluated components. Specifically, this currently applies to the Mount Tenabo/White Cliffs and Horse Canyon PCRI as described in BLM Report 6-2352-1.

Proponent. The owner and operator of Mining, Support and Exploration Projects (Undertakings) in the AOI. Invited Signatory to this PA.

Protected Information. Specific locations, descriptions, and data protected by law about Cultural Resources, Historic Properties, PCRIs, and TCPs.

Protocol. The most current signed State Protocol Agreement between the BLM and the SHPO, and any associated guidelines and stipulations.

Section 106. Section 106 of the NHPA, codified as 54 U.S.C. § 306108.

SHPO. Nevada State Historic Preservation Officer. Signatory to this PA.

Signatory. In accordance with 36 CFR § 800.6(c)(1), a Signatory has the authority to execute, amend, or terminate the agreement. The BLM, the SHPO, and the ACHP are Signatories to this PA.

Support Project. Construction of any facility that is not associated with a specific Mine or Exploration Plan and may serve one or more facilities in the AOI, including access roads, transmission lines, pipelines, water management facilities, surface-disturbing baseline studies and other support facilities and activities.

Traditional Cultural Property (TCP). A particular kind of Cultural Resource as described in National Register Bulletin 38. Specifically, TCPs are Cultural Resources that are potentially considered Eligible for inclusion in the NRHP because of their association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community.

Treatment Plan. Provides a proposal for the mitigation of effects upon any Historic Property that an Undertaking would cause adversely affect. It can include a data recovery, documentation, restoration, or other measures.

Tribal Monitor. Individual tribal members designated by Tribal Governments in accordance with Appendix D who aid the CRM Contractor(s) in the monitoring of Historic Properties and PCRIs within an APE.

Tribe(s); Tribal. Federally recognized Indian Tribes who may attach religious and cultural significance to Historic Properties within the AOI, including the Te-Moak Tribe of Western Shoshone Indians, the Yomba Shoshone Tribe, the Duckwater Shoshone Tribe of the Duckwater Reservation, the Ely Shoshone Tribe, and Shoshone-Paiute Tribe of the Duck Valley Reservation.

Undertaking. A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, equipment, license or approval. Undertakings are considered as a whole for Section 106 purposes, including

decisions pertaining to inventory requirements, determinations of Eligibility, and effect determinations. In this PA, Undertaking(s) include Mining Projects, Exploration Projects, and Support Projects within the AOI.

**APPENDIX C: PROPONENT OFFICIALS AUTHORIZED TO STOP WORK IN THE EVENT
OF DISCOVERY**

Personnel listed in order of who should be contacted first:

1. Environmental Manager – (775) 468-4078
2. Environmental, Health, & Safety Manager – (775) 468-4407
3. Environmental On-Call – (775) 397-8639
4. General Manager of Operations – (775) 468-4454

APPENDIX D: TRIBAL MONITOR PROVISIONS

For all Undertakings subject to this PA, Tribal Monitors may be required by BLM during construction (for previously undisturbed land only), Class III Inventory, and/or in-field treatment of Historic Properties. If the BLM requires Tribal Monitors for any specific Undertaking under this PA, the Proponent shall bear the expense of Tribal Monitors and the following provisions shall apply:

1. *Tribal Monitors.* Tribal Monitors shall be required (a) within an existing Eligible TCP or PCRI; (b) upon initial surface disturbance; (c) for initial Class III inventories in areas where a previous Class III Inventory has not yet been performed; and (d) during data recovery. After inventories and initial surface disturbance have been completed, Tribal Monitors will not be required during the conduct of exploration drilling, mining, maintenance, or ongoing operations. Tribal Monitors are not required for new surface disturbance on previously disturbed and reclaimed areas, or in areas where a Class III Inventory (that has been accompanied by a Tribal Monitor) confirms there are no Historic Properties or unevaluated Cultural Resources.
2. *Availability of Tribal Monitors.* The BLM has delegated the task of securing a Tribal Monitor to the Proponent. The Proponent will make a good faith attempt to schedule Tribal Monitors with at least two (2) calendar days prior notice. As noted in Section 1 above, Tribal Monitors will be invited to participate during Class III inventories, during Project-related construction activities (i.e., new surface disturbance) and during any data recovery (i.e., archaeological excavation) within an APE. Notwithstanding the requirements of Section 1 of this Appendix D, work may proceed and shall not be delayed based on a lack of response or unavailability of Tribal Monitors.
3. *No Authority to Halt Approved Proponent Activity.* While Tribal Monitors do not have the authority to halt construction activities, if a Tribal Monitor notes that an activity may affect a Cultural Resource of importance to the Tribe(s) during construction, the Tribal Monitor shall inform the Proponent Official authorized to stop work and the designated BLM representative, as well as the CRM Contractor if present.

APPENDIX E: AVOIDANCE PROCEDURES

If the BLM requires that Historic Properties be avoided during the Proponent's execution of a BLM approved exploration plan through implementation of an Avoidance Buffer Zone, the Proponent will implement the following internal procedures:

A. Procedure in areas that have not been subject to a Class III Inventory:

1. Proponent shall delineate proposed drill locations on a map, taking into account topography to ensure minimal surface disturbance. Proponent will then send a crew to stake and flag the proposed drill locations and access routes.
2. Upon completion of flagging, Proponent will arrange for a CRM Contractor to conduct the inventory or fieldwork required by the BLM of the proposed exploration areas. The CRM Contractor will obtain a Fieldwork Authorization from the BLM.
3. After the required inventory or fieldwork has been completed, the CRM Contractor will submit an inventory report to the BLM, which will be reviewed and consultation conducted according to Stipulation K. A copy of this report will be provided to the Proponent for the purposes of avoiding activities near Eligible Historic Properties or unevaluated Cultural Resources.
4. If the BLM archaeologist determines in the course of the inventory or fieldwork that Historic Properties or unevaluated Cultural Resources may be impacted, then the Proponent, in consultation with the BLM, shall move the proposed drill location or access road to avoid such Historic Properties or unevaluated Cultural Resources. A Tribal Monitor will be required during such inventory, pursuant to Appendix D.
5. If necessary based on the completed inventory and fieldwork, a revised annual exploration plan showing any adjusted drilling and access locations to ensure avoidance will then be submitted to the BLM for approval.
6. Once BLM approves the workplan, Proponent will complete its internal Environmental Impact Request (EIR) approval process described in Section B of this Appendix E, review the staked disturbance with the earth moving contractor and ensure the contractor has the approved EIR and attendant maps in possession during earth moving activities.
7. Proponent shall mark all Avoidance Buffer Zones with blue flagging signaling a no-disturbance area.
8. If the exploration activity is proposed to take place within an existing PCRI or Eligible TCP, then a Tribal Monitor shall be required during initial surface disturbance, pursuant to Appendix D, to monitor for effects to elements and resources that contribute to the Eligible TCP or PCRI's Eligibility for the National Register.

9. At the conclusion of activities (including reclamation), the field survey crew will perform an as-built survey to confirm compliance with the Avoidance Procedures and remove the blue flagging used to mark any Avoidance Buffer Zones around Historic Properties.

B. Procedure in Areas Covered by Existing Class III Inventories:

1. Proposed drill holes are outlined on a map by the appropriate Proponent Project Manager. The Proponent Project Manager completes the Proponent internal procedure called an EIR form and submits to Proponent Environmental for review against existing Proponent knowledge of Class III Inventories. If that review confirms the area has been subject to a current Class III Inventory, Proponent Environmental then approves land surveying the proposed drill locations and access routes.

2. The Proponent Project Manager then assigns a field surveying crew to stake drill locations and flag proposed access routes included in an annual exploration workplan. Construction conditions are taken into consideration during this non-surface disturbing land survey to ensure the least amount of disturbance and optimal equipment access.

3. The flagged access routes and drill locations will be field-inspected by Proponent's Project Manager, Drilling Supervisor and Environmental Manager/Supervisor/Staff to ensure that the proposed disturbance is properly located and that all identified Historic Properties are avoided by at least thirty (30) meters, unless a smaller Avoidance Buffer Zone is approved by the BLM on a case-by-case basis.

4. After the specific drill location and access route has been identified as avoiding all identified Eligible Historic Properties, Proponent Environmental and Land Departments will approve the EIR form to allow exploration activity to commence. The approved EIR form is reviewed with the earth moving contractor and must be in that contractor's possession during road and drill pad construction activities.

5. Avoidance Buffer Zones (standard thirty (30) meters, but can be reduced by the BLM on a case-by-case basis) must be clearly marked with blue flagging signaling a no-disturbance area. Proponent shall ensure that flagging remains in place throughout exploration activities at each exploration location.

6. If the exploration activity is proposed to take place within an existing PCRI or Eligible TCP, then a Tribal Monitor shall be required during initial surface disturbance, pursuant to Appendix D, to monitor for effects to elements and resources that contribute to the Eligible TCP or PCRI's Eligibility for the NRHP.

7. At the conclusion of activities (including reclamation), the land survey crew will prepare an as-built survey to confirm compliance with these Avoidance Procedures for Exploration and remove the blue flagging used to mark any Avoidance Buffer Zones around known Historic Properties.

All Proponent employees and contractors involved in mineral exploration shall be reminded that if there is any doubt or uncertainty about the Avoidance Buffer Zone near a proposed disturbance, that no disturbance should be initiated until the status is confirmed by the Proponent and the CRM Contractor.

**APPENDIX F: NON-EXCLUSIVE EXAMPLES OF PROJECTS
THAT MAY BE PROPOSED BY PROPONENT**

Undertakings that may be proposed by the Proponent include, but are not limited to the following:

1. MINING PROJECTS:

- a. Open pit mine under a new Mine Plan of operations, including, but not limited to, one or more open pits, waste rock storage facilities, gravel pits, heap leach facilities, tailings facility, wells, ore stockpiles, growth media stockpiles, ponds, access roads, haul roads, water management facilities and pipelines, rapid infiltration basins, water treatment facilities, reservoir, water tanks, truck shop, warehouse, laboratory, wash bay, fuel facilities, septic system, and administrative offices, security building, power distribution lines, solid waste landfill, hazardous waste storage area, communication towers, rock crushers, blasting magazine, core cutting and storage building, propane tanks, conveyor systems, and other ancillary facilities directly related to the mining and processing of ore from open pits.
- b. Underground mine under a new Mine Plan of operations, including, but not limited to, one or more underground portals, shafts, ramps or raises, escape and ventilation raises with fans, propane tanks, ore stockpiles, waste rock management facilities, heap leach facilities, growth media stockpiles, metals removal plant, septic system, parking and ready-line, access roads, haul roads, water management facilities and pipelines, rapid infiltration basins, wells, water treatment facilities, water tanks, ponds, tanks, fueling facilities, solid liquid separation plant, backfill plant, laboratory, propane tanks, core cutting and storage building, septic system, truck shop and administrative offices, power distribution lines, conveyor systems, and other ancillary facilities directly related to the mining and processing of ore from an underground mine.
- c. A combined open pit and underground mine under a new Mine Plan of operations, including the facilities named above.
- d. Expansion of an existing underground or open pit mine, which may include a new open pit or underground portal, shaft, ramp or raise, or expansion of such existing facilities, and expansion of ore stockpiles, heap leach and waste rock storage facilities, access roads and other ancillary facilities directly related to the mining and processing of ore from a mine expansion.
- e. Ore processing mill, rock crusher and conveying system, ore stockpiles, process ponds, a roaster, autoclaves, a vat leach processing facility, froth floatation, a carbon in column

leaching facility and/or other processing infrastructure, generally contained in a mill building, refinery, and associated event ponds and other infrastructure.

2. EXPLORATION PROJECTS:

- a. Exploration under a new Exploration Plan of operations, which may include a phased plan of exploration, including initial exploration on small scattered parcels to identify targets, followed by closer-spaced drilling to explore identified targets or to delineate mineral resources and ore bodies, along with drilling or other studies to establish baseline and underground conditions in preparation of a Mine Plan of operations. Facilities associated with an Exploration Plan of operations include multiple drilling pads and sumps, access roads or overland travel (depending on topography and resource constraints), growth media stockpiles, pumps, water source, water tank, generators, laydown areas and portable sanitary facilities, sumps, light plants, communication towers, fuel skid, office trailers and storage areas.
- b. Expansion or additional drilling of an existing Exploration Plan of operations, including additional drilling acreage and access.

3. SUPPORT FACILITIES:

This category of project would include any facility that is not associated with a specific mine or exploration plan of operations and may serve one or more facilities in the AOI. Such projects could include:

- a. Significant new maintenance of area access roads, power or distribution lines and other infrastructure that requires a new authorization by the BLM and that serves more than one facility and/or the public.
- b. Construction by the Proponent of new infrastructure that requires a new authorization by the BLM and that serves more than one facility and/or the public.
- c. Mitigation or conservation efforts, whether voluntary or required, that requires a new authorization by the BLM.

APPENDIX G: EXEMPTED UNDERTAKINGS

1. Issuing permits, rights-of-way, or NEPA decisions where no new surface disturbance is authorized, such as power line/transmission line ROW renewals, communication site ROW renewals, road ROW renewals, pipeline ROW renewals, aerial seedings, and the reintroduction of native or endemic species.
2. Maintaining, replacing or modifying existing projects, facilities, routes, or programs that do not disturb additional surface area, or Historic Properties; or where the ground has been previously disturbed to the extent that Historic Properties could not exist; or where the facility itself is not a Historic Property.
3. Conducting, or approving permits for, non-archaeological data collection and monitoring activities, not associated with proposed Undertakings, which involve new surface disturbance less than 1 square meter. Such activities could include forage trend monitoring, stream gauges, weather gauges, research geophysical sensors, photo plots, traffic counters, animal traps, or other similar devices. The “less than 1 square meter” threshold is not cumulative for any given project; therefore multiple sub-meter disturbance zones up to a maximum of 25 may be exempted if they meet the other conditions of this exemption.
4. Assigning land use authorization where the assignment conveys no additional rights and the assignee agrees to abide by any Cultural Resource stipulations in the original authorization.
5. Installing facilities, such as recreational, special designation, regulatory, or information signs, visitor registers, kiosks, cattle guards, gates, temporary corrals, or portable sanitation devices in previously disturbed areas outside of known Historic Properties.
6. Issuing or modifying regulations, orders, standards, notices, and field rules where no new surface disturbance is authorized or is not subject to NHPA review.
7. Decisions and enforcement actions (that do not involve Cultural Resources) to ensure compliance with laws, regulations, orders, lease stipulations, and all other requirements imposed as conditions of approval, when the original approval was subject to the NHPA Section 106 process.
8. Existing range improvement projects such as spring boxes, pipelines, fences, and water troughs that cannot be assigned an original construction date suggesting that the features are at least 50 years in age, or lack integrity due to recent (post-1970) changes in character from continued maintenance activities, and where no new surface disturbance is proposed outside of the boundaries of the previously disturbed areas.
9. Approval of modifications to, or variances from, activities authorized in an approved mine or exploration plan of operations that do not involve additional surface disturbance.