

**MEMORANDUM OF AGREEMENT**  
**BETWEEN BUREAU OF LAND MANAGEMENT-**  
**TONOPAH FIELD OFFICE,**  
**AND**  
**THE NEVADA STATE HISTORIC PRESERVATION OFFICER,**  
**REGARDING THE**  
**RHYOLITE RIDGE LITHIUM-BORON PROJECT, ESMERALDA COUNTY, NEVADA**

**WHEREAS**, Bureau of Land Management (BLM) plans to permit Ioneer Rhyolite Ridge LLC (IRR) to conduct mining operations within the Rhyolite Ridge Lithium-Boron Plan of Operations (Mine) in Esmeralda County, Nevada, and the Mine, partly located on public lands managed by the BLM Battle Mountain District, is an undertaking pursuant to Title 54 U.S.C § 300101, commonly known as the National Historic Preservation Act of 1966, as amended (NHPA), and Title 54 U.S.C § 306108, commonly known as Section 106 of the NHPA (Section 106), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800; and

**WHEREAS**, pursuant to a Memorandum of Understanding between the BLM and U.S. Department of Energy (DOE), the BLM was identified as the lead agency and the DOE was identified as a cooperating agency and will adopt the BLM's EIS for their analysis and decision making purposes. Under the Bipartisan Infrastructure Law, Congress authorized DOE to grant conditional loans for the costs of mining and processing critical minerals used in clean energy technologies, such as lithium. In accordance with this Federal law, IRR has secured a conditional loan from the DOE to partially support the capital costs of this project; and

**WHEREAS**, the Mine consists of the construction, operation, reclamation, and closure of a surface quarry from which lithium and boron ore would be extracted using conventional surface quarrying techniques and associated facilities, access roads, and utility corridors. The Mine will include the following main components: an open-pit quarry; a quarry berm; a Processing Facility; Overburden Storage Facilities; a Spent Ore Storage Facility; contact water ponds; a batch plant; haul roads and service roads; stockpiles; an Explosives Storage Area; septic leach fields; communication towers and ATV trails; monitoring locations and access; exploration activities including access routes and drill sites with sumps; water supply facilities; dewatering facilities; road realignments; yards; fencing; a wash berm; diversion ditches; and a main access road and infrastructure; and

**WHEREAS**, BLM has defined the Mine's area of potential effects (APE) as all geographic areas within which the Mine may have an effect on historic properties (Attachment A). BLM has determined that the APE is a variable boundary extending up to five miles from the Mine; and

**WHEREAS**, BLM, in consultation with the Nevada State Historic Preservation Office (SHPO), has determined that that the Mine will have an adverse effect on historic properties and resources currently unevaluated for the National Register of Historic Places (NRHP) as listed in Attachment B; and

**WHEREAS**, BLM has consulted with the Big Pine Paiute Tribe of Owens Valley, Bishop Paiute Tribe, Benton (Utu Utu Gwaitu) Paiute Tribe, Timbisha Shoshone Tribe, Duckwater Shoshone Tribe, Yomba Shoshone Tribe, Ely Shoshone Tribe, the Te-Moak Tribe of Western Shoshone, the Fort Independence Reservation, and the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (Tribes), and has invited the Tribes to participate in the Memorandum of Agreement (MOA) as Concurring Parties; and

**WHEREAS**, BLM has consulted with IRR regarding the effects of the Mine on historic properties and has invited them to sign this MOA; and

**WHEREAS**, BLM has not invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation because the Mine does not meet the requirements for their participation as specified in Component 5 of the 2012 *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 BLM Will Meet Its Responsibilities Under the National Historic Preservation Act*; and

**WHEREAS**, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C § 3001) and applicable regulations, are expected to be encountered during site testing and data recovery; and

**WHEREAS**, the Signatories and Invited Signatories (referred to collectively as Parties or individually as Party) agree that this MOA may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement; and

**NOW, THEREFORE**, BLM and the SHPO agree that the Mine shall be implemented in accordance with the following stipulations to take into account the effects of the Mine on historic properties.

## STIPULATIONS

BLM shall ensure that the following measures are carried out:

- I. HISTORIC PROPERTIES TREATMENT PLAN (HPTP) DEVELOPMENT AND IMPLEMENTATION
  - A. IRR, through a cultural resource management (CRM) firm meeting BLM's and the Secretary of the Interior's Professional Qualifications standards, will prepare an HPTP. This document will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716-37), the guidance provided in the ACHP's Section 106 Archaeology Guidance ([www.achp.gov/archguide](http://www.achp.gov/archguide)) (2009), and the documentation requirements of Appendix F of the *State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State*

*Historic Preservation Officer for Implementing the National Historic Preservation Act*  
(December 2014) (State Protocol) as appropriate.

The HPTP will contain a testing plan for the unevaluated resources and mitigation strategies for adversely affected historic properties. BLM is considering unevaluated resources to be eligible for the NRHP until a formal eligibility determination can be made by BLM, with SHPO concurrence in accordance with the testing plan described in the HPTP. If the unevaluated properties are determined to be eligible and adversely affected, BLM will amend the HPTP, as needed, to include mitigation strategies for those historic properties. These strategies will include avoidance when feasible, or minimization or mitigation measures when adverse effects are determined to be unavoidable.

1. BLM will ensure that IRR provides appropriate funds to support a CRM firm and qualified persons in the implementation of the HPTP, including but not limited to, documentation and testing of unevaluated cultural resources to determine NRHP eligibility, project effects and mitigation needs, mitigation of effects on historic properties, artifact processing and analysis, writing a summary report of findings or other materials required by the HPTP, writing the draft and final report of findings, and curation of artifacts as set forth in the HPTP.
  2. IRR has agreed to compensate Tribal Cultural Monitors who will accompany CRM employees during implementation of the HPTP and initial ground disturbance, in accordance with Attachment D.
- B. IRR shall first submit the draft HPTP to BLM. BLM will review and provide any comments to IRR within thirty (30) calendar days of receipt.
- C. IRR, through their CRM firm, shall revise the draft HPTP to address any BLM comments.
- D. Upon revision of the draft HPTP, BLM shall submit the revised draft HPTP to the SHPO and Tribes for review and comment.
- E. The SHPO and Tribes will review the revised draft HPTP within thirty-five (35) calendar days of receipt. If the SHPO and Tribes do not respond within thirty-five (35) calendar days, BLM may finalize the HPTP.
- F. BLM shall provide all SHPO and Tribal comments to IRR to revise the draft HPTP.
- G. BLM shall provide the revised draft final HPTP to the SHPO and Tribes for review and comment.
- H. The SHPO and Tribes will review the revised draft final HPTP within fifteen (15) calendar days of receipt. If the SHPO does not respond within fifteen (15) calendar days, BLM may finalize the HPTP.

- I. Upon revision of the draft final HPTP, the document shall become Attachment C to this MOA.
- J. BLM will report the results of Phase I testing to the Parties in a letter report including BLM's initial determination of NRHP eligibility and project effect. This process is described further under Stipulation II.A. below.
- K. If BLM determines, in consultation with the SHPO, that the unevaluated properties are eligible for inclusion on the NRHP and will be adversely affected by the Mine the Parties will revise Attachment C, as needed:
  1. Review of any revisions will occur in the same manner as the original HPTP (Stipulation I.B through Stipulation I.F).
  2. Revisions to Attachment C will not require an amendment to the MOA per Stipulation VIII below.

## II. NOTICES TO PROCEED (NTP)

Upon execution of the MOA, IRR shall complete or implement all BLM approved avoidance measures to avoid effects to the historic properties (e.g., fencing, archaeological monitoring) before BLM may authorize IRR to conduct mining operations in areas outside of established avoidance buffer zones. IRR shall avoid any intrusion into avoidance buffer zones until BLM issues an NTP to IRR.

### A. NTP Process for Testing Plan

1. The CRM firm hired by IRR will provide BLM with a fieldwork summary report after the completion of testing that details how the fieldwork was performed.
2. BLM shall review the fieldwork summary report within five (5) working days of receipt and notify IRR that BLM either accepts or rejects the document.
3. If BLM approves the fieldwork summary report, BLM shall provide a copy of the summary, including BLM's determination of NRHP eligibility and project effect, to the SHPO for review.
  - a) For properties BLM determines eligible for the NRHP:
    1. The SHPO may review the fieldwork summary report and BLM's determination of eligibility and project effect within fifteen (15) days of receipt.
    2. If the SHPO does not respond within fifteen (15) days, BLM may proceed to Stipulation II.A.3.a.3 below.
    3. BLM may begin preparing an amendment to Attachment C in accordance with Stipulation I.I above, if necessary.
  - b) For properties BLM determines ineligible for the NRHP:
    1. The SHPO may review the fieldwork summary report and BLM's determinations within fifteen (15) days of receipt.
    2. If the SHPO does not respond within fifteen (15) days, BLM may issue an NTP to IRR for work within the corresponding avoidance zone(s).

4. BLM shall provide the SHPO's comments on the fieldwork summary to the CRM firm hired by IRR to revise.
5. BLM shall provide the revised fieldwork summary to the SHPO for review and comment.
6. The SHPO will review the revised fieldwork summary within five (5) working days from receipt. If the SHPO does not respond in a timely fashion, BLM may move on to the next step.

#### B. NTP Process for Mitigation

BLM may provide IRR with an NTP after BLM, in consultation with the SHPO, has 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 IRR will provide BLM with a fieldwork summary report after the completion of mitigation for the historic properties that details how the fieldwork was performed in accordance with the HPTP.
2. BLM shall review the fieldwork summary report within five (5) working days of receipt and notify IRR that BLM has either accepted or rejected the summary.
3. If BLM approves the fieldwork summary report, BLM shall provide a copy to the SHPO for review.
4. The SHPO may review the fieldwork summary report within fifteen (15) calendar days of receipt. If the SHPO does not respond in a timely fashion, BLM may issue an NTP to IRR for work within the corresponding avoidance zone(s).
5. BLM shall provide all timely SHPO comments on the fieldwork summary to IRR to revise.
6. BLM shall provide the revised fieldwork summary to the SHPO for review and comment.
7. The SHPO will review the revised fieldwork summary within five (5) working days from receipt. If the SHPO does not respond in a timely fashion, BLM may issue an NTP to IRR for work within the corresponding avoidance zone(s)

#### III. DURATION

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

If any historic property remains unmitigated at the time of expiration, and work is planned to continue on the Mine, BLM shall either (a) execute a new MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Prior to such time, BLM may consult with the other Parties to reconsider the terms of

the MOA and amend it in accordance with Stipulation VIII below. BLM shall notify the Parties as to the course of action it will pursue.

#### IV. POST-REVIEW DISCOVERIES

IRR will notify BLM of all post-review discoveries in accordance with the HPTP and Attachment D. If possible historic properties are discovered or unanticipated effects on historic properties found, BLM shall implement additional treatment in accordance with the HPTP. IRR shall avoid all post-review discoveries until BLM issues an NTP in accordance with Stipulation II of this MOA.

#### V. MONITORING AND REPORTING

- A. Monitoring of historic properties during construction will be conducted in accordance with Attachment D and the HPTP.
- B. The CRM firm hired by IRR to implement the HPTP will submit progress reports to BLM by December 31 of each year. These reports shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in BLM's efforts to carry out the terms of the MOA.
- C. BLM shall provide the SHPO and IRR a copy of each summary report until all stipulations of the MOA have been met.

#### VI. DISPUTE RESOLUTION

Should any Party or Concurring Party to this MOA object at any time to any action proposed, or the manner in which the terms of the MOA are implemented, BLM shall consult with such Party or Concurring 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 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 and the Parties and provide them with a copy of the 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 will make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, BLM shall prepare a written response that considers any timely comments regarding the dispute from the Parties and provide them and the ACHP with a copy of such written response.

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

## VII. ANNUAL COORDINATION MEETING

On or about each anniversary of the effective date of this MOA, the Parties will confer and, if it is proposed by a Party, will meet to discuss activities described in this MOA. A Party may invite others to participate in the discussion and meetings.

## VIII. AMENDMENT

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

## IX. TERMINATION

If any Party 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 VIII above. If within thirty (30) days (or another time period agreed to by all Parties) an amendment cannot be reached, any Party may terminate the MOA upon written notification to the other Parties.

Once the MOA is terminated, and prior to work that has been found to have an adverse effect on a historic property, and for which an NTP has not been issued, BLM must either (a) execute an MOA pursuant to 36 CRF § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. BLM shall notify the Parties as to the course of action it will pursue.

## X. TRANSFER

If the Mine is sold or otherwise transferred to another operator or entity, all provisions of this MOA will remain in effect unless the MOA is amended or terminated following the stipulated processes. BLM shall notify the SHPO of any sale or transfer within sixty (60) days of the event.

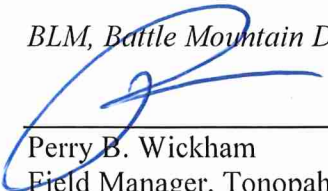
**EXECUTION** of this MOA by BLM and the SHPO and implementation of its terms is evidence that BLM has taken into account the effects of this undertaking on historic properties.

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**MEMORANDUM OF AGREEMENT  
BETWEEN BUREAU OF LAND MANAGEMENT-  
TONOPAH FIELD OFFICE,  
THE NEVADA STATE HISTORIC PRESERVATION OFFICE,  
AND  
IONEER RHYOLITE RIDGE, LLC  
REGARDING THE  
RHYOLITE RIDGE LITHIUM-BORON PROEJCT, ESMERALDA COUNTY, NEVADA**

**SIGNATORIES:**


*BLM, Battle Mountain District, Tonopah Field Office*

  
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Perry B. Wickham  
Field Manager, Tonopah Field Office

*21 OCTOBER 2024*

Date

*SHPO*

  
\_\_\_\_\_  
Robin Reed  
Acting Administrator/Deputy Nevada State Historic Preservation Officer

*10/21/2024*

Date

**INVITED SIGNATORIES**

*Ioneer Rhyolite Ridge, LLC*

\_\_\_\_\_  
Bernard Rowe  
Chief Executive Officer

Date

*U.S. Department of Energy, Loan Programs Office*

\_\_\_\_\_  
Todd Stribley  
Director, Environmental Compliance

Date

**CONCURRING PARTIES**

*Big Pine Paiute Tribe of Owens Valley*

\_\_\_\_\_  
Chairperson Cheyenne Stone  
Big Pine Paiute Tribe of Owens Valley

Date



*Fort Independence Paiute Tribe*

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Chairman Carl Dahlberg Fort Independence Paiute Tribe	Date
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*Bishop Paiute Tribe*

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Chairwoman Meryl Picard Bishop Paiute Tribe	Date
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*Benton (Utu Utu Gwaitu) Tribe*

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Chairman Shane Saulque Benton (Utu Utu Gwaitu) Tribe	Date
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*Timbisha Shoshone Tribe*

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Chairwoman Margaret Cortez Timbisha Shoshone Tribe	Date
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*Walker River Paiute Tribe*

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Chairwoman Andrea Martinez Walker River Paiute Tribe	Date
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*Duckwater Shoshone Tribe*

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Chairwoman Debra O'Neil Duckwater Shoshone Tribe	Date
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*Te-Moak Tribe of the Western Shoshone*

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Chairman Joseph Holley Te-Moak Tribe of the Western Shoshone	Date
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*Ely Shoshone Tribe*

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Chairman Alvin Marques  
Ely Shoshone Tribe

Date

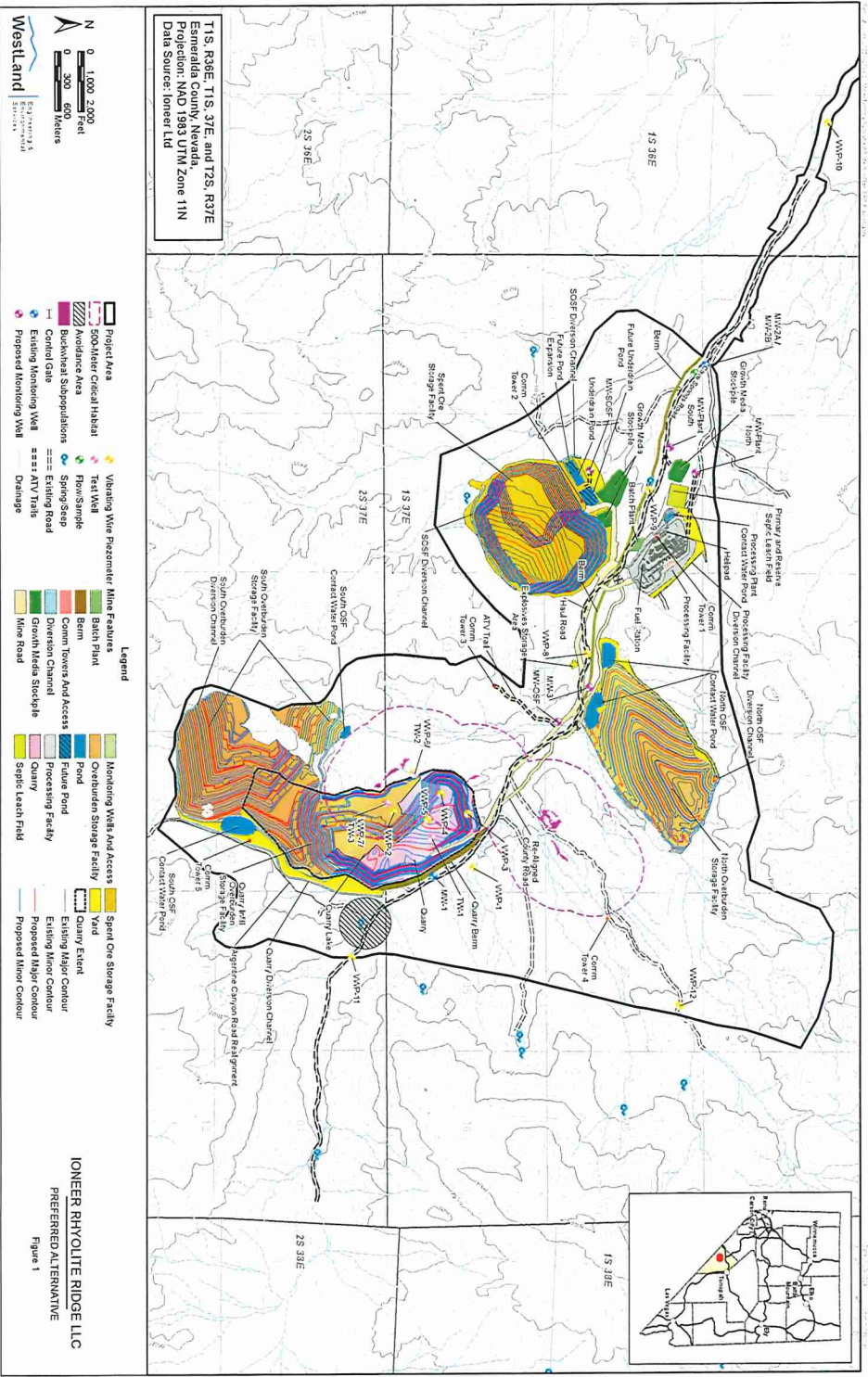
*Shoshone-Paiute Tribes of the Duck Valley Indian Reservation*

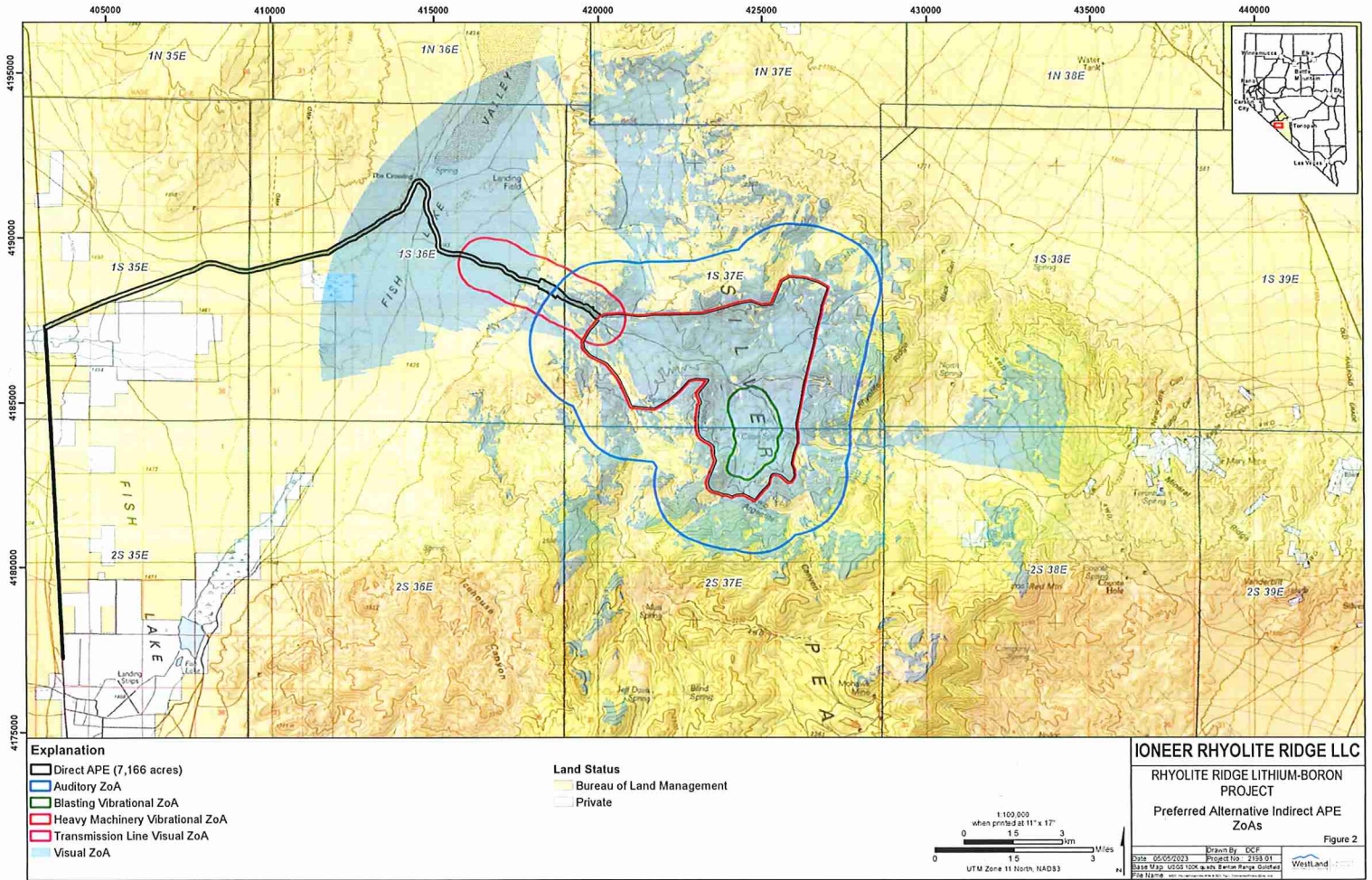
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Chairman Brian Mason  
Shoshone-Paiute Tribes of the Duck Valley Indian Reservation

Date

**ATTACHMENT A: MAPS OF MINE PLAN OF OPERATIONS PROPOSED  
ACTIVITIES (FIGURE 1) AND DIRECT AND INDIRECT APE (FIGURE 2)**



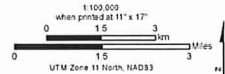


**Explanation**

- Direct APE (7,166 acres)
- Auditory ZoA
- Blasting Vibrational ZoA
- Heavy Machinery Vibrational ZoA
- Transmission Line Visual ZoA
- Visual ZoA

**Land Status**

- Bureau of Land Management
- Private



**IONEER RHYOLITE RIDGE LLC**

RHYOLITE RIDGE LITHIUM-BORON PROJECT

Preferred Alternative Indirect APE ZoAs

Figure 2

Date: 05/05/2023	Drawn By: CCF
Base Map: USGS 100K, 250K, 500K, 1000K, 2500K	Project No: 2103.01
Scale: 1:100,000	Westland

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

**Table 1. Direct and Indirect Adverse Effects to NRHP-Eligible and Unevaluated Cultural Resources from the Preferred Alternative**

Agency Site No. (CrNV-)	State Site No. (26 )	Age	Site Type	NRHP Criteria	Adverse Effects
<i>Directly Affected Resources</i>					
05-4236	ES630	H	Borax Works	Eligible, D	Access Road
64-6235 / 64-6236	ES990 / ES991 / ES1132	P	Lithic Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-6240	ES995	P	Lithic Scatter	Eligible, D	Access Road
64-6242 / 64-22818 / 64-22819 / 64-22820	ES997 / ES3520 / ES3521 / ES3522	M	Lithic and Groundstone Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-6243	ES998	M	Lithic Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-19986	ES2963	P	Rockshelter	Eligible, D	Mine Road (Overlapping) and Vibration
64-22826	ES3528	M	Habitation / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-22838	ES3540	P	Lithic Scatter	Eligible, D	Access Road
64-22840	ES3542	M	Ceramic, Lithic, Groundstone, and FAR Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-22843	ES3545	M	Ceramic, Lithic, and FAR Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-22851	ES3553	M	Ceramic, Lithic, Groundstone, and FAR Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-22852	ES3554	M	Ceramic, Lithic, and Groundstone Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-22855	ES3557	M	Ceramic, Lithic, and Groundstone Scatter / Refuse Deposit	P: Eligible, D / H: Not Eligible	Access Road
64-27095	ES3926	P	Lithic Scatter	Unevaluated, D	OSF (Overlapping)
64-27096	ES3927	P	Lithic Scatter	Unevaluated, D	OSF (Overlapping)
64-27105	ES3936	P	Lithic Scatter	Unevaluated, D	Diversion Channel (Overlapping) and OSF (Overlapping)

Agency Site No. (CrNV-)	State Site No. (26 )	Age	Site Type	NRHP Criteria	Adverse Effects
<i>Indirectly Affected Resources</i>					
64-6245	ES1000	M	Complex Habitation / Refuse Deposit	P: Eligible, D / H: Not Eligible	Vibration
64-7851 / 64-25917	ES1566 / ES3796	M	Rockshelter / Stone Cabin and Corral (Cave Spring)	P: Eligible, C, D, Unevaluated, A / H: Eligible, A, C, D	Auditory and Visual
64-27101	ES3932	P	Rock Shelter, Rock Alignment, and Lithic Scatter	Unevaluated, D	Auditory and Visual <sup>1</sup>
64-27104	ES3635	P	Two Rock Shelters	Unevaluated, D	Auditory and Visual <sup>1</sup>
-	B12947	H	Cave Spring Cabin	Eligible, A, C, D	Auditory and Visual

Note: P = Prehistoric; H = Historic; M = Multicomponent.

OSF = Overburden Storage Facility.

<sup>1</sup>Tribal consultation regarding management of these two sites is still ongoing and will be fully addressed in the HPTP.



**ATTACHMENT C: HISTORIC PROPERTIES TREATMENT PLAN**

**ATTACHMENT D: MONITORING AND DISCOVERY PLAN**

## ATTACHMENT D: MONITORING AND DISCOVERY PLAN

### I. Monitoring Plan for the Rhyolite Ridge Lithium-Boron Project (Project)

#### A. General Monitoring of Historic Properties

The monitoring of historic properties and cultural resources currently unevaluated for listing on the NRHP (unevaluated sites) will be completed in accordance with the procedures below:

- i. Prior to Project implementation, IRR, through a CRM contractor meeting BLM and Secretary of the Interior's Professional Qualifications standards (BLM-qualified archaeologist), will flag a thirty- (30-) meter buffer around historic properties and unevaluated sites directly avoided by the Project, but within 100 meters of Mine-related activities. A BLM-qualified archaeologist will monitor all initial ground disturbance within the 30-meter buffer to ensure that there are no unanticipated adverse effects to historic properties or unevaluated sites. Tribal Cultural Monitors (TCMs) will be invited to participate in the monitoring process per Section I.B. below. If monitoring results in the identification of unanticipated adverse effects, BLM will initiate consultation with the Parties to resolve said effects in accordance with the terms of the MOA, and amend the MOA as necessary.
- ii. Historic properties and unevaluated sites avoided by the Mine, but within 100 meters of Mine-related activities, will be monitored quarterly by a BLM-qualified archaeologist for the first four years of Mine construction to ensure that there are no unanticipated adverse effects. TCMs will be invited to participate in the monitoring process per Section I.B. below. If the monitoring results in the identification of unanticipated adverse effects to historic properties or unevaluated sites, BLM will initiate consultation with the Parties to resolve said effects in accordance with the terms of the MOA, and amend the MOA as necessary.
- iii. BLM, through consultation with the Tribes listed in the MOA, will select up to ten (10) historic properties or unevaluated sites located within the Mine boundary but more than 100 meters away from Mine-related activities to be monitored each year for the first four years of construction. The BLM will coordinate with the Tribes to select the sites by March 31 of each calendar year, and IRR will be required to have a BLM-qualified archaeologist monitor the same sites by the end of the calendar year. The selected sites may be the same each year, or may vary, but priority will be given to sites of primary concern to the Tribes. If the monitoring results in the identification of unanticipated adverse effects, BLM will initiate consultation with the Parties to resolve said effects in accordance with the terms of the MOA, and amend the MOA as necessary.
- iv. A letter report summarizing all monitoring results will be submitted to the BLM by December 31 of each calendar year.

## **B. Tribal Cultural Monitors**

IRR will financially compensate TCMs for any monitoring described in Section I.A. above, including that related to implementation of the HPTP and all initial ground disturbance.

- i. Initial ground disturbance is defined as any activity within the Mine boundary that compacts or disturbs the ground up to one meter subsurface. Trenching, bulldozing, excavating, scraping, and plowing are typical examples of ground disturbing activities. A depth of one meter was selected due to existing knowledge of the geology and erosional and depositional characteristics of the landforms within the Mine boundary. If site testing and data recovery associated with implementation of the HPTP indicates that cultural materials are present at depths greater than one meter below the surface or that cultural materials do not continue up to a full meter subsurface, the one-meter delineation for ground disturbance may be modified and this Attachment will be amended as necessary.
- ii. Prior to initial ground disturbance, IRR will contact each Tribe listed in the MOA by telephone, and invite them to provide a monitor, if desired. If the Tribes do not respond in 48 hours or respond and do not wish to provide a monitor, ground disturbance activities may proceed as planned.
- iii. IRR shall compensate a sufficient number of TCMs to observe all applicable ground disturbance activities based on consideration of input from the Tribes and a baseline assumption of engaging two (2) TCMs for each initial ground disturbing activity. IRR shall make a reasonable and good faith effort to create and maintain a schedule outlining which Tribes will contribute TCMs for each episode of monitoring (i.e., a two-week-long period of initial ground disturbance within the Mine boundary). Each Tribe will be afforded the opportunity to provide TCMs, and the TCM schedule will contain a rotation mechanism with the option for TCMs to switch out bi-weekly. Via this rotation mechanism, if one Tribe's TCMs are chosen for a period of two weeks when initial ground disturbing activities are taking place, the other Tribes that did not contribute TCMs will have priority for choosing the TCMs for the next monitoring period of two weeks. If ground disturbing activities occur simultaneously at multiple locations within the Mine boundary, IRR shall coordinate with the Tribes to ensure that all activities are adequately monitored.
- iv. IRR will ensure that a BLM-qualified archaeologist accompanies TCMs observing initial ground disturbing activities.
- v. While TCMs do not have the authority to halt construction activities, if a TCM notes that construction activities may adversely affect a cultural resource, the TCM shall inform the IRR Official authorized to stop work and the BLM Authorized Officer, as well as IRR's BLM-qualified archaeologist.

## **II. Discovery Plan for the Rhyolite Ridge Lithium-Boron Project**

The potential for the discovery of cultural resources exists both during implementation of the HPTP and construction activities associated with the Mine. Newly discovered cultural

resources may require either a new or amended NRHP determination and could potentially include grave goods, sacred items, items of cultural patrimony, and human remains, which are subject to legal requirements under the Native American Graves and Repatriation Act (NAGPRA). To minimize the potential for illegal collection, vandalism, and inadvertent damage to cultural resources, IRR will ensure that all Mine personnel and contractors are instructed on the identification, avoidance, and protection of cultural resources, including Federal statutes protecting cultural resources, as part of its environmental training program. All Mine personnel and contractors will be required to complete the training prior to being authorized to work in the Mine boundary.

Prior to ground disturbance within the Mine boundary, IRR will provide the Parties to this MOA a list of IRR employees with the authority to halt construction activities in a post-review discovery or unanticipated effect situation, including who will be responsible for notifying the BLM Authorized Officer. At least one listed employee will be available via telephone during all ground-disturbing activities.

#### **A. Cultural Resources Categorically Not Eligible for the NRHP**

The following types of resources are defined in the 2014 *State Protocol Agreement between the BLM and the Nevada State Historic Preservation Office (SHPO) for Implementing the NHPA* (Protocol) as categorically not eligible for the NRHP and will follow different inadvertent discovery procedures than those described in Section II.B. below. If resources are newly discovered during Project construction, all ground-disturbing activities within fifty (50) meters of the discovery will cease immediately until it can be assessed by a BLM-qualified archaeologist. If the BLM-qualified archaeologist determines that the discovery is consistent with the artifact types listed below, proposed activities within fifty (50) meters of the find may proceed as planned.

- i. Isolated artifacts: See the Guidelines for isolated artifact definitions and reporting standards.
- ii. Isolated or unassociated features: See the Guidelines for isolated or unassociated feature definitions and reporting standards.
- iii. Unassociated prehistoric and historic artifact scatters: Prehistoric sites of this type are categorically not eligible if they contain 20 or fewer unmodified flakes and no tools found within a microenvironment in which there is no potential or low potential for the presence of buried artifacts and features; they also must not contain more than ten obsidian flakes that may be used through further research to obtain chronological information through obsidian hydration analysis and/or mobility/trade information through sourcing analysis. These resources must not be associated with other historic properties within an identified Archaeological District. Historic sites of this type are categorically not eligible if they cannot be definitively associated with a specific historic theme as defined in the Nevada Comprehensive Preservation Plan (1991). Unassociated historic scatters must also not appear on any GLO map; land status map; mineral survey records; Nevada State Museum records; State Water Engineer's records; 15-minute Quadrangle; or local city and county records.

- iv. Post-1970 cultural resources: Cultural resources that post-date 1970 (or contain a majority of artifacts that post-date 1970) are not considered eligible for the purposes of Section 106 compliance unless the resource is of exceptional significance as defined in National Register Bulletin 22, entitled How to Evaluate and Nominate Potential National Register Properties That Have Achieved Significance Within the Last 50 Years.
- v. Linear resources: Linear resources in isolation from other linear resources, archaeological deposits, and buildings/structures are discussed below in this framework for categorical exemptions. Artifacts directly associated with that linear resource, such as an insulator for a telecommunication line, are considered inclusive to that linear resource. If only a segment of the linear resource is present and it is determined ineligible (non-contributing), then the remaining portions of the linear resource are considered unevaluated for the purposes of Section 106 compliance. The linear resources must also not appear on any GLO map; land status map; mineral survey records; Nevada State Museum records; State Water Engineer's records; 15-minute Quadrangle; or local city and county records.
  - a. Roads/trails: If a road or trail is not dateable, cannot be historically associated with a historic theme, lacks engineered features associated with the road or trail, or cannot be located in geographical space (e.g., the feature shows up on records but cannot be located on the ground), then that segment is considered not eligible under all Criteria.
  - b. Water conveyance: If a water conveyance system is not dateable, cannot be historically associated with a historic theme, and lacks engineered features associated with the water conveyance feature, then that segment is considered not eligible under all Criteria.
  - c. Fences: If a fence is not dateable, lacks unique construction features, or is constructed of metal T-posts and barbed wire, then that segment of the fence is considered not eligible under all Criteria.
  - d. Telecommunication lines (telegraph or telephone) or power transmission lines: If a telecommunication or transmission line is not dateable, lacks unique engineered features associated with that segment of the telecommunication or transmission line, or lacks integrity due to maintenance or upgrading of the original poles or lines, then that segment is considered not eligible under all Criteria.

**B. Unanticipated Physical Effects and Discoveries of Cultural Resources Not Defined in the Protocol as Categorically Not Eligible for the NRHP**

If, at any point, resources not defined above as categorically not eligible for the NRHP (also outlined in Section II.A. above) are discovered or an unanticipated physical effect to a historic property or unevaluated site takes place, the following will occur:

- i. All ground-disturbing activities within fifty (50) meters of the initial location of the discovery or unanticipated physical effect will cease immediately and IRR shall ensure the protection of the discovered resource or effect and notify the BLM official within 24 hours. Activity within fifty (50) meters of the initial

- location of the discovery or effect will remain halted until the BLM issues IRR a Notice to Proceed.
- ii. The BLM shall notify the SHPO and Tribes listed in the MOA of the discovery or unanticipated physical effect, through email or phone call, within 48 hours of the Proponent's notice of the discovery or unanticipated physical effect. The initial notification shall describe the nature of the discovery or unanticipated physical effect, describe the plan to protect the discovery or unanticipated physical effect to reduce or minimize effects to the extent practicable, and provide a timeline for carrying out the rest of the provisions in this section.
  - iii. Upon notification of a discovery or unanticipated physical effect (with the exception of human remains), the BLM will ensure that adequate documentation is acquired from IRR or IRR's cultural contractor to facilitate an initial determination of NRHP eligibility, project effect, and treatment plans (if applicable). All documentation will be completed in accordance with the Guidelines.
  - iv. The BLM shall make an initial determination of NRHP eligibility, project effect, and any proposed actions to resolve Adverse Effects to historic properties. The BLM shall provide the SHPO, the Proponent, and the Tribes listed in the MOA five (5) working days to respond with recommendations. Following the five-day consultation period, the BLM shall take any comments and suggestions provided by the SHPO, the Proponent, and the Tribes into account before making a final decision and proceeding. If the BLM receives no response, it may proceed with the resolution of adverse effects, if any, and Ioneer may then continue with project activities.
  - v. If a mitigation/treatment plan or other measures are adopted, undertaking activities in the fifty- (50-) meter buffer will remain suspended until IRR is notified by the BLM agency official via a Notice to Proceed that they may resume.

### **C. Traditional Cultural Properties**

If the location or existence of a previously unidentified Traditional Cultural Property (TCP) is revealed to the BLM post-execution of the MOA, the BLM shall follow the procedures below. According to the National Parks Service National Register Bulletins, a TCP "is a building, structure, object, site, or district that may be listed or eligible for listing in the National Register for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community's history and that are important in maintaining the community's cultural identity."

- i. The BLM shall notify the SHPO, Proponent, and any Tribe listed in the MOA that a new TCP has been identified within two (2) working days of 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.
- ii. Within five (5) working days after the initial identification of a new TCP, the BLM shall notify the Tribe that ascribes significance to such resource of the need

to the following information: 1) information regarding the property's boundary; 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. 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.

- iii. Upon receipt of information regarding the TCP, and in consultation with the SHPO and any Tribe that may attach significance to the TCP, the BLM shall make an initial determination of eligibility for the NRHP and an initial assessment of effect. The BLM Authorized Officer 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.
- iv. The BLM shall provide their eligibility and effects determination of the TCP and any proposed actions to resolve adverse effects within three (3) working days of receipt of sufficient information regarding the TCP. The BLM shall afford the SHPO and Tribes five (5) working days to respond with recommendations regarding the agency's eligibility determination and proposed actions to resolve adverse effects. Following the five-day consultation period, the BLM shall take any comments and suggestions provided by the SHPO and Tribes into account regarding eligibility and, if appropriate, actions to be taken in resolving adverse effects, and proceed. If the BLM receives no response after the five working day period, the BLM shall assume that there are no concerns with the proposed resolutions and shall proceed with the resolution of any adverse effects. Pending the resolution of any adverse effects, Ioneer may then proceed with project activities.

#### **D. Discoveries of Funerary Objects, Sacred Objects, Objects of Cultural Patrimony, or Human Remains**

The discovery of funerary objects, sacred objects, objects of cultural patrimony, or human remains are not expected during data recovery or Project activities, but in the event that they occur, a set protocol will be followed. Upon the encounter of any of the above items or remains, the BLM, the Proponent, and its contractors will follow the requirements of 43 CFR § 10 of the regulations implementing the NAGPRA for human remains discovered on public land, and NRS 383.150 to 383.190 for human remains discovered on private land:

- i. In all cases of a discovery of funerary objects, sacred objects, objects of cultural patrimony, or human remains, the Proponent will immediately notify the BLM agency official and the Esmeralda County coroner or sheriff if the discovery is located on public lands. If the discovery is on private land, the proponent will notify the BLM agency official, Esmeralda County coroner or sheriff, and the SHPO. Contact will be by telephone within 24 hours, and written notification



within 72 hours. If requested by the BLM or law enforcement in accordance with applicable law, the Proponent's cultural resources contractor will assess age, affiliation, and circumstances of burial and will notify the BLM agency official, and the BLM will consult with the Tribes listed in the MOA. The direction for treatment of the human remains will be addressed in compliance with 43 CFR § 10 or NRS 383.150 to 383.190.

- ii. Immediately upon discovery of funerary objects, sacred objects, objects of cultural patrimony, or human remains, all activity will stop, and no further activity will take place within fifty (50) meters 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 as directed by the 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.
- iii. If the human remains, funerary objects, sacred objects, or objects of cultural patrimony are identified as Native American, the parties will comply with the NAGPRA regulations outlined in 43 CFR 10. The BLM will be responsible for notifying and consulting with the appropriate Tribes and will make determinations for treatment and, if requested, disposition.