

**PROGRAMMATIC AGREEMENT
BETWEEN THE HUMBOLDT-TOIYABE NATIONAL FOREST, MOUNTAIN CITY-
RUBY MOUNTAINS-JARBIDGE RANGER DISTRICT, AND
THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
MINERAL EXPLORATION FOR THE JARBIDGE EXPLORATION PROJECT IN
ELKO COUNTY, NEVADA**

WHEREAS, the Humboldt-Toiyabe National Forest (HTNF) plans to authorize a Plan of Operation for Newcrest Resources, Inc. (Proponent) to conduct up to 200 acres of surface disturbance as part of their Jarbidge Exploration Project (Project) related to mineral exploration activities pursuant to the General Mining Law of 1872 and 36 CFR § 228.8 Subpart A (Attachment A), and have determined that the Project is an undertaking subject to review under 54 U.S.C. § 306108 commonly known as Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations 36 CFR Part 800; and

WHEREAS, HTNF has defined an approximately 24,200-acre Area of Potential Effects (APE) on federal lands managed by HTNF as well as on private lands controlled by the Proponent in the vicinity of the town of Jarbidge within Elko County, Nevada (Attachment A); and

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

WHEREAS, the Proponent will implement the Project over a period of twelve (12) years in a phased manner and the effects from each phase cannot be determined at this time. This PA covers all aspects of the planning, development, and implementation of the Project; and

WHEREAS, HTNF, in consultation with the SHPO, has developed this PA pursuant to 36 CFR § 800.14(b) to specify the process by which HTNF will implement and complete Section 106 compliance regarding the direct, indirect, and cumulative effects of activities conducted as part of the Project on cultural resources included in or eligible for inclusion in the National Register of Historic Places (NRHP), hereinafter called historic properties; and

WHEREAS, HTNF is consulting with the Duck Valley Shoshone-Paiute Tribe (Tribe) regarding potential for historic properties of religious and cultural significance to the Tribe in the APE and will continue to consult regarding potential for effects to historic properties, should they exist; and

WHEREAS, HTNF has sought and considered the views of the public through the use of the National Environmental Policy Act (NEPA) public participation procedures, wherein the public were invited to participate in the NEPA scoping process and express their views on the Section 106 process pursuant to 36 CFR § 800.6(a)(4) and 36 CFR § 800.14(b)(2)(ii); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), HTNF has notified the Advisory Council on Historic Preservation (ACHP) of the development of this PA and the ACHP has chosen to not

participate in a letter dated March 24, 2020; and

WHEREAS, the Proponent has been invited to sign this PA as a Concurring Party pursuant to 36 CFR § 800.6(c)(2)(iii) as it bears certain financial and other obligations under this PA; and

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

WHEREAS, specific terms used herein and not defined herein have the meanings given them in 36 CFR § 800.16; and

NOW, THEREFORE, the Signatories to this PA agree that the Project shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties in compliance with Section 106 of the NHPA.

STIPULATIONS

HTNF shall ensure that the following measures are carried out:

- I. *Roles and Responsibilities*
 - A. HTNF is responsible for administering this PA and will ensure that all its stipulations are carried out. This includes, but is not limited to, ensuring that the Signatories and Proponent carry out their respective responsibilities; overseeing cultural resource work; reviewing draft and final reports; dissemination of reports to the necessary parties; and for seeking SHPO concurrence with agency decisions.
 - B. HTNF will ensure that all cultural resource work conducted under this PA be conducted by or directly supervised by employees or contractors meeting the Secretary of the Interior’s Professional Qualifications Standards appropriate to the resources under consideration.
 - C. HTNF will be responsible for all submissions to the SHPO and the Tribe, as necessary, during implementation of this PA for each activity associated with the Project.
 - D. HTNF shall consult with the Tribe to identify historic properties considered to be of traditional religious and cultural importance and regarding property identification, evaluation, and assessment of effects and as deemed needed by the interest of the Tribe through consultation.
 - E. The Proponent shall bear the expense of identification, evaluation, and treatment of all historic properties directly or indirectly affected by Project activity. 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, publication of any interpretive materials if proposed for mitigation, or the cost of curating project documentation and artifact collections. If the Proponent withdraws Project proposals, then they shall incur no further expense except for completing fieldwork and post-fieldwork activities (production of final inventory, testing, or data recovery reports covering the description and analysis

of data, and the curation of materials) that have occurred as of the date of withdrawal.

- F. The Proponent will notify HTNF of proposed activities for each phase of exploration in the form of Work Plans, with specific locations of planned exploration activities for review and approval prior to commencing exploration.
- G. The Proponent will provide in-house training to ensure that all its personnel and contractors or subcontractors are directed not to engage in the illegal collection of historic and prehistoric materials. The Proponent shall cooperate with HTNF to ensure compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470) on Federal lands and with Nevada Revised Statutes (NRS) 381 and 383 for private lands.
- H. The Proponent will be responsible for costs of rehabilitation or mitigation, and may be subject to penalties under applicable federal, state, or local law, should damage to cultural resources inside or outside the APE occur during the Project timeframe due to the unauthorized or negligent actions of the Proponent, their employees, contractors or any other Project personnel operating under the Proponent's supervision, direction, or control.

II. *Identification*

- A. The Proponent will submit a Class I Literature Report for the entire Project APE to HTNF.
- B. The Proponent will submit a Work Plan for each subsequent phase. Work Plans shall include but not be limited to requirements described in Attachment A. HTNF shall review the Work Plan and determine the Work Plan-specific APE for effects to historic properties according to the following definitions:
 - 1. Areas of direct physical effect shall be the footprint of the disturbance area plus a 30-meter buffer; and
 - 2. HTNF will define areas of visual, audible, and atmospheric effects by the nature of proposed activities (i.e. height, extent) and location of the Project in relation to surrounding topography.
- C. HTNF will determine historic property identification and inventory needs for each Work Plan APE and submit this information to the Proponent.
 - 1. HTNF will determine, prior to the initiation of fieldwork, if a new boundary and site revisit is necessary for cultural resources previously identified and evaluated within the last ten (10) years.
- D. HTNF shall ensure that the Proponent's Cultural Resources Management Contractor (CRM) completes a Class III cultural resource inventory of Work Plan APEs, and any portions thereof not previously inventoried, as necessary prior to the initiation of any ground-disturbing activities.
 - 1. The Proponent's CRM conducting inventory shall determine boundaries for all previously recorded and newly discovered cultural resources identified during inventory.
 - 2. Inventory and documentation will be completed according to Forest Service guidelines and using appropriate archaeological and architectural resource forms.

- E. The Proponent's CRM will submit a draft Class III cultural resource inventory report to HTNF within three (3) month after the completion of all identification efforts.
 - F. If HTNF, after receiving and reviewing the Class III cultural resource inventory, determines that no cultural resources were identified in the Work Plan APE, HTNF may authorize the Work Plan in accordance with Stipulation VI.A below.
- III. *Evaluation of Historic Properties*
- A. HTNF, in consultation with the SHPO and other consulting parties as appropriate, shall make determinations of NRHP eligibility for all previously recorded (unevaluated) and newly discovered cultural resources within a Work Plan APE.
 - B. HTNF, in consultation with the Tribe, will make determinations of NRHP eligibility for historic properties of traditional religious and cultural significance. HTNF acknowledges that the Tribes possess special expertise in assessing the eligibility of cultural resources that may possess cultural and religious significance to them. HTNF may modify its eligibility determinations based on such consultation with the Tribe.
 - C. After consultation with the Proponent and Tribe, as appropriate, HTNF will transmit its determination of NRHP eligibility for the newly identified and unevaluated cultural resources to the SHPO for consultation.
 - 1. HTNF's transmittal must include details about consultation with the Tribe and the Proponent, including any comments that HTNF received.
 - 2. The SHPO shall have thirty (30) calendar days from receipt to either concur with HTNF's NRHP determinations (in whole or in part) or provide HTNF with its comments. HTNF will address comments from the SHPO. If the SHPO fails to respond within thirty (30) calendar days of receipt, HTNF will consider the determination final.
 - 3. Once the SHPO concurs or fails to respond to HTNF's transmittal concerning HTNF's NRHP eligibility determinations, the determinations will be considered final.
 - 4. HTNF will be responsible for informing the Tribe and Proponent of the final NRHP eligibility determinations within five (5) working days of SHPO concurrence.
- IV. *Assessment of Effects*
- HTNF will follow procedures outlined in this PA for determining if a Work Plan will have an effect on historic properties. Effect means alteration to the characteristics of a historic property qualifying it for inclusion in the NRHP. Adverse Effects may include reasonably foreseeable effects caused by the Work Plan that may occur later in time, be farther removed in distance, or be cumulative. HTNF and Proponent shall seek to avoid historic properties through modifications to the design of Work Plan activities, the relocation of Work Plan activities, or by other means, as practicable, recognizing valid existing rights.
- A. If HTNF and Proponent can ensure avoidance of all historic properties for a proposed Work Plan, HTNF will issue a formal Notice to Proceed (NTP) letter to the SHPO.

1. The SHPO shall have seven (7) working days from receipt to review the Notice to Proceed letter. HTNF will address comments from the SHPO. If the SHPO fails to respond within seven (7) working days of receipt or does not object, HTNF will authorize the Work Plan to proceed.
- B. If HTNF, informed by discussion with the Proponent, determines that avoidance is not feasible or prudent, HTNF shall evaluate the effects of the Work Plan on historic properties.
 1. HTNF will prepare a finding of effects on historic properties within the Work Plan APE. HTNF will explain whether it has determined there will be No Effect, No Adverse Effect, or an Adverse Effect resulting from the Work Plan. If HTNF determines that the Work Plan will have an Adverse Effect on a historic property, the requirements of Stipulation V below will apply. Finding of effects recommendations may be prepared by the Proponent's CRM.
 2. HTNF will provide its finding of effect to the Proponent and the Tribe, as appropriate, which will have thirty (30) calendar days from receipt to provide comments or request further consultation.
 - a. HTNF may modify initial finding of effect based on consultation with the Tribe and the Proponent.
 3. Following consultation with the Tribe and the Proponent, HTNF will transmit its finding of effect for historic properties within the Work Plan APE to the SHPO for consultation. The submission shall include details about consultation with the Tribe and the Proponent including any comments that HTNF received. For any Work Plan implemented under this PA, HTNF may, at its discretion, expedite the consultation by combining documentation for Stipulations II and III of the Work Plan into one submission for SHPO review concurrent with the finding of effect notification for that Work Plan.
 - a. The SHPO shall have thirty (30) calendar days from receipt to either concur with HTNF's determinations of effect and mitigation plans (in whole or in part) or provide HTNF with comments. HTNF will address comments from the SHPO. If the SHPO fails to respond to HTNF within thirty (30) calendar days of receipt of a submission, HTNF may proceed accordingly.
 - b. Once the SHPO concurs or fails to respond, HTNF's finding of effect shall be considered final.
 - c. HTNF will be responsible for informing the Proponent and the Tribe of the final finding of effect within five (5) working days of SHPO concurrence.

V. *Adverse Effects Situations*

- A. If HTNF, informed by discussion with Proponent, determines that avoidance is not feasible or prudent, HTNF shall make a finding of Adverse Effect for the Work Plan.
 1. HTNF will require the Proponent to prepare a treatment plan to resolve the adverse effects of the Work Plan on historic properties. Effects

recommendations and treatment plans may be prepared by the Proponent's CRM.

- a. When archaeological data recovery is the preferred treatment option for a historic property or properties under Criterion (D), HTNF shall ensure that the Proponent's CRM 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) and shall follow guidance provided by the ACHP's website, as updated. A current version is available online from <https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf>.
 - b. 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. historic markers, exhibits, interpretive brochures, publications, informational websites, etc.). In some cases, off-site mitigation may be appropriate to resolve identified adverse effects.
2. HTNF will provide their finding of effects and treatment plans to the Proponent and the Tribe as appropriate, which will have thirty (30) calendar days from receipt to provide comments or request further consultation.
 - a. HTNF may modify findings of effect and treatment plans based on consultation with the Tribe and the Proponent.
 3. Following consultation with the Tribe and Proponent, HTNF will transmit its finding of effects and treatment plans for historic properties within the Work Plan APE to the SHPO for consultation. The submission shall include details about consultation with the Tribe and the Proponent including any comments that HTNF received.
 - a. The SHPO shall have thirty (30) calendar days from receipt to either concur with HTNF's determinations of effect and treatment plans (in whole or in part) or provide HTNF with comments. HTNF will address comments from the SHPO. If the SHPO fails to respond to HTNF within thirty (30) calendar days of receipt of a submission, HTNF shall proceed accordingly.
 - b. Once the SHPO concurs or fails to respond, HTNF's findings of effect and treatment plans shall be considered final.
 - c. HTNF will be responsible for informing the Proponent and the Tribe of the final findings of effect and treatment plans within five (5) working days of SHPO concurrence.

VI. *Initiating Phased Project Implementation*

HTNF may authorize the Proponent to implement a Work Plan under the following conditions:

- A. HTNF has received a Class III cultural resource inventory from the Proponent's CRM for the Work Plan APE and the CRM did not identify any cultural resources in the APE; or
- B. HTNF, in consultation with the SHPO, has evaluated all cultural resources in the Work Plan APE and no historic properties are present; or
- C. HTNF has determined that historic properties are present in the Work Plan APE but they will not be affected by the Work Plan and this finding has been reviewed by the SHPO as per Stipulation IV.A above; or
- D. HTNF, in consultation with the SHPO, has determined that there would be no historic properties adversely affected by the Work Plan; or
- E. HTNF, in consultation with the SHPO, Proponent, and the Tribe as appropriate, have reviewed and approved a treatment plan for all historic properties adversely affected by the Work Plan in accordance with Stipulation V.A.3 and that treatment plan does not require additional fieldwork within the Work Plan APE; or
- F. HTNF, in consultation with the SHPO, Proponent, and the Tribe as appropriate, have reviewed and approved a treatment plan for all historic properties adversely affected by the Work Plan in accordance with Stipulation V.A.3. The Proponent's CRM has implemented a treatment plan for the Work Plan that would affect historic properties, and:
 - 1. The CRM has completed the fieldwork portion of the treatment; and
 - 2. HTNF has accepted a summary description of fieldwork performed for the Work Plan; and
 - 3. HTNF has provided an electronic copy of the summary to the SHPO; and
 - 4. The SHPO has reviewed the summary and either concurred or provided further comments within three (3) working days of receipt. HTNF will address comments from the SHPO. If the SHPO fails to respond to HTNF with three (3) working days, HTNF may authorize implementation of the Work Plan.
- G. Once a Work Plan has gone through the relevant review process set forth in the Stipulations VI.A-D above and the Work Plan has been approved by HTNF, HTNF shall consider the review complete for the Work Plan. HTNF will consider any new information received from a consulting party after the issuance of Work Plan authorization in subsequent activities under this PA.

VII. *Duration*

This PA shall become effective on the date of the last Signatories' signature below and shall remain in effect for twelve (12) years or the conclusion of exploration activities authorized for the Project, whichever comes first.

VIII. *Post-Review Discoveries*

If previously unevaluated cultural resources are discovered or unanticipated effects on historic properties found, HTNF shall implement the Inadvertent Discovery Plan (Attachment B).

IX. *Monitoring and Reporting*

- A. Reporting conducted under this PA will consist of the Class I Literature Review report and Work Plan inventory reports, as well as finding of effects letters, NTP letters, treatment plans, treatment summaries, and treatment reports.
- B. HTNF will report any new inventory required under the terms of this PA to the SHPO using standard reporting formats.
- C. Monitoring may be prescribed as part of a treatment plan, if appropriate.
- D. Any signatory may monitor actions carried out pursuant to this PA. To the extent practicable, monitoring activities should minimize the number of monitors involved in the Project.
- E. A draft report of the identification, recordation, evaluation, treatment or other mitigative activities will be due to HTNF from Proponent's CRM within three (3) months after the completion of the fieldwork associated with the activity, unless otherwise negotiated.
- F. HTNF shall review and comment on any report submitted by Proponent's CRM within thirty (30) calendar days of receipt, unless otherwise negotiated.

X. *Dispute Resolution*

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

- A. Forward all documentation relevant to the dispute, including HTNF's proposed resolution, to the ACHP. The ACHP shall provide HTNF 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, HTNF shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, the SHPO, and Proponent, and provide them with a copy of this written response. HTNF 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, HTNF may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, HTNF shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and Proponent and provide them and the ACHP with a copy of such written response.
- C. HTNF's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XI. *Amendments*

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

HTNF may modify the APE for the Project if needed or as requested by the SHPO without amending the PA proper. If this occurs, the SHPO will receive formal notification of the modified APE. Within thirty (30) calendar days of their receipt of the proposed modification, the SHPO may request the PA to be amended in accordance with the process outlined in this stipulation.

HTNF will provide notification to the SHPO, with a signed letter, in the event of a change in Proponent no later than thirty (30) days from HNTF's receipt of notification. The formal letter will include an updated signature page reflecting the new Proponent signatory. The signatories can change of Proponent without amending the PA proper.

XII. *Termination*

If any 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 XI, above. If within thirty (30) days (or another time period agreed to by both signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatory.

Upon termination, and prior to work continuing on the undertaking, HTNF must either (a) execute an PA 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. HTNF shall notify the signatories as to the course of action it will pursue.

XIII. *Anti-Deficiency Act*

HTNF's obligations under this PA are subject to the availability of appropriated funds, and the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. HTNF shall make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs HTNF's ability to implement the stipulations of this agreement, HTNF shall consult in accordance with the amendment and termination procedures found at Stipulations XI and XII of this agreement.

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

This PA may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

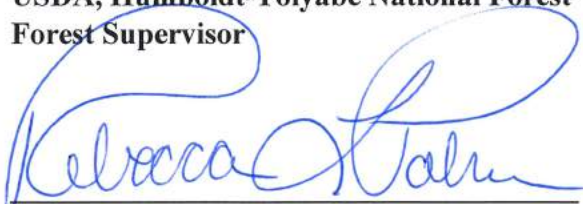
SIGNATORIES:

**WILLIAM
DUNKELBERGER**

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Date _____

BILL DUNKELBERGER
USDA, Humboldt-Toiyabe National Forest
Forest Supervisor



Date 05/27/20

REBECCA L. PALMER
Nevada State Historic Preservation Officer

CONCURRING PARTIES:

BARTON SUCHOMEL
Newcrest Resources Inc.
Vice President Americas Exploration

Date _____

SIGNATORIES:

BILL DUNKELBERGER
USDA, Humboldt-Toiyabe National Forest
Forest Supervisor

Date _____

REBECCA L. PALMER
Nevada State Historic Preservation Officer

Date _____

CONCURRING PARTIES:



BARTON SUCHOMEL
Newcrest Resources Inc.
Vice President Americas Exploration

Date April 29, 2020

ATTACHMENT A

Project Description

The Project is an exploration-only program that consists of drilling for locatable minerals in a phased manner over the next twelve (12) years in the Jarbidge Mining District. Exploration activities would include the following under this Project:

- exploration access temporary road construction; and
- drill pads for exploratory drilling or monitor well drilling; and
- sumps (constructed on the cut side within a drill pad footprint at each site); and
- temporary staging areas.

Through duration and completion of the Project, total surface disturbance would not exceed 200 acres. Concurrent reclamation practices would be used during the life of the Project to prevent erosion. Project activities would be implemented using the appropriate Best Management Practices (BMPs).

Newcrest Resources Inc. (Proponent) would conduct seasonal exploration drilling activities, as weather permits. Surface disturbance activities would be 1,000 feet or more from the wilderness boundary to reduce potential impacts. Plans of operation will be implemented on private and National Forest Service lands. Surface disturbance for each and subsequent phase cannot be identified at this time because locations of future activities would be based on drilling results from previous phased activities. Proponent will provide correspondence regarding Project activities in subsequent phases in the form of Work Plans, with specific locations and descriptions of planned exploration activities for review and approval prior to commencing exploration.

The Proponent will submit Work Plans for subsequent phases approximately six (6) months prior to scheduled ground disturbance. For areas that have not been previously assessed for cultural resources and special-status botanical and wildlife species, Work Plans for subsequent phases will be submitted as soon as drilling targets are identified, but within sufficient time for the cultural resources assessment process to occur prior to the planned date of surface disturbance. Work Plans will include the following information:

- A proposed startup date and close out date for project activities including all reclamation activities
- A map, UTM locations, and shapefiles for all proposed drill hole locations
- The length range and average length of all proposed drill holes
- A map and shapefiles for any other proposed new surface disturbance such as new roads, overland travel routes and staging areas
- Road footage of any new constructed road including road footage by slope increments

- Detailed maps of any new road erosion control features proposed on existing access roads
- Additional descriptions and diagrams may be required for monitor wells, or additional proposed project infrastructure

All drill holes would be plugged according to specifications in Nevada Administrative Code (NAC) 534 and guidance from the USFS and/or NDEP BMRR. Newcrest will reclaim disturbed areas to achieve as close to 100% perennial cover of selected comparison areas as possible pursuant to the Nevada Guidelines for Successful Revegetation to minimize soil erosion and water runoff sediment issues throughout the life of the Project to protect fish and wildlife habitat. All sumps would be reclaimed, and new surface disturbances would be re-contoured and seeded. Reclamation will be completed on a concurrent basis to keep un-reclaimed disturbance to 100 acres or less during the project life. Interim reclamation practices such as temporary seeding would occur seasonally to stabilize and minimize soil erosion. Areas that have been disturbed and will remain in this condition for more than 1 year prior to final reclamation will be seeded at the next available season to encourage vegetation growth, limit erosion, and minimize visual impacts.

Area of Potential Effect (APE)

The Direct APE is contained within the Project analysis boundary, which includes 24,182 acres in the Jarbidge Mining District. All activities associated with the maximum 200 acres of surface disturbance will occur within this boundary. The Project is in the vicinity of the town of Jarbidge, Nevada on National Forest System (NFS) lands and private land. The exploration project area is located in all or portions of:

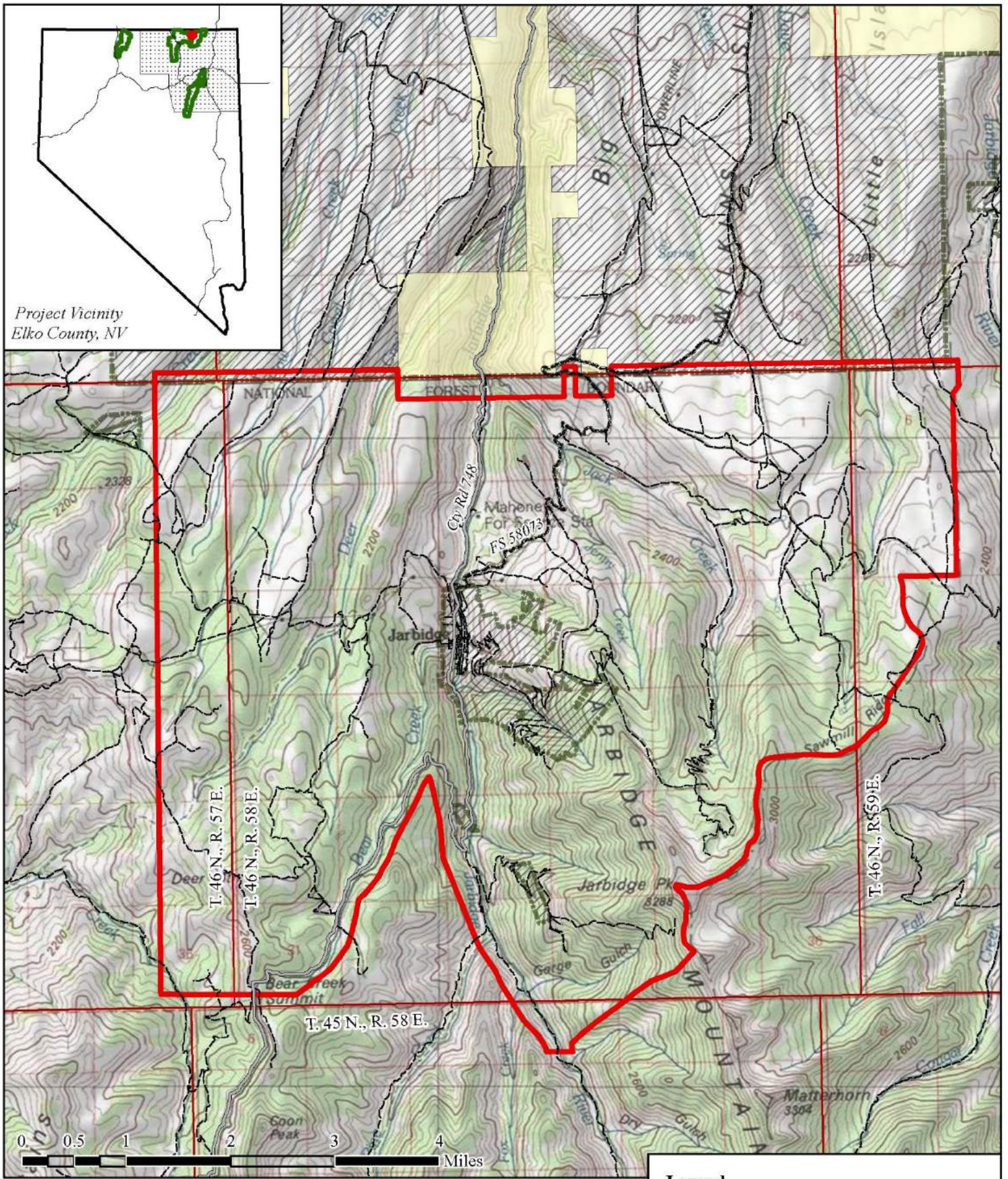
Township (T) 45 N., Range (R) 58 E.; T. 46 N., R. 57 E.; T. 46 N., R. 58 E.; T. 47 N., R. 57 E.; T. 47 N., R. 58 E.; and T. 47 N., R. 59 E., MDBM, Elko County, Nevada.

Access routes to the Project include:

- Three Creek Road in Owyhee County, Idaho as maintained by the Three Creek Road Highway District;
- County Road 748 in Elko County, Nevada as maintained by Elko County,
- Various NFS roads and private roads.

The Project boundary includes part of the watershed of the Jarbidge River, as well as Bear, Deer, Jack, Jenny, and Dave Creeks. Most of these waterways run in deep north-south trending canyons, which exist between mountain spines or flatter tableland near the northern project boundary. For the purposes of this PA, the Project's visual, atmospheric, or auditory effects APE are considered the overall project boundary, within which it is expected that all such potential effects may occur.

If changes to the project APE are required in future phases of the project, HTNF will consult with the SHPO on proposed changes to the APE as per Stipulation XI.








Project Vicinity
Elko County, NV

Newcrest Resources Inc. Jarbidge Exploration Project
Programmatic Agreement - Humboldt-Toiyabe National Forest

Attachment A: Project APE Boundary

T. 45 N., R. 58 E.; T. 46 N., R. 57 E.; T. 46 N., R. 58 E.;
T. 47 N., R. 57 E.; T. 47 N., R. 58 E.; and T. 47 N., R. 59 E.,

Legend

	Project APE		Forest Service
	BLM		Private
			Roads



ATTACHMENT B

Inadvertent Discovery Plan

If unanticipated buried cultural resources are identified during project activities and construction, HTNF will ensure that all employees or contractors comply with the following protocol to ensure the proper identification, evaluation, and protection of the cultural resource.

The Project Supervisor or Contractor will immediately:

1. Cease all activity within 160 ft/50 m of the discovery.
2. Notify HTNF authorized official. This contact or designee will notify the SHPO, the Tribe, and other consulting parties, including any CRM assigned to the project.
3. Leave all artifacts and materials in place but protect the discovery from further damage, theft, or removal.

The Agency cultural resources staff or qualified CRM will:

1. Document the discovery. This should include, but is not limited to, documenting exposed artifacts and features; mapping the extent of artifacts, features, and cultural horizons; and documenting natural and cultural stratigraphy in open trenches or pits.
2. Evaluate the cultural resources for National Register of Historic Places (NRHP) eligibility. If an NRHP eligibility recommendation cannot be made based on the data collected during recordation, additional testing may be required to further delineate the nature, extent, and significance of the discovery. Testing will be limited to a sufficient level needed to provide a recommendation of NRHP eligibility.
3. If cultural resources meet NRHP eligibility, HTNF will develop an action plan, mitigation plan, or emergency treatment plan for the affected cultural resources.

Resumption of Work:

1. Work in the immediate vicinity of the discovered materials may not resume until after the cultural resources are evaluated and adverse effects to historic properties have been avoided, minimized, or mitigated.
2. Resumption of work will be a decision by the appropriate authorized officer. This may be HTNF District Ranger, except in the case where human remains are involved it is recommended that HTNF Forest Supervisor make the decision for the appropriate jurisdiction.

Discovery of Human Remains

If human remains or remains thought to be human, funerary objects, sacred objects, or objects of cultural patrimony are discovered during an undertaking involving federally-managed lands, HTNF will comply with Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations at 43 CFR 10, Subpart B. HTNF will ensure that employees or contractors also comply with the protocol specified below for unanticipated discoveries of this kind. Human remains and associated grave goods discovered on private land will be handled according to provisions of Nevada Revised Statute 383.150 to 383.190.

The Project Supervisor or Contractor will:

- Ensure that employees or contractors do not take photographs of the human remains out of respect for Tribal concerns and of law enforcement forensic concerns.
- Be responsible for the security and protection of human remains during NAGPRA consultations, until disposition of the remains is determined.

The Lead Agency (HTNF) Line Officer or designee will:

- Notify appropriate law enforcement authorities and/or the County coroner about the human remains.
- Work with law enforcement or the County coroner to determine the age and affiliation of the human remains.
- If law enforcement officials determine the human remains are not of recent age or criminal concern, HTNF will consult with the Tribe, the SHPO, and other consulting parties to fulfill the requirements of NAGPRA (43 CFR 10).

HTNF will:

- Provide a specialist with expertise in human osteology and human remains to make an in-situ assessment of the remains to document the remains and to determine the cultural affiliation that would guide the development of a written action plan. A consultant provided by the Proponent may also perform this work.
- Develop an Action Plan for the evaluation and disposition of the human remains that meets the requirements of NAGPRA (43 CFR 10) and 36 CFR 800.

Resumption of Work:

- Work within 300 feet of the human remains may not resume until after the disposition of the human remains is determined and a written binding agreement is executed between the necessary parties in accordance with 43 CFR 10.4(e).
- Resumption of work will be a decision by the appropriate agency authorized official upon the advice of the cultural resource specialist and the appropriate law enforcement officers.