B-MEC

Comments

magma ENERGY (U.S.) CORP.

October 22, 2010

Via Fax (775-623-1503)
Winnemucca RMP
c/o Jeff Johnson
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Re: Draft Winnemucca Resource Management Plan

Dear Mr. Johnson:

Magma Energy (U.S.) Corp. ("Magma") has reviewed the draft Winnemucca Resource Management Plan ("WRMP") which currently encompasses five of Magma's geothermal development project areas, totaling 59,877.25 acres of federally leased lands. The following comments are provided on behalf of these project areas and future Magma developments in the jurisdiction of the BLM Winnemucca Field Office.

Federal Leases

B-MEC-1

- The lands encompassed in a Federal lease are identified by township, range and section. The WRMP and its related maps do not provide this information, making it difficult to accurately determine the implications of proposed restrictions on Magma's project areas. Magma is requesting this geographic information in order to thoroughly analyze the impacts of the proposed restrictions such as OHV closures, wildlife restrictions, special stipulations, closed lands, lands deemed for disposal, no surface occupancy restrictions, special mitigation areas, recreational zones and right of way avoidance areas, among others. Magma is also requesting its federal leased lands encompassed in the WRMP to be administered based upon previously contracted lease terms and stipulations.

B-MEC-2

- The WRMP needs to be revised to reflect that leases include terms and stipulations, while permits are accompanied by conditions of approval. This comment was based upon the WRMP verbiage of "... constraints, and permit stipulations".

B-MEC-3

- On page 4-562 of the WRMP an alternate example needs to be provided, as horseback riding can and does occur around a geothermal plant.

5355 Kietzke Lane, Suite 100, Reno, NV 89511, USA
TEL 775 787 7050 FAX 775 787 7808
www.magmaenergycorp.com

Responses

B-MEC-1: The BLM has furnished maps suitable for an RMP analysis.

Any leases or permit issued prior to the decision on the final RMP will be subject to the regulations in effect at the time, and any stipulations, or conditions of approval attached to the lease or permit. Subsequent changes in law may have to be accommodated in post-lease activities.

B-MEC-2: The document was checked for consistency.

B-MEC-3: Comment noted.

B-MEC

Comments

Miscellaneous Comments

B-MEC-4
- The references to sage grouse leks, active leks and occupied leks throughout the WRMP need to be consistent and accurately applied when used as a basis for restrictions.

B-MEC-5
- The existence of Interstate 80 and the railroad through the Winnemucca jurisdictional area should be taken into consideration when implementing measures such as air quality.

- Magma does not support the WRMP's stance that municipal water supplies are first with other purposes secondary if it impacts existing lease terms.

B-MEC-6
- The request in the WRMP for plan details regarding post-operational reuse needs to be further defined if implemented.

Geothermal Specific

B-MEC-7
- The WRMP indicates the geothermal potential in the area is not high and many lands are proposed to be closed or available for disposal. However, BLM has leased many of these lands for geothermal development, some of which have resulted in successful developments such as the Empire Energy, Brady Power Partners, Desert Peak, and the Blue Mountain projects.

B-MEC-8
- Due to the nature of the resource and the technology employed in the geothermal industry, water resources would not be impacted by extracted brines, nor would they be impacted by geothermal fluids as they are required to be contained in sumps. And contrary to the WRMP, urban development would not be limited by geothermal energy development due to water use impacts, as water resources are strictly regulated. The geothermal industry plays an important role in the growth and economy of surrounding communities, while also benefitting the respective municipalities and state and federal governments.

B-MEC-9
- The WRMP does not account for the considerable differences between geothermal and other industries, thus placing unrelated industry requirements on the geothermal industry. Along these same lines, references to geothermal within the WRMP should not be portrayed as mining with such statements as "geothermal mining operations". Instead, geothermal development should be distinguished as a renewable energy source, and its importance in meeting the Renewable Energy Portfolio Standards should be advocated. Geothermal resources have been the primary renewable energy source developed in Nevada, however, the WRMP states

B-MEC-10

Responses

B-MEC-4: The FEIS provides consistent definitions.

B-MEC-5: Alternatives A and B do not propose a prioritized management approach within municipal watersheds. Objectives and management actions common to all alternatives identified on Table 2-2 address cooperating with regulatory agencies to reduce adverse impacts on air quality

B-MEC-6: Action D-WR 1.4 identifies management of priority watersheds.

B-MEC-7: Chapter 3 describes the affected environment. Section 3.3.2 Minerals-Leasable, Locatable, and Salable (p. 3-101 of the Draft RMP/EIS) recognizes that public lands within the Winnemucca District have high geothermal potential. This section makes several references to the geothermal resource potential of the area, the numerous existing facilities within the area, the fact that interest (as of 2006) is increasing, and there were several projects coming on line or contemplating expansion. Figure 3-35 further illustrates the geographic breadth of interest in the planning area.

B-MEC-8: Chapter 4 analyzes impacts to water resources from mineral development.

B-MEC-9: BLM must comply with laws, regulations and policy applicable to the geothermal industry. Geothermal resources are recognized in Chapter 3 (Affected Environment) in section 3.3.4 (Renewable Energy) where the reader is referred to section 3.3.2 (Minerals), as that is where BLM administers those resources.

B-MEC

Comments

B-MEC-10 Cont-d

that geothermal resources are "likely" to contribute to renewable energy development.

General

B-MEC-11

- The WRMP was based upon 2005 information and thus does not reflect to present the federal leasing activity, industry's development and its related financial investments, and the economic benefits to the surrounding communities and governmental agencies. It is vital for this information to be updated to assist developers in effectively analyzing the WRMP, as well as to provide the general public with current facts and an accurate picture of the economic impacts.

B-MEC-12

- The WRMP was written very generally and subjectively, making it very difficult for Magma, as a geothermal developer, to thoroughly understand and evaluate the impacts of the WRMP on its geothermal development plans, and as a result, making it very difficult to effectively comment on the WRMP.

B-MEC-13

- Magma, as a resource developer, generally favors the WRMP Management Option B and advocates the continued practice of addressing issues on a case-by-case basis. This is also in concurrence with Federal policy to advocate mitigation in support of development. Ultimately, however, there should be a management option throughout the entire WRMP which supports and advocates the development of renewable energy to mirror the National objective and the Energy Act of 2005.

Magma, in responding to the WRMP, is defending its rights as a federal geothermal lessee and as a developer in protecting its sole purpose for investing in such rights. As such, Magma will defend its position relative to this WRMP in order to recoup any incurred losses.

Magma was incorporated in Nevada in 2008, thus missing the opportunity to participate in the WRMP 2005 scoping process and was not aware of the WRMP until late in the review process. The WRMP is a very large and complex document. Magma made its best efforts in reviewing the WRMP and in timely providing the requested comments. Once the BLM Winnemucca Field Office has had an opportunity to review and respond to these comments, Magma would welcome the opportunity to further discuss with the BLM Winnemucca Field Office the WRMP, the related impacts on Magma's project areas and geothermal development, and to provide for a better understanding, basis and application of the proposed changes.

Sincerely,

Monte C. Morrison, PE
Country Manager

Responses

B-MEC-10: Reflected in the FEIS.

B-MEC-11: This is a result of the multi-year process for production of a document like the RMP. The BLM had identified a point in time to begin the analysis. The PRMP was updated in many areas.

B-MEC-12: A Resource Management Plan is, by its nature, a strategic planning document and defines Goals or broad statements of desired outcomes, objectives which are specific desired outcomes, allowable uses, and management actions to achieve desired outcomes. The FEIS has been developed on public comments, cooperating agency review, and with District Manager and BLM staff input.

B-MEC-13: The Energy Policy Act of 2005 is one of dozens of laws that needs to be taken into account and balanced within the RMP. Its provisions have been taken into account particularly in Alternatives A, B, and D.

B-NGP

Comments

NGP
NEVADA GEOTHERMAL POWER

Head Office:
Suite 900 - 409 Granville St.
Vancouver, BC Canada V6c 1T2
Tel: 604.688.1553
Fax: 604.688.5926
Toll: 866.688.0808

Reno Office:
Suite 2001 - 595 Double Eagle Court
Reno, NV 89521 U.S.A.
Tel: 775.786.3399
Fax: 775.786.3394

Winnemucca Office:
657 Anderson St.
Winnemucca, NV 89445 - 3657 U.S.A.
Tel: 775.625.4515
Fax: 775.625.1304
Web: www.nevadageothermal.com

October 25, 2010

Mr. Robert Edwards
Bureau of Land Management
Winnemucca District Office
5100 East Winnemucca Boulevard
Winnemucca, NV 89445-2921

Submitted via Email:
Robert_Edwards@nv.blm.gov

RE: Comments on Winnemucca District Draft RMP/Draft EIS

Dear Mr. Edwards:

Nevada Geothermal Power Company appreciates the opportunity to review the Winnemucca District Draft Resource Management Plan and Draft Environmental Impact Statement (DRMP).

As part of the renewable energy community, we call for a management plan that favors renewable energy projects -- especially geothermal.

We recommend this approach because:

1) Geothermal exploration and development makes use of public lands in a manner consistent with the needs of Nevada and the nation and serves the public interest.

2) Geothermal electrical generation represents a safe, clean environmentally friendly source of renewable base-load power with a small environmental and carbon footprint.

3) Geothermal power is a strategic indigenous energy resource that is not controlled or limited by foreign policy.

4) Development of geothermal power facilities provides economic development, jobs and a stable tax base, in often rural economically challenged counties.

B-NGP-1 There already exist a myriad of federal laws providing for the protection of endangered species and their habitats, cultural, spiritual and archeological resources, water and other natural resources that are applied on all lands within BLM's and other agency jurisdictions.

Geothermal resources, like other mineral resources, are not yet fully explored and sometimes have no surface expression. BLM needs to be aware of the high potential of many areas in the Basin and Range that could eventually reveal such resources.

Responses

B-NGP-1:
BLM acknowledges there are numerous laws, regulations and policies in place to regulate geothermal power, Congress, through FLPMA, has directed BLM to do Land Use Planning per Sec. 202. Land use plan decisions guide future land management actions and subsequent site-specific implementation decisions.

B-NGP

Comments

Renewable energy resources such as geothermal are now absolutely critical to our nation's economic future.

We urge BLM to fully consider these issues before putting any lands off-limits to entry for the development of geothermal resources.

Thank you for your consideration of these concerns.

Respectfully submitted,

Brian Koenig
Senior Geologist
Reno Office

Anna Carter
Land and Permitting
Reno Office

Cc: Brian Fairbank, President
Kim Niggeman, VP Resources
Max Walenciak, VP Operations and Development
John Casteel, Project Geologist
Ryan Nelson, Project Coordinator
Nevada Geothermal Council
Nevada Land and Resource Company

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Responses

B-NGP

Comments

October 24, 2010

Mr. Robert Edwards
Bureau of Land Management
Winnemucca, District Office
5100 East Winnemucca Boulevard
Winnemucca, NV89445-2921

Dear Mr. Edwards:

Nevada Geothermal Power Company appreciates the opportunity to review the Winnemucca District Office Draft Resource Management Plan and Environmental Impact Statement (DRMP) 1610 NV010.00.

As part of the renewable energy community we call for a management plan that favors renewable energy projects, especially geothermal.

We recommend this approach because:

1) Geothermal exploration and development makes use of public lands in a manner consistent with the needs of Nevada and the nation and serves the public interest.

2) Geothermal electrical generation represents a safe, clean environmentally friendly source of renewable base-load power with a small environmental and carbon footprint.

3) Geothermal power is a **strategic indigenous energy resource** that is not controlled or limited by foreign policy.

4) Development of geothermal power facilities provides economic development, jobs and a stable tax base, often in rural, economically challenged counties.

5) As you are aware, there already are federal laws providing for the protection of endangered species, cultural and religious resources, water and other natural resources that are to be applied on all lands.

6) Geothermal resources like other natural resources are not yet fully explored and sometimes have no surface expression. BLM needs to be aware of the high potential of many areas in the Basin and Range that could eventually reveal such resources.

We urge BLM to be very conservative about putting any lands off limit to entry by barring rights of way, establishing single-use areas, etc.

Thank you for your consideration.
Very truly yours,
Brian Koenig Senior Geologist :Anna Carter Land and Permitting

Responses

The Draft RMP/DEIS presented a range of alternatives applicable to Geothermal resources. These alternatives also considered lands open and closed to fluid minerals. See Figures 2-30 thru 2-33.

B-NLRC

Comments

Responses

NEVADA LAND AND RESOURCE COMPANY, LLC
3480 GS Richards Blvd., Suite 101 • Carson City, NV 89703 • Tel 775.885.5000 • Fax 775-885-5005

October 8, 2010

RECEIVED BLM
WINNEMUCCA NV
2010 OCT 12 PM 2:30

BUREAU OF LAND MANAGEMENT
Winnemucca District Office
ATTN: Bob Edwards, RMP Team Leader
1500 E. Winnemucca Blvd.
Winnemucca, NV 89445

RE: WINNEMUCCA D.O. DRAFT RMP & EIS COMMENTS

Dear Bob,

After reviewing the online draft, including the maps for the above document, Nevada Land and Resource Company, LLC ("NLRC") would like to make the following comments about the proposed RMP/EIS:

Right of Way Avoidance Areas

BLM's Preferred Alternative D, Figure 2-68, shows the proposed Right of Way Avoidance Areas in the Eugene Mountains, in the Humboldt Range and in the Trinity Range near Lovelock. Your proposed document acknowledges the importance of Renewable Energy Resources, wind included, elsewhere in the document, but earmarks these potential resource areas as "Avoidance Areas".

NLRC is in negotiations for and has existing Geothermal and Wind Energy Leases in these areas. We do not want our clients or ourselves denied rights of ways for the required electrical interconnection transmission lines and access roads needed throughout these areas or the inability to tie into the existing electric transmission facilities/corridors located near these areas.

B-NLRC-1 In a broader sense, the proposed *"Right of Way Avoidance"* designation should be removed from all checkerboard land areas, because BLM cannot deny access to private property and this would be very difficult, if not impossible, to implement.

Limiting or Removing Existing Access Routes

NLRC has great concern with BLM's proposed desire to restrict or remove existing access roads or two-track trails through the public land areas identified in this draft RMP/EIS. Since our land is "checker-boarded" with the public land, we are dependent on you and you on us for access through and to each others' parcels. Access is already marginal in many areas, if existing at all,

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B-NLRC-1:
The proposed avoidance areas apply to rights-of-way actions authorized by the BLM. Rights-of-way may be granted in avoidance areas subject to management discretion or implementation of mitigation measures necessary to protect resources.

B-NLRC

Comments

so we do not want to lose what already exists. We understand that duplicity of access does exist in many areas, but sometimes this is necessary due to soils composition and weather conditions that affect access which is not always apparent during good weather conditions.

NLRC would like to be notified of those roads selected for removal/rehab, prior to their removal/rehab, so that we may review them in the field and verify that there will not be an access problem caused by this action.

If you have any questions, please e-mail me at dbuhlig@nlrc.com or call me at (775) 885-5000 x113. Thank you.

Sincerely,

David M. Buhlig
Realty Specialist

DMB:wp

cc: Don Pattalock
Anna Carter

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Responses

B-Newmont

Comments

Responses

NEWMONT

Newmont Mining Corporation
1655 Mountain City Highway
Elko, Nevada 89801-2800
Phone 775.778.4000
Facsimile 775.778.4757
www.newmont.com

22 October, 2010

Bureau of Land Management
Winnemucca District
5100 E. Winnemucca Blvd.
Winnemucca, NV 89455

Hand Delivered

Re: Newmont Mining Corporation Comments on Draft Winnemucca RMP

Dear Sir or Madam:

Newmont Mining Corporation ("Newmont") hereby submits its comments on the Winnemucca District Office's ("WDO") Draft Resource Management Plan and Environmental Impact Statement, dated May 2010 ("RMP"). Newmont appreciates the BLM's consideration of these comments, and is hopeful that these will assist the BLM in developing a final RMP, which provides a useful and balanced framework for managing multiple uses on public lands within the WDO.

Newmont is a US-headquartered, major international mining company that has operated gold mines in northern Nevada for over 40 years. Newmont currently produces gold from 9 open pit mines, 5 underground mines, and 14 processing facilities located in Humboldt, Lander, Eureka and Elko Counties. Newmont owns and controls over 1.8 million acres in Nevada, with approximately 53,000 acres used for mining and mine related facilities. Newmont's land position includes significant acreage within the WDO.

In the WDO, Newmont currently operates the Twin Creeks Mine and participates in the Turquoise Ridge Joint Venture. Former Newmont mining operations, including the Lone Tree, Trenton Canyon and North Peak Mines, are in various stages of reclamation and closure or continued processing. Newmont is also actively conducting mineral exploration that will likely result in new mine development and extending the mine life of existing and former operations. Newmont employs approximately 3500 industry professionals across Nevada in disciplines ranging from truck drivers and mechanics to engineers and geologists as well as business professionals. Approximately 1000 Newmont employees reside in communities in the WDO.

Mining is a major contributor to the economic health of Northern Nevada and the WDO. As indicated in the RMP Socioeconomic Report (Appendix H), mining contributes over 40% of the private earnings in Humboldt County. As the draft RMP further notes (p. 4-94), locatable minerals are the most important economic mineral type in the planning area. The various resource management decisions that the BLM makes in the RMP have the potential to substantially affect present and future mineral development operations. It is particularly important that BLM management policies contained in the final RMP do not negatively impact this important sector of the local and regional economy.

Bureau of Land M
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Winnemucca

Page 1

B-Newmont

Comments

Congress has long recognized this country's substantial interest in developing its domestic minerals base for the benefit of the American public. The Mining and Minerals Policy Act of 1970 (30 U.S.C. § 21a) provides:

> [I]t is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs....

The longstanding Federal policy to encourage mineral exploration and development dates back to the General Mining Law of 1872, which declared that all valuable mineral deposits on the federal lands shall be free and open to exploration and purchase. 30 U.S.C. § 22. As this country's policy of managing federal resources for multiple-uses evolved through the twentieth century, Congress continued to promote the important national interest in developing domestic mineral resources. In the Surface Resources and Multiple Use Act of 1955, Congress provided that unpatented mining claims located thereafter would be subject to the right of the United States to manage surface resources, provided that "any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as to not endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto." 30 U.S.C. § 612(b).

This policy of protecting the rights of the public to explore for and develop locatable minerals was carried forward by Congress, and expressly incorporated into the current framework for managing Federal public lands under the Federal Land and Policy Management Act of 1976 ("FLPMA"). Among the key policies established in FLPMA, Congress directed that the public lands continue to be managed in a manner that recognizes this Nation's need for minerals and in a manner that implements the Mining and Minerals Policy Act of 1970. 43 U.S.C. § 1701(12). Congress expressly provided that the land-use planning directives under FLPMA shall not "in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress" to public lands for mineral exploration and development. 43 U.S.S. § 1732(b).

In managing the public lands, FLPMA directs the BLM to take actions necessary to prevent "unnecessary and undue degradation." 43 U.S.C. § 1732(b). The BLM has implemented this requirement with respect to management of locatable mineral activities through regulations adopted at 43 C.F.R. Subpart 3809. The BLM's 3809 regulations establish a comprehensive permitting framework by which the BLM evaluates the potential impacts of proposed mineral exploration and mining operations, and develops project-specific mitigation measures to ensure that other resources are protected in a manner that prevents unnecessary and undue degradation. In conjunction with the environmental analyses required under the National Environmental Policy Act and the numerous other media-specific permitting requirements that apply to mining activities (e.g., Clean Water Act, Clean Air Act), the BLM's 3809 regulations provide the means to effectively manage the effects of mineral exploration and development activities while recognizing the longstanding national policy to foster mineral development for the benefit of the American people. The draft RMP correctly concludes that compliance with existing laws and regulations is generally sufficient to ensure that public land resources, such as water quality, are protected from the potential impacts of mining-related activities (RMP, p. 4-93).

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Responses

B-Newmont

Comments

B-Newmont-1

As stated in the Executive Summary for the RMP: "The purpose of the RMP is to provide a single comprehensive land use plan that will guide management of the public lands and uses administered by the WDO consistent with laws, regulations and policies and guidance." (RMP, p ES-3). Given the rights granted to locators under the General Mining Law, and the comprehensive permitting regime that provides for careful evaluation of site-specific impacts and the development of appropriate project-specific mitigation measures for locatable mineral activities, it is both unnecessary and inappropriate for the BLM to develop broad, generalized restrictions on locatable mineral activities through the auspices of resource management plans. Mitigation measures to address the potential impacts of mining-related projects are most appropriately designed at the project-level when site-specific factors such as project design and location are considered.

Newmont's specific comments on the draft RMPs are organized as follows:

(I) General observations and comments on the draft RMP;
(II) Comments regarding recommended withdrawals from mineral location;
(III) Comments regarding specific stipulations and other restrictions on mineral exploration and mining activities;
(IV) Comments regarding other RMP management prescriptions that may affect locatable mineral activities.

I. GENERAL OBSERVATIONS AND COMMENTS ON THE RMP

This Section includes Newmont's general comments on the analyses and overall management approach presented in the draft RMP. Additional comments addressing specific proposed management actions and stipulations are included in the Sections that follow.

Newmont supports the BLM's extensive planning efforts and the development of a new RMP that will govern management decisions within the planning area for years to come. Newmont appreciates that, in developing the draft RMP, the BLM has dedicated substantial efforts to identifying and evaluating various alternative management plans. Newmont generally supports Alternative D, the BLM's preferred alternative. However, Newmont has a number of concerns with respect to this alternative, and the potential effects that it may have on future mineral exploration and development activities within the WDO.

As the BLM notes, the alternatives considered in the draft RMP were developed to provide a range of alternatives with different management emphases. Alternative B was developed by the BLM to provide an emphasis on resource use. However, as the RMP concludes, Alternative B actually provides greater levels of protection to many resources than does Alternative A (no-action), and would place restrictive stipulations on locatable mineral activities within 23 of the 25 mining districts in the WDO with occurrences of silver and gold (RMP, p. 4-731). Alternative C was developed to provide an emphasis on ecological preservation. This alternative contains numerous restrictions on resource management activities that are not practicable, do not provide for a balance of multiple uses and would have significant adverse impacts on resource development activities, including mineral development. Newmont concurs with the BLM's determination that Alternative C does not provide an appropriate balance of multiple-use management prescriptions within the planning area.

B-Newmont-2

The draft RMP (p. ES-8) identifies Alternative D as the BLM's preferred alternative, and concludes that this alternative provides the most reasonable, practical and balanced approach to managing public lands and resources. While Newmont understands that the BLM is faced

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Responses

B-Newmont-1:
The FLPMA and case law clearly provide that operations under the General Mining Law are subject to whatever reasonable regulations the Secretary may apply. For that reason the RMP acts as a broad guide that informs the public of the resource concerns that occur in particular areas. Those concerns must be taken into account in the specific review of any action proposed subject to 43 CFR 3802 or 3809.

B-Newmont-2:
The General Mining Law is one of dozens of laws that needs to be taken into account and balanced within the RMP. Its provisions have been taken into account particularly in Alternatives A, B, and D. The RMP, particularly in those three alternatives, essentially describes what has been existing standard operating procedure, on a case-by-case basis, for actions under the General Mining Law.

B-Newmont

Comments

B-Newmont-2 Cont-d

with a number of potentially competing resource uses and values, some of the management actions prescribed for Alternative D unduly restrict locatable mineral activities contrary to the Congressional directives summarized above. Consequently, as described in Newmont's more specific comments below, several of the management actions specified for Alternative D should be revised in the final RMP to provide a better balance of resource management prescriptions that adequately recognize the rights of locatable mineral operators.

Rather than debate which of the management alternatives evaluated in the draft RMP provides the best overall management framework, Newmont's comments focus on the BLM's preferred alternative – Alternative D, and present suggestions for fine-tuning Alternative D to provide for a lawful, reasonable and workable management plan. Newmont's comments primarily address management prescriptions that affect locatable mineral activities and related public land uses.

B-Newmont-3

The draft RMP (pp. ES-9, 4-7) states that future mining activities are expected to be similar under all RMP alternatives. This conclusion is inconsistent with the dissimilar restrictions placed on mining activities under the various alternatives. As the summary in Table ES-2 illustrates, there are substantial differences in the acreages that are open to mineral location and are subject to "special conditions" under the various alternatives. The additional restrictions under Alternatives C and D would almost certainly result in lower levels of mining activity than under Alternative A.

B-Newmont-4

Table ES-2 summarizes the number of acres that would be open to claim location under the General Mining Law and the number of acres where mining activities would be subject to special conditions or mitigation measures. That table states that Alternatives A and B would have a substantially greater number of acres (4,299,889 acres) on which mining activities would be subject to special conditions or mitigation measures than under Alternatives C and D. Newmont is unable to determine the grounds on which the BLM would be requiring greater areas with special restrictions under Alternatives A and B, especially since Alternative B is intended to emphasize "resource use" in the planning area and purportedly has the "fewest protected areas and restrictions to development and use." (RMP, p. 2-8). This discrepancy should be resolved in the final RMP. Overall, the draft RMP makes it very difficult to determine on which lands locatable mineral activities would be subject to special stipulations or mitigation measures.

B-Newmont-5

FLPMA, NEPA and the BLM's planning regulations require the BLM to consider the impacts of RMP decisions on local economies, on adjacent or nearby non-Federal lands and on split-estate lands with privately-owned surface. 43 C.F.R. §§ 1601.0-8, 1610.4-6. The economic analysis, although cursory, correctly concludes that Alternative C would have "the greatest potential to limit economic development based on mineral operations, to increase operations costs, and to reduce income, employment, and expenditures within the local economy based on this industry." (RMP p. 4-732). Considering the impact of mineral operations on the local economies of the WDO, Alternative C is clearly unacceptable.

II. WITHDRAWALS FROM MINERAL LOCATION

B-Newmont-6

Section 204 of FLPMA provides specific procedures that the Department of the Interior must follow in order to withdraw public lands from mining. 43 U.S.C. § 1714. It would be inappropriate for the RMP to attempt to close any lands within the planning area through land-use management actions or other prescriptions. Accordingly, the draft RMP proposes Management Action CA-MR 3.1 for all planning alternatives, which provides that all public lands within the planning area will remain open to locatable mineral activities, subject to the formal

Page 4

Responses

B-Newmont-3: BLM recognizes that the range of alternatives would affect mineral development. The RMP describes what has been standard operating procedure, on a case-by-case basis, for existing actions under the General Mining Law. That leads to the conclusion that, if operations have been permitted previously, the future level of interest and subsequent permitting will not be substantially different. Implementing Alternative C would be most likely to result in noticeable impacts to future interest in locatable minerals development.

B-Newmont-4: See response to B-Newmont-3.

Regarding the difficulty in determining land subject to special stipulations, the BLM has furnished maps suitable for a RMP analysis.

B-Newmont-5: The Social and Economic section was updated in the PRMP.

B-Newmont-6: BLM must comply with FLPMA and other applicable laws, regulations and policy. The range of alternatives takes into considerations areas containing sensitive resource values and recommends withdrawing locatable minerals as described in action MR 9.2. As presented, the RMP does not create any de facto withdrawals. The RMP can propose formal mineral withdrawals within the document. Those must be specifically identified, and would still have to go through the formal withdrawal process after the finalization of the RMP. The RMP can also set the stage for future withdrawals, the specifics of which are undefined at the time of writing the document. Those too would have to go through the formal withdrawal process, and would also include review under a separate NEPA document.

B-Newmont

Comments

B-Newmont-6 Cont-d

withdrawal provisions in Section 204 of FLPMA. (RMP, p. 2-21). Consistent with this Management Action, it is essential that the final RMP not be implemented in a manner that would create de facto withdrawals through the imposition of restrictive stipulations that would have the effect of foreclosing locatable mineral operations.

B-Newmont-7

The RMP provides that the BLM would pursue formal withdrawals of certain areas under the various plan alternatives. In particular, under all alternatives, the BLM would seek withdrawal of the Osgood Mountain Milkvetch ACEC (RMP, p. 2-15). Management Action CA-SSS 3.2 proposes that a mineral withdrawal be pursued for this ACEC under all alternatives. This management objective is inconsistent with designated actions under Alternative B. Action B-MR 9.2 (p. 2-179) does not identify Osgood as a withdrawal area under Alternative B. Considering the proximity to existing and historical mining areas, Newmont believes that withdrawing this area from mineral entry should be reconsidered and that the area should remain open to mineral entry with appropriate limitations and stipulations applied to operations authorizations.

B-Newmont-8

The RMP provides that the BLM would pursue formal withdrawals of certain areas under the various plan alternatives. As stated above, the BLM would seek withdrawal of the Osgood Mountain Milkvetch ACEC (RMP, p. 2-15). The Management Actions for Alternative D provide that other areas designated as ACECs will not be withdrawn from locatable mineral activities (Management Action D-MR 9.2 (RMP, p. 2-178); Management Action D-ACEC 1.1 (RMP, p. 2-253)). Newmont strongly supports that determination. At page 4-488; however, the draft RMP suggests that the BLM may seek to withdraw these other ACEC lands from locatable mineral development on a "case-by-case basis." That statement is contrary to the Management Actions identified for Alternative D and with BLM's determination that, with the exception of the Osgood Mountain Milkvetch ACEC, designated ACECs would remain open for locatable mineral development. Consequently, this statement should be deleted from the description of Alternative D at page 4-488.

Under Management Action D-G1.1.1, Alternative D designates six (6) sites as having unique geologic features. These areas would be designated as exclusion zones for rights-of-way and other discretionary actions and would be closed to salable mineral disposal. The BLM would also pursue withdrawal of these areas from locatable minerals (Action D-G1.1; RMP, pp. 2-29, 2-178). In contrast, under Alternative A such areas would not be designated, and under Alternative B those areas would remain open to mineral activities subject to stipulations or mitigation measures that would prevent undue adverse impacts to the designated unique resources.

Newmont is concerned with the Alternative D management of unique geologic features for the following reasons:

B-Newmont-9

- It is unclear what criteria were used for designating these geologic features as "unique". Such a designation would seem to imply uniqueness on some regional or national basis, not just locally. The RMP, for instance, designates the columnar basalts near Lava Beds as a unique geologic feature. Columnar basalts may be a unique occurrence within the WDO, but occur in numerous locations within the proper geologic terrains of the western United States.

B-Newmont-10

- There is no indication as to the size of these sites that would ultimately be closed to mineral entry. Ancient Lake Lahonton inundated the majority of the WDO (RMP, Figure 3-1) and shoreline features may be widespread in the area. The location and extent of the shoreline features proposed as unique geologic features is not indicated in the RMP.

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Responses

B-Newmont-7:
BLM is obligated to take appropriate action to preserve or enhance sensitive species in order to prevent their formal listing as a threatened or endangered species and habitat. MR 9.2 was modified to include the Osgood Mountain Milkvetch ACEC.

B-Newmont-8:
See response to B-Newmont-6.

B-Newmont-9:
BLM modified this section in the proposed final RMP/FEIS.

B-Newmont-10:
See comment response B-Newmont-9.

B-Newmont

Comments

B-Newmont-11

- Mineral withdrawals of even relatively small areas can have the effect of impacting mineral activities on a considerably larger surrounding area.

B-Newmont-12

Considering the above, management of designated unique geologic features should be in accordance with provisions of Alternative B (Action B-G 1.1). The sites would remain open for locatable mineral activities subject to implementation of permit stipulations or mitigation measures to prevent undue adverse impacts. The environmental consequence evaluation (RMP, page 4-47) indicates that the effect of mineral activities on unique geologic resources will be the same under all alternatives. This would seem to support the conclusion that there is no need to withdraw these areas, and that the resources can be managed on a case-by-case basis.

B-Newmont-13

Management Action D-MR 9.2 (RMP, p. 2-178) identifies additional areas that the BLM would pursue for mineral withdrawals. Newmont concurs with the statement in this Management Action that any mineral withdrawals would be kept to the minimum necessary to protect the identified important resource values requiring protection. This Management Action should be revised to clarify that any such withdrawals would be pursued in accordance with Section 204 of FLPMA and that the RMP does not itself establish any such withdrawal. Subpart (f) of Management Action D-MR 9.2 should be revised to state that future designated Wilderness Areas are expected to be closed to the General Mining Law, "subject to existing rights."

B-Newmont-14

Newmont strongly opposes any additional mineral withdrawals that were considered as part of Alternative C including, but not limited to withdrawals in additional ACECs. Alternative C also contains a number of stipulations that would have the effect of prohibiting or substantially limiting locatable mineral activities within various areas that are not formally withdrawn. Those stipulations do not allow for balanced management of multiple uses and may constitute an unlawful withdrawal in violation of FLPMA.

III. MANAGEMENT ACTIONS AFFECTING LOCATABLE MINERAL ACTIVITIES

The final RMP will establish numerous Management Objectives and Actions that will guide future resource management activities in the WDO for the next two decades. Table 2-3 identifies Management Actions that are intended to be directly applicable to locatable mineral activities. Many other Management Actions listed in Table 2-3 address other resources, but may also have a substantial effect on locatable mineral activities. This section of Newmont's comments addresses the various Management Actions identified for the BLM's preferred Alternative D that may have a substantial effect on locatable mineral activities, and which require some modification in the final RMP in order to strike an appropriate balance of multiple uses, consistent with Federal mineral law and policy.

Public Access

B-Newmont-15

Management Action CA-MR 2.1 (RMP, p. 2-21), which would apply under all alternatives, states that the RMP must ensure that public land occupancy related to mineral activities does not hinder previously existing access to public lands. This Management Objective should be revised to acknowledge that public access may be limited in areas experiencing mineral exploration and development activities under a variety of circumstances. For example, in the locatable minerals context, the BLM's regulations governing use and occupancy under the mining laws (43 C.F.R. Subpart 3715) expressly authorize fencing or other exclusions where such structures are reasonably incident to mineral prospecting, mining or processing operations.

Page 6

Responses

B-Newmont-11: Withdrawals would be suggested in accordance with Action MR 9.2 (same in all alternatives): "Limit the size of mineral withdrawals to what is necessary to protect the values requiring the mineral withdrawal."

B-Newmont-12: BLM has revisited this section for the FEIS.

B-Newmont-13:The comments provided are part of established law or case law and there is no need to specify those details in the RMP/EIS. The RMP does not establish specific withdrawals, it indicates Bureau support for pursuing those identified and any proposed in the future. Any withdrawal will have to go through the prescribed process of proposal, review, and NEPA analysis.

B-Newmont-14: BLM prepared a range of alternatives. Alternatives A, B and D do not propose a mineral withdrawal for ACECs except the Osgood Milkvetch ACEC, which is included for withdrawal in all alternatives.

B-Newmont-15: Proper occupancy (43 CFR 3715) under the General Mining Law is addressed in Objective MR-8 and subsequent actions. The purpose of CA-MR 2.1 and Objective MR-8 is to assure that such occupancies provide for the continued access of the public to lands surrounding the occupancy, particularly if specific access (a trail or road) was obstructed by the occupancy.

B-Newmont

Comments

B-Newmont-16

Among other reasons, these types of exclusions are appropriate based on security and public safety considerations, and Management Action MR 2.1 should be revised to reflect this. This same comment applies to Management Objective D-MR 8, which provides that occupancy will be allowed in accordance with 43 C.F.R. Subpart 3715 while "maintaining public access." This Objective should be revised to acknowledge that public access may be restricted in accordance with the BLM's surface occupancy regulations.

Biologic Crusts

B-Newmont-17

The RMP, Figure 3-3 (p. 3-16) identifies extensive areas within the WDO as having high potential for biological crusts. Under the different alternatives, Management Actions S 1.3 and S 1.5 (RMP, p. 2-33) would place varying stipulations on surface-disturbing activities to protect biological crust areas, including seasonal restrictions under Alternative C. Such seasonal restrictions would not be practicable or feasible for most mining operations, and could have a dramatic adverse effect on many mineral exploration and development activities. Management Actions D-S1.3 and D-S1.5 suggest that such restrictions would not apply to surface disturbing activities under Alternative D. Consistent therewith, page 4-59 of the RMP states that, under Alternative D, mining activities would be encouraged to protect and reduce impacts to soils, but does not suggest that there would be any mandatory restrictions for areas with biological soil crusts. In contrast, page 4-468 of the draft RMP states that, under Alternative D, surface disturbance within high potential biological crust areas would be seasonally restricted on a case-by-case basis. The discussion at page 4-468 should be revised to reflect the fact that such seasonal restrictions are not required under Alternative D. If the BLM fails to amend the RMP in such a manner, the BLM must include in the RMP a detailed evaluation of the potential impacts that such restrictions may have on mining and other mineral exploration and development activities.

Priority Watersheds

B-Newmont-18

Alternatives C and D would identify priority watersheds (Figure 2-3) and, under Management Action WR 1.2, would designate these as either avoidance areas (Alternative D) or exclusion areas (Alternative C) for other uses. The RMP does not provide an adequate discussion of the potential effect of these designations on locatable minerals activities. Any designation that would have the effect of closing these areas to locatable mineral activities would constitute an unlawful withdrawal contrary to Section 204 of FLPMA. Page 4-469 of the draft RMP suggests that, under Alternative D, there would be undefined "restrictions" on locatable mineral operations in these areas. In contrast, Alternative B provides an appropriate balancing of multiple-use considerations for priority watersheds by stating that these areas will be managed for multiple use, while providing long-term sustainable water for local communities. Consequently, the BLM should adopt Management Action B-WR 1.2 rather than Management Action D-WR 1.2 in the final RMP.

Old Growth Forests

B-Newmont-19

The draft RMP designates areas of old growth forest (Figure 2-6). The Management Actions under Alternative B provide an appropriate balance of management prescriptions by acknowledging that multiple-use activities will be allowed in these areas, subject to mitigation measures that would reduce adverse impacts to old growth in these areas. In contrast, Management Action D-VF 4 fails to acknowledge that these areas would remain open to multiple use, and potentially suggest that these areas would be managed solely for preservation

Page 7

Responses

B-Newmont-16: Proper occupancy (43 CFR 3715) under the General Mining Law is addressed in Objective MR-8 and subsequent actions. The purpose of CA-MR 2.1 and Objective MR-8 is to assure that such occupancies provide for the continued access of the public to lands surrounding the occupancy, particularly if specific access (a trail or road) was obstructed by the occupancy.

B-Newmont-17: BLM has developed a range of alternatives relative to managing biological crusts; see D-S 1.

B-Newmont-18: Management of priority watersheds has been revised in the PRMP and includes use restrictions that are not directly applicable to locatable minerals. Appropriate rights-of-way, following routes that are considered by the Bureau to be reasonable, and subject to applicable stipulations, must be allowed for operations proposed under the General Mining Law. Avoidance or exclusion zones have no effect on properly authorized operations under the General Mining Law. Definitions for avoidance and exclusions areas are included in the glossary and account

B-Newmont-19:
BLM is mandated to manage public lands for multiple use according to the Federal Land Policy and Management Act. Management Action D-VF 4.3 has been revised to include specific management actions that would be used to maintain old growth stands.

B-Newmont

Comments

B-Newmont-19 Cont-d

of old growth stands; thereby unlawfully restricting other uses. Consequently, the final RMP should include Management Action B-VF 4, rather than D-VF 4.

Priority Wildlife Habitat Areas

B-Newmont-20

Under Alternatives B, C and D, varying areas would be designated as Priority 1 and Priority 2 wildlife habitat areas. (See Action FW 1.1; RMP, p. 2-66). The draft RMP does not provide a reasoned explanation of how these areas were designated and does not identify what management prescriptions would apply in these areas. Page 4-472 of the draft RMP states that these areas may be closed to mining activities or open with undefined restrictions or mitigation measures "that would impact mining activities." RMP prescriptions that prohibit locatable mining activities in these areas would constitute an unlawful withdrawal in violation of FLPMA. Given the RMP's failure to provide a reasoned explanation for how these wildlife areas were designated and what restrictions would apply, Management Action D-FW 1.1 should be replaced with Action A-FW 1.1 in the final RMP. Mitigation measures to protect wildlife from the potential impacts of mining activities are appropriately developed during project permitting in accordance with the BLM's 3809 regulations.

B-Newmont-21

Management Action D-SSS 1.2.1 (RMP, p. 2-80) would place significant prohibitions on surface disturbance and human activity within a 1/4 mile of occupied sage grouse leks, regardless of consideration of potential mitigation measures. Such wholesale restrictions may result in an unlawful withdrawal of large areas of public land from other multiple uses. This Management Action does recognize that these restrictions may be modified based on certain findings. These provisions appear to allow for modification of the prohibitions if various parties "negotiate" mitigation measures that offset the anticipated impacts. This language is unclear, and could be interpreted to require a formal agreement between the BLM, NDOW and various undefined parties in order to implement such mitigation measures. It would be inappropriate for BLM to condition its management activities on the consent of such third parties. Consequently, the last sentence of the "modification" provision in Management Action D-SSS 1.2.1 should be redrafted to provide: "The prohibition may also be modified if the BLM, after consideration of input from the proponent, NDOW and other affected interests, determines that other mitigation will satisfactorily offset anticipated impacts on sage-grouse breeding activities or habitats."

Visual Resource Management

A significant change reflected in the RMP from current management frameworks is the proposed classification and management of visual resources. The visual resource classification process classifies lands within the WDO into one of four Visual Resource Inventory Classes, representing the relative value of existing visual resources. These classes are designated VRI Class I through IV. Class I is the most protective class with an objective of preserving landscape character. Class IV is the least protective class with an objective of providing for management activities that require major modification of landscape character. (Table 3-23, p. 3-85). Within the WDO, Class I is reserved for wilderness study areas.

As a result of the 2009 Visual Resource Inventory, the distribution of subject lands between the four VRI classes is as follows (RMP p 3-83):

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Responses

B-Newmont-20: Several factors went into the determination of Priority Wildlife Habitat Areas. As a starting point, and through cooperation with NDOW, the areas that are designated as Population Management Units (PMUs) for the candidate species Greater Sage-grouse were reviewed. Many of these areas are also inhabited by the threatened species Lahontan Cutthroat Trout (LCT). Of these areas, the ones considered to be the most crucial for protection due to presence of at-risk wildlife species habitat, are those proposed as Priority Wildlife habitat areas. The FEIS/RMP proposed alternative clarifies management of these areas to include use restrictions and permit stipulations applicable to certain minerals and rights-of-way proposals in order to protect these areas. See D-FW 1.2, D-SSS 1.2.1 and D-SSS 1.2N.

The vast majority of the areas were determined as described above, yet small adjustments were made based on other considerations such as land ownership, habitat fragmentation and areas already under special management or proposed as such (e.g. WSAs, ACECs), For ease in defining and describing the priority area boundaries, section lines were used as much as possible.

B-Newmont-21: As acknowledged by the Commenter, A VRM inventory was completed in 2009.

B-Newmont

Comments

VRI Class	Total Acres	% of Acreage
I	416,652	6.7
II	273,642	4.4
III	1,517,278	8.3
IV	4,999,372	80.5

As indicated, based on the most recent survey, over 80% of the land inventoried within the WDO is classified as VRI Class IV.

B-Newmont-22 The RMP assigns Visual Resource Management (VRM) classes (VRM Class I through IV) to WDO lands to define management prescriptions relating to visual resources. The stated goal is to manage public land actions consistent with VRM Class objectives. These objectives and the corresponding management prescriptions are not stated in the RMP, consequently it is difficult to determine the project level consequences of varying VRM classes. While the Visual Resource Inventory process appears to be based on a systemic inventory process, the VRM classification appears much more subjective, with only a loose correlation with the corresponding VRI class. VRI Class III lands may be reclassified as VRM Class II. Similarly, VRI Class IV may be reclassified as VRM Class II or III.

The ultimate effect of these "adjustments" under the various RMP alternatives is indicated in the following table (from WDO RMP briefing, July 15. 2010).

	% of Total Land Area			
VRM Class	Alternative A	Alternative B	Alternative C	Alternative D
I	6	6	6	6
II	5	5	43	38
III	9	32	39	43
IV	80	57	12	13

B-Newmont-23 The RMP fails to provide a sufficient basis for the substantial reclassification of the previously inventoried areas that would occur under Alternatives B, C and D. Consequently, the final RMP should adopt visual classifications that are consistent with the 2009 inventory, in accordance with Alternative A.

B-Newmont-24 It is also difficult to reconcile the significant differences in the distribution of VRM classes between the four alternatives with a conclusion in the RMP that, "With respect to effects on mineral resources, all of the alternatives are essentially equivalent" (RMP p 4-479). In particular, the distribution of land between the VRM classes is very similar between Alternative C, the most protective alternative, and Alternative D, the preferred alternative. Both of those distributions vary significantly from Alternative A, which is apparently based on 2009 inventory.

B-Newmont-25 The Visual Resources sections should be rewritten in the final RMP to more clearly identify VRM class objectives, related management actions and the rationale for VRM classifications. Given the lack of analysis in the RMP, Newmont supports VRM classifications and associated management as stated for Alternative A.

Page 9

Responses

B-Newmont-22: The VRM class objectives are outlined in Volume 2, Section 3.2.15, Table 3-23. Management prescriptions are stated in Volume 5 Appendix B - Best Management Practices p. 15. The VRM objectives/classes provide the visual management standards for the planning, design and development of future projects and rehabilitation of existing projects (BLM Manual Handbook H-8400). Evaluating future management practices is accomplished through the Contrast Rating System (BLM Manual Handbook H-8431-1).

B-Newmont-23: See response to B-Newmont-22.

B-Newmont-24: See response to B-Newmont-22.

B-Newmont-25: See response to B-Newmont-22.

B-Newmont

Comments

Mine Reclamation

B-Newmont-26

Management Action CA-MR 1.1 (RMP, p. 2-21), which would apply to all alternatives, requires interim reclamation for all mining facilities that remain unused for more than one year. Management Action B-MR 1.1 would allow for deferral of final reclamation for up to five years from the end of active mining where there is a reasonable prospect of future economic use of a mine site. Combined, these Management Actions support the long-term sustainable use of mining sites by protecting resources while avoiding unnecessary disturbance in areas that have a foreseeable prospect of future economic development. Management Action D-MR1.1 does not address the reclamation requirements that should apply where mining operations cease and future development of the site is foreseeable. For the final RMP, Newmont supports a hybrid of Actions B-MR1.1 and D-MR 1.1. As Action D-MR 1.1 provides, plans of operations will include a reclamation plan for proposed mineral operations and site development. That prescription should be combined with the acknowledgement in Action B-MR 1.1 that, in the event operations are shut-down and there is a reasonable prospect of future economic activity within 5 years, the reclamation plan may provide for, or be amended to provide for, interim measures during this period. This will facilitate the future resumption of mineral activities while providing protection to potentially impacted resources. As the draft RMP concludes, in situations where additional mining is foreseeable, using interim reclamation measures that would facilitate reopening of the mine may have a beneficial effect on resources, such as water quality, by minimizing overall disturbance at the site (RMP, p. 4-97).

B-Newmont-27

Action D-MR 1.2 (RMP, p2-144) establishes a priority for the use of seeds and plant materials in mine reclamation. The prioritization is (1) Locally collected native seeds; (2) Native seeds; then (3) Introduced seed. Newmont agrees that locally collected seeds are desirable; however, these seeds may not be available in sufficient volume for large scale reclamation projects. Further, in some cases it is ecologically appropriate to use introduced species and or a combination of introduced and native species to ensure 'rapid' establishment of desired plant communities on disturbed sites. Action D-MR-1.2 should be modified to read: *Where practicable and ecologically appropriate, p*riority for use of seed and plant materials …"

Lands with Wilderness Characteristics

B-Newmont-28

Management Objective CA-WSA1 (RMP, p. 2-25), which would apply to all alternatives, should be revised to specify that the objective of maintaining wilderness characteristics and providing wilderness experiences is subject to preexisting rights, such as valid unpatented mining claims and millsites.

B-Newmont-29

At Figure 2-80, the draft RMP identifies areas containing wilderness characteristics. Management Action D-WSA 2.1 suggests that the BLM will seek additional designations, such as ACECs for these areas, however, the BLM is apparently not proposing any such designations at this time. While the RMP (p. 4-656) states that none of the lands identified as having wilderness characteristics would be closed to locatable minerals, it is unclear whether the BLM anticipates that any such future ACEC designations would lead to further mineral withdrawals, or what types of restrictions may be placed on activities in these areas. As noted in the draft RMP, there are currently 13 wilderness study areas within the WDO, which are being managed to protect wilderness characteristics pending a determination by Congress on whether these areas should be formally designated as wilderness areas. Additional designations in the RMP that would restrict multiple-use management in the areas identified in Figure 2-80 are not appropriate. Newmont supports Management Objective B-WSA 2 and Management Action B-WSA 2.1, which allow for the management of multiple uses in these areas. Those stipulations

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Responses

B-Newmont-26:Action D-MR 1.1 has been revised in the PRMP.

B-Newmont-27: The suggested rewording is appropriately addressed in the sentence "Revegetate reclaimed area, using a variety of native and nonnative seed mixtures appropriate to a local ecological setting." See BLM Manual 1745 Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants and Executive Orders 11987 and 13112.

B-Newmont-28:RMP recognizes valid existing rights- See Section 1.6 Constraints #6. For mineral activities authorized by the General Mining Law this is already accomplished by law, case law, and applying the regulations at 43 CFR 3802.

B-Newmont-29: The Osgood Mountain Milkvetch ACEC is the only ACEC being considered for locatable mineral withdrawal. BLM would have to amend the LUP to in order to designate ACECs in the areas not addressed in this RMP. ACECs do not, in themselves, cause a mineral withdrawal. The RMP can set the stage for future withdrawals, the specifics of which are undefined at the time of writing the document. Those would have to go through the formal withdrawal process, and would also include review under a separate NEPA document. Should Congress act and designate an area Wilderness, that legislation most often includes a mineral withdrawal, which like any other withdrawal would be subject to valid existing rights.

B-Newmont

Comments

B-Newmont-29 Cont-d

should replace Management Objective D-WSA 2 and Management Action D-WSA 2.1 in the final RMP. Such an adjustment to the Management Objectives and Actions would be consistent with the discussion at page 4-491, which provides that Alternative D would not create any additional restrictions on locatable mineral activities based on identified lands having wilderness characteristics. Newmont further notes that the RMP's discussion of potential effects of minerals management on lands identified as having wilderness characteristics in Section 4.4.4 appears to contain several misstatements. For example, page 4-652 indicates that Alternative A would open the greatest acreage to locatable mineral activities, while page 4-653 suggests that Alternatives B would open the least amount of these areas to locatable minerals.

IV. OTHER MANAGEMENT ACTIONS

B-Newmont-30

The draft RMP considers a number of additional Management Actions that, while not intended to regulate locatable mineral activities could have a substantial, indirect effect on mineral exploration and development operations. For example, the draft RMP would regulate "discretionary" public land uses in ways that may have unintended consequences for locatable mineral activities. This Section of the comments address these additional Management Actions contained in Alternative D that require some modification in the final RMP.

Avoidance and Exclusion Areas

B-Newmont-31

Management Action D-VR 6.3 (RMP, p. 2-57) would substantially restrict "realty discretionary actions" in "avoidance areas" and "exclusion areas" apparently to protect sagebrush habitat. Similarly, Management Actions D-RE 1.2 and D-RE 1.3 (RMP, pp. 2-223 and 2-225) would place substantial restrictions on rights-of-way and leasing for renewable energy projects in designated avoidance and exclusion areas. Moreover, Management Actions D-LR 5.3 and D-LR 5.4 (RMP, p 2-250) would place additional broad restrictions on rights-of-way in these areas. The areas affected by the avoidance and exclusion designations are significant (+2.0 million acres for Alternative D or about 27% of the RMP decision area. Considering the potential impacts, the RMP does not present a comprehensive discussion of the basis for designating these exclusion areas and avoidance areas, or an adequate analysis of why substantial restrictions should be placed on activities in these areas prior to any site-specific analysis of the potential impacts of a particular project. These types of wholesale restrictions could have the undesirable effect of pushing discretionary public land use activities into other areas with unanticipated effects. Consequently, Management Actions D-VR 6.3, D-RE 1.2, D-RE 1.3, D-LR 5.3 and D-LR 5.4 should be replaced by Management Actions B-VR 6.3, A-RE 1.2, B-RE 1.3, A-LR 5.3 and B-LR5.4 respectively in the final RMP to allow for case-by case evaluation of proposed actions to determine how best to manage and mitigate potential impacts to sage brush habitat.

Newmont believes that the designation of exclusion areas is inappropriate and unnecessary. Newmont supports Alternative B, which would designate avoidance areas that would be less restrictive and would allow discretionary actions subject to special stipulations on a case by case basis.

Tribal Consultation

B-Newmont-32

The Management Actions for Tribal Consultation under all four alternatives analyzed in the draft RMP incorrectly suggest that the BLM would defer to unidentified Indian tribes to establish

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Responses

B-Newmont-30: BLM recognizes that the range of alternatives would affect mineral development. The RMP describes what has been standard operating procedure, on a case-by-case basis, for existing actions under the General Mining Law. That leads to the conclusion that, if operations have been permitted previously, the future level of interest and subsequent permitting will not be substantially different. Implementing Alternative C would be most likely to result in noticeable impacts to future interest in locatable minerals development.

B-Newmont-31: Section 2.4.5—Wildlife and Special Status Species in the PRMP includes an additional rationale for designating priority wildlife habitat areas and delineating preliminary priority sage-grouse areas. The BLM used sage grouse population management unit (PMUs) boundaries as the foundation to define wildlife priority habitat, preliminary priority sage grouse habitat areas and rights of way exclusion areas. General sage-grouse habitat areas primarily correspond with the lower priority PMUs and rights of way avoidance area boundaries with exception of some areas containing important wildlife values (See D-SSS 1.2N). Priority wildlife habitat areas (See D-FW 1.2) and priority sage-grouse habitat areas (See D-SSS 1.2.1) reflect the same footprints as rights of way exclusion areas as use restrictions under the wildlife and special status species management exclude rights-of-way. The PRMP includes an impact analysis based on these proposed management actions. Also see Figure 2-5.

B-Newmont

Comments

B-Newmont-32 Con-

standards for managing resources that are important to Indian tribes (RMP, p. 2-18, 2-111), rather than the BLM using its own management expertise to make resource management decisions. These management actions are inappropriate for a number of reasons. First, Section 202(b) of FLPMA specifically details the proper role of tribes, states and other governmental entities in the land-use planning process. While the BLM is required to "coordinate" it's planning efforts with these entities and give "consideration" to tribal land resource management programs and plans, the BLM has the ultimate obligation to make land-use planning decisions that comport with the multiple-use mandates established by FLPMA and other Federal law. The BLM may not delegate its obligation to manage resources on the public lands to other entities, whether it be Indian tribes or State representatives, by a broad deferral of management decisions. Additionally, these management actions fail to prescribe any parameters for delineating what resources are "important to Indian tribes." There are potentially a broad panalopy of resources that may have some cultural "importance" to tribal members, whether it be historic sites, water quality, air quality, wildlife, or plants. These same resources may have great importance to numerous other individuals and entities. The BLM cannot and should not defer to a single group in determining the appropriate management standards for these resources. Consequently, Management Action TC2.3 should be removed from all of the alternatives. Management Action TC1.1 defines the proper role that tribal concerns should play in resource management decision-making within the planning area. Similarly, Management Action TC 2, which is applicable in some form under each alternative improperly suggests that "things" that Indian tribes identify as being "important" will take precedent over all other multiple use management decisions in the planning area. As noted above, such a prioritization would violate a number of laws governing the management of public lands. The BLM should certainly consider tribal interests in accordance with FLPMA, the National Historic Preservation Act and other statutes that provide for consideration and protection of tribal interests; however, none of those laws elevate tribal interests over other public interests to the extent suggested by Management Action TC 2. Consequently, this Management Action should either be deleted from the final RMP or modified to provide that tribal interests will considered as part of the overall multiple-use decision-making process.

Lands and Realty

B-Newmont-33

The draft RMP Management Goals for Lands and Realty (p. 2-6) unduly restrict the circumstances under which public lands in the planning area may be disposed or otherwise conveyed to private parties. For example, land exchanges can be a valuable resource management tool in a variety of circumstances. In Section 206 of FLPMA, Congress established a much broader public interest test for determining when tracts of public land may be disposed of by a land exchange. The final RMP Management Goals related to land disposal should reflect these broader considerations as provided under Federal law. The inappropriate restrictions on criteria for land disposal are carried forward in the specific Management Objectives and Actions for lands and realty. For example, Management Objective D-LR 3 and Management Action D-LR 3.1 set forth restrictive criteria for land disposals. The final RMP should clarify that, in the case of land exchanges, the public interest test under Section 206 of FLPMA should govern the determination of whether to approve a proposed land exchange, and that the RMP land disposal designations and criteria would not apply to proposed land exchanges.

The various alternatives described in the draft RMP identify public lands that would be available for disposal, through public sale, land exchange or transfer to another agency. Actual disposal of public lands would be conducted on a case-by-case basis; however, the RMP lays the framework for future consideration of lands for disposal. Newmont supports Alternative D in this

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Responses

B-Newmont-32:
Under EO 13175 an Indian tribe is defined as follows: "[…]an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a." Therefore there are no "unidentified Indian tribes."

The EO 13175 also states: "[…]2) where possible, defer to Indian tribes to establish standards; and (3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes." This applies to formulating and implementing policies that may have effects on tribes.

B-Newmont-33: The FEIS/RMP identifies lands suitable for disposal. Disposals are governed by FLPMA, Title II - Land Use Planning; Land Acquisition and Disposition; see Figure 2-66.

B-Newmont

Comments

regard; however, we believe the area of land identified as available for disposal within Alternative D should be expanded significantly. The basis for proposing the inclusion of additional lands as available for disposal are as follows:

B-Newmont-34

1. Checkerboard lands, with alternating public and private sections, should be designated as "Available for Disposal". Consolidating these mixed parcels into a contiguous private can enhance the opportunities for planned development and eliminates the difficulty in managing the mixed private – public lands.
2. The RMP should include specific designation for disposal of land proximal to active and potential mineral development areas.
3. Newmont owns or controls a significant land base within the RMP. This includes areas of split estate lands where Newmont owns the mineral estate beneath public land managed by WDO. Split estate lands are difficult to manage as public lands while recognizing the valid property rights of the underlying mineral rights owner. Identified split estate lands should be made available for disposal. Disposal should be through sale or land exchange to the underlying owner of the mineral rights.

B-Newmont-35

The attached map identifies eight (8) additional areas that should be designated as "Available for Disposal" under Alternative D. The specific areas are as follows:

Area 1 – Southern Trinity Range
This is a checkerboard area near the western boundary of the RMP lands. Portions of the intervening fee land is owned by Newmont. The historic Jessup Mining District occurs in this area and the area remains an active exploration area.

Area 2 – Trinity Range
This is predominantly a checkerboard area near the western boundary of the RMP lands. Newmont owns the mineral estate of a number of split-estate sections in addition to intervening fee land within the area. Several exploration projects for precious metals and industrial minerals are active in the area.

Area 3 - West Humboldt Range
This is predominantly a checkerboard area in a prospective mineral area.

Area 4 – Humboldt Range
This is predominantly a checkerboard area that encompasses several historic mining districts. A number advanced exploration projects, including Wilco, Oreana, Spring Valley and Relief Canyon occur in the area.

Area 5 – Antelope Range
This is predominantly a checkerboard area that includes the Lantern-Scossa exploration projects. Newmont owns the mineral estate of several split-estate sections in this area.

Area 6 – Southern Sonoma Range
This area includes the former Adelaide Mine. Newmont owns fee land in the area as well as the mineral estate of a number of split estate parcels.

Area 7 – Chimney Project
Active exploration areas adjacent to the Twin Creeks mine.

Page 13

Responses

B-Newmont-34: See response B-Newmont-33.

B-Newmont-35:
Attachment documents were reviewed and considered by BLM; however, they are not included in this Appendix. To view these documents contact the Winnemucca District Office at 775-623-1500, or via e-mail at wfoweb@blm.gov.

Area 1 - Southern Trinity Range:
The lands shown in Area 1 are designated as Available for Disposal in Alternative B. In Alternative D those lands in Area 1 in Churchill County have been designated as Lands to be Retained after consultations with Churchill County.

Area 2 - Trinity Range: The lands shown in Area 2 are designated as Available for Disposal in Alternative B.

Area 3 and Area 4- West Humboldt Range and Humboldt Range:
The lands designated to be Retained in Areas 3 and 4 are designated as such due to multiple resource considerations.

Area 5 - Antelope Range:
A majority of lands shown in Area 5 are designated as Available for Disposal in Alternative B. The remainder are designated for Retention due to multiple resource considerations.

Area 6 - Southern Sonoma Range, and Area 7 - Chimney Project: The lands designated to be retained in Areas 6, 7, and 8 are designated as such due to multiple resource considerations.

B-Newmont

Comments

B-Newmont-35 Cont-d

Area 8 – East Twin Creeks
This area includes public land immediately east of the Twin Creeks Mine

Sustainable Development

B-Newmont-36

The RMP contains various actions relating to sustainable development. Newmont supports the concepts of sustainable development and views post-mining land use as an important component of the mining life cycle. Alternative B would appear to address various issues associated with post-mining land use, including community involvement, land tenure adjustments, access and the identification and preservation of facilities for re-use. Newmont supports the sustainable development actions outlined as Alternative B. Newmont believes that Action D-SD 1.1 g. (RMP, p. 2-264) should be reworded to state "Lands that are to be disposed of for reuse need not be previously designated as suitable for disposal if those lands are ~~subsequently~~ identified in a Plan of Operations."

CONCLUSION

The draft RMP evaluates an array of alternative management plans for the WDO. In order to best achieve the BLM's obligation to provide for a balance of multiple-uses while promoting domestic mineral production and avoiding unnecessary and undue degradation, Newmont supports a final RMP that incorporates many aspects of the BLM's preferred alternative D with the various modifications suggested in these comments. If you have any questions concerning these comments, please contact me at 775.778.2519.

Sincerely,

Jeff White
Director – Environmental Stewardship
North American Region

enclosure

Page 14

Responses

B-Newmont-35 (Cont-d)
Area 8 - East Twin Creeks:
The lands designated to be Retained in Areas 6, 7, and 8 are designated as such due to multiple resource considerations.

BLM must balance disposal of public land in accordance with FLPMA. Presence of historic mining or current active claim or active exploration areas does not in itself warrant disposal.

B-Newmont-36: The FEIS/RMP has removed Action D-SD 1.1 as the action is not consistent with BLM Land Use Planning policy or Planning Handbook H-1601-1, Appendix C, pg. 20.

B-PFL&SCo

Comments

Responses

Pine Forest Land & Stock Co., Inc.

Michael R. Montero, President
P.O. Box 2087
Winnemucca, Nevada 89446

October 25, 2010

VIA HAND DELIVERY
Bob Edwards
Winnemucca District Office
5100 E Winnemucca Blvd.
Winnemucca NV 89445-2921

RE: Comments on the Winnemucca RMP

Dear Mr. Edwards:

On behalf of Pine Forest Land & Stock Co, Inc., our family owned ranch, I have the following comments to make on the draft Winnemucca RMP/EIS.

The draft RMP/EIS states that it is the goal, under that Lands and Realty section, to "Retain public lands, dispose of only those lands that consolidate land patterns to ensure effective administration, improve resource management, and promote community development."

In the alternative section of the draft RMP you have identified lands that may be considered for disposal through various alternatives and have shown them on maps in Volume 5 – Appendices in Figures 2-72, 73, and 74.

B-PFL&SCo -1

We ask that in your final decision, you also include the public lands identified on the attached maps as available for disposal. These are all lands that are contiguous to our current private property. Much of this land has been the subject of prior letters to the BLM dating back to at least the early 1980's in which we had requested to purchase or trade. The identified lands are highlighted in yellow and outlined in red (except for those portions that are landlocked by private lands, only highlighted).

Bureau of Land Manage
Received
OCT 25 2010
Field Office
Winnemucca Nevad

B-PFL&SCo-1:
Attachment documents were reviewed and considered by BLM; however, they are not included in this Appendix. To view these documents contact the Winnemucca District Office at 775-623-1500, or via e-mail at wfoweb@blm.gov.

Lands suitable for disposal are in the FEIS/RMP (See Figure 2-66) based on consideration of public comments to the Draft RMP/DEIS, cooperating agency input, and BLM District management and staff input.

B-PFL&SCo

Comments

Mr. Bob Edwards
October 25, 2010
page 2

B-PFL&SCo-2

As you know we have been working with the stakeholder group on possible wilderness boundary recommendations for the Pine Forest Range. As a part of this process, we have expressed an interest in possibly exchanging some of our private lands directly along the eastern boundary of the Blue Lakes Wilderness Study Area for lands closer to the Leonard Creek Ranch itself. If in the future, this process moves forward, we would like the final Winnemucca RMP to be consistent with the intent of this exchange and show the lands we might be interested in acquiring around the ranch in a disposal category.

Should you have any questions, please feel free to call me at any time. On behalf of the Montero family, we would also be happy to further discuss this with you at your convenience.

Sincerely,
Pine Forest Land & Stock Co., Inc.

MICHAEL R. MONTERO, President

Enclosures
- Jackson Mountains, Surface Management Status, 1:100,000-Scale Topographic Map (BLM 2005)
- Denio, Surface Management Status, 1:100,000-Scale Topographic Map (BLM 2010)

c: Glynn Montero
Suzanne M. Montero
Leonard Montero
Daniel Montero
Suzanne F. Montero

Responses

B-PFL&SCo-2:
See response B-PFL&SCo-1.

B-RP

Comments

Responses

USDI, Bureau of Land Management **Winnemucca Field Office EIS/RMP**

The BLM encourages your participation in the planning process. Please forward written comments to the BLM, Winnemucca Field Office directly or use the online comment form. If you wish to remain on the RMP mailing list, please complete the applicable sections of the online comment form. Comments and requests to remain on the mailing list are due by **May 24, 2005**. (Comment deadline revised to Oct. 25, 2010.)

Public comments submitted for this planning review, including names and street addresses of respondents, will be available for public review at the Winnemucca Field Office, 5100 E. Winnemucca Blvd, Winnemucca, NV 89445, during regular business hours (7:30 AM to 4:30 PM), Monday through Friday, except federal holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently in your written comments. Such requests will be honored to the extent allowed by law. Anonymity is not allowable for submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

Your Name Christy Morris Today's Date Oct. 21, 2010

Please indicate your affiliation by checking **one** of the following boxes:

- ☐ Individual (no affiliation)
- ☐ Federal, State, Tribal, Local Government
- ☐ Elected Representative
- ☒ Private Organization
- ☐ Citizen's Group
- ☐ Regulatory Agency

Name of organization, government, group, or agency (if applicable) Ram Power Inc.

Mailing Address 6880 S. McCarran Blvd.

City/State/Zip Reno, NV 89509

Telephone (optional) 775-398-3700 E-mail Address (optional) cmorris@ram-power.com

Would you like to be added to or remain on the WFO RMP/EIS mailing list to receive future project-related information? Yes ☐ No ☒

Please mark the appropriate category below and write your comments on the lines provided. Feel free to attach additional pages if necessary.

- ☐ Access/Transportation
- ☐ Energy (Wind, Geothermal, Solar, etc.)
- ☐ Fire Management
- ☐ Historic, Cultural & Paleontologic Resources / Traditional Values
- ☐ Land Tenure (Retention/Acquisition/Disposal)
- ☐ Livestock Grazing
- ☐ Minerals (Hardrock, Oil & Gas)
- ☒ Planning/RMP Process
- ☐ Soil / Water / Air / Visual Resources
- ☐ Recreation/OHV (Hunting, Fishing, Hiking, Biking, etc.)
- ☐ Social/Economic Concerns
- ☐ Vegetation/Noxious Weeds
- ☐ Wild Horses & Burros
- ☐ Wilderness, Wilderness Study Areas & Other Special Designations
- ☐ Wildlife/Sensitive Species
- ☐ Other Concerns (*please define*)

Please see the attached comment letter from Ram Power, Inc., dated Oct. 21, 2010.

Bureau of Land Management
Received
OCT 22 2010
Field Office

B-RP

Comments

October 21, 2010

Winnemucca RMP
C/o Jeff Johnson
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

RE: Comments on Winnemucca District Office's Draft Resource Management Plan and Environmental Impact Statement, dated May 2010.

Dear Mr. Johnson:

Ram Power, Inc. ("RPI") appreciates the opportunity to submit this letter commenting on the Bureau of Land Management's ("BLM") Winnemucca District Office Draft Resource Management Plan ("RMP") and Environmental Impact Statement ("EIS"), dated May 2010.

Within the Winnemucca District Office ("WDO") boundary, the subject draft RMP articulates four Alternatives (A-D), with varying degrees of identified impacts to the environment, renewable energy industry, and the general public. The WDO boundary defines the Planning Area assessed in the RMP, which encompasses 11,091,545 acres in Humboldt and Pershing Counties and parts of Washoe, Lyon, and Churchill Counties. For context, it is acknowledged that the BLM administers approximately 8,448,130 acres, or about 75% of the planning area.

Addressing affected acreage available for geothermal exploration and development, as noted in Table T-1 below, Alternative D (BLM Preferred) adds significantly to the number of acres either closed to leasing or significantly encumbered with a No Surface Occupancy (NSO) designation. Regarding Leasable Fluid Minerals, relative to the No Action Alternative (A), Alternative D represents a 242% increase in Closed or NSO acreage (1,079,293 acres), which renders promising renewable energy targets within former known geothermal resource areas (FKGRA's) effectively off limit to renewable energy development.

Leasable Minerals Fluid	Closed to Lease + No Surface Occupancy	Variance Relative to Alternative A	% Increase
Alternatives	Acres	Acres	Acres
* Alternative A	446,144		
Alternative B	1,345,990	899,846	202%
Alternative C	4,455,694	4,009,550	899%
** Alternative D	1,525,437	1,079,293	242%

* No Action Alternative
** BLM Preferred Alternative

Within the additional acres being proposed for closure or NSO designation, there is a portfolio of RPI owned leases that are adversely affected for geothermal development purposes. The respective leases represent a significant portion of RPI's recent $22M+ investment in the acquisition of Sierra Geothermal Power (SGP) and their lease portfolio. For reference, Exhibit B summarizes RPI's acquisition of SGP.

Responses

Exhibit B was reviewed and considered by BLM; however, it is not included in this Appendix. This document is viewable from the link provided for the final EIS and appendices on the Winnemucca RMP website at: http://www.blm.gov/nv/st/en/fo/wfo/blm_information/rmp.html.

B-RP

Comments

Within the context of elevated restriction for geothermal development and renewable energy transmission, this comment letter takes steps to address the proposed RMP from both a general and specific perspective, first identifying procedural errors or flaws and other issues that would exist if the proposed RMP is made final and, secondly, it specifically addresses how those flaws and issues would impair the ability of RPI to conduct geothermal development on leases of its wholly owned subsidiary, SGP.

Comments that address these flaws and other issues presented within the proposed RMP are found in Section 1, not the least of which is the apparent fact that the two year effort and the reports produced by the Nevada Renewable Energy Transmission Access Advisory Committee (RETAAC) appear to have been ignored. Comments specifically applying to negative impact on the geothermal leases owned by SGP, which have been issued and paid for, are discussed in Section 2.

Section 1

GENERAL COMMENTS

B-RP-1

Comment 1: The proposed RMP fails to discuss and integrate both Federal and State Executive Orders, Statutes, and Policies that mandate that the BLM accelerate and encourage renewable energy development.

Section Citation: Volume I; Volume II: Chapters 1, 1.6.1, 3.3.2, Table 2-3, 3.3.4, and 3.3.6; Volume IV Chapter 4.3.2; throughout the rest of the document.

Description: The Energy Policy Act of 2005 ("EPAct 2005") and other Executive Orders and Policies provide mandates and direction to BLM to promote alternative energy development. The Council on Environmental Quality (CEQ) regulations requires the BLM to "prepare draft environmental statements concurrently and integrated with environmental impact analysis and related surveys and studies...and other environmental laws and executive orders." CEQ Regulations §1505.25.

Congress provided a mandate to the Secretary of the Interior in the EPAct 2005 to "seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity" in the next ten years. Energy Policy Act of 2005 §211. Another Executive Order signed by President George W. Bush directs agencies to

> [T]ake appropriate actions, to the extent consistent with applicable law, to expedite projects that will *increase the production, transmission, or conservation of energy*...For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to *accelerate the completion of such projects*...

Executive Order 13212 at Sections 1 & 2 (*emphasis added*). The Federal Global Climate Change Initiative and Policy Book "includes a goal to reduce the greenhouse gas intensity of the US economy by 18 percent over the ten-year period from 2002 to 2012 and to provide initiatives to reduce greenhouse gas emissions, including *encouraging renewable energy sources development*." Geothermal PEIS at 1.8.3 (*emphasis added*).

October 21, 2010 Page | 2

Responses

B-RP-1:
The BLM recognizes requirements to comply with laws, regulations, policies and existing valid rights. This is acknowledged in Sect. 1.6 (1). Planning criteria and constraints. The Energy Policy Act of 2005, Executive Orders, and policies are among the hundreds of laws and directives that have been taken into account and balanced within the RMP. Those related to renewable energy emphasis have been taken into account particularly in Alternatives A, B, and D.

B-RP

Comments

Responses

B-RP-1 Cont-d

Alternative D is, in fact, detrimental to the concept of *accelerating* completion of alternative energy projects or *encouraging* renewable energy development. The proposed Alternative D adds many more restrictions to renewable energy development and Rights of Way for transmission than the status quo (Alternative A). As discussed in more detail below, Alternative D would impose closures to BLM Geothermal Leasing or "No Surface Occupancy" restrictions near the RPI owned Gerlach, Dixie Valley and Sulphur BLM managed geothermal leases and other FKGRA's. In addition, the Alternative D Right of Way restrictions would impair the ability of a geothermal developer to build transmission lines and other infrastructure for a geothermal plant in many of these areas, thereby stripping the value of the public resource and rendering the projects unbuildable. These issues are discussed in more detail below.

It is RPI's contention that procedural error will occur if the BLM implements "Alternative D" without considering an alternative that is more favorable to alternative energy development than the status quo ("Alternative A") and/or another alternative that implements non-energy restrictions, but *accelerates* and *encourages* alternative energy projects. BLM can integrate its analysis into the mandates described above as required by the CEQ regulations by adding an alternative that specifically *accelerates* and *encourages* alternative energy development or by choosing an alternative that is at least as favorable to alternative energy development as the status quo (Alternative A). RPI contends that failure to consider such alternatives would constitute appealable error.

B-RP-2

Comment 2: With specific regard to restricted renewable energy transmission and resource development, the proposed RMP fails to discuss or take into account the two plus years of work done by the Nevada Renewable Energy Transmission Access Advisory Committee (RETAAC), commissioned under executive order by Nevada State Governor Jim Gibbons, in support of Nevada's adoption of the Renewable Portfolio Standard.

Section Citation: Volume 2, Figure 2-68; Volume 4, 4-461; Volume V, Chapter 6 - References

Description: Specifically, RETAAC recommended that the Governor's Office support the construction of transmission lines and collector systems to enable access for renewable energy development in each of the identified Renewable Energy Zones (REZ's). The formation of RETAAC and the Governor's formal adoption of recommendations articulated in RETAAC's Phase I and Phase II Reports represent an executive mandate to identify and expand the state's transmission system to better support the development and transmission of renewable energy. Affirming RPI's position that the proposed RMP fails to take into account the RETAAC based executive mandate to expand development and transmission of renewable energy, the proposed RMP plainly notes unmitigated renewable energy development impacts that are in conflict with state (and national) mandates related to the promotion of renewable energy sources. Specifically, the proposed RMP notes

> [C]onstraints related to fluid mineral leasing include exclusion areas, buffer zones around sensitive areas, seasonal constraints, and permit stipulations. The alternatives would affect fluid mineral development by varying the amounts of land available for leasing and the lease terms and stipulations to be applied on any given tract of land. Closing lands to development would result in reduced domestic production of the US mineral needs and higher dependence on foreign sources of those minerals, reduced economic development on the regional and local levels, loss of royalty revenues from the lands' minerals, and loss of tax revenue to all levels of government.

B-RP-2:
Alternative A does not include avoidance or exclusion areas. The RMP designates right of way corridors. In addition, the RMP allows for transmission lines to be built to accommodate energy development. Please see Objective LR 5.

Action D-LR 5.3 identifies management of Rights-of-way (ROW) avoidance areas. Appendix O identifies special stipulations or terms or conditions applicable to ROW proposals within avoidance areas. Action D-LR 5.4 identifies ROW exclusion areas subject to special management criteria which includes recognition of valid existing rights. Valid existing rights are also recognized in section 1.6.

B-RP

Comments

B-RP-2
Cont-d

RETAAC's Phase II report, published on July 1, 2009, is ultimately the product of more than 25 General Committee and Workgroup meetings conducted by and with participation from a significant cross-section of agency and industry stakeholders, including RETAAC Phase II Committee Member Amy Lueders who concurrently served as Nevada BLM's Associate State Director. Other notable participating agencies with representative RETAAC Committee Members include the Nevada Division of Environmental Protection, Nevada Division of Minerals, Office of the Governor - Nevada State Office of Energy, Public Utilities Commission of Nevada, and the Nevada Department of Wildlife. Committee members from these particular agencies and other industry stake holders came to consensus to generate RETAAC's Phase II report, which contains a Renewable Energy and Transmission Constraints Map, identified as Figure 3 within the respective RETAAC report and included herein as Exhibit A. The constraints map in mention identifies the following three REZ's within the proposed RMP's area of influence: Geothermal Zones 1 and 2 and Wind Zone 7.

Table T-2 summarizes the estimated renewable energy potential within the affected REZ's and serves to illustrate potential adverse impact to renewable energy development, transmission and supply if the *additional* constraints noted in Alternative D of the draft RMP are adopted.

Table T-2

Affected RETAAC Identified Renewable Energy Zones		
Zone	**Renewable Technology**	**Estimated MegaWatt Potential**
G1	Geothermal	362
G2	Geothermal	108
W7	Wind	50-100
	Total	**520-570 MW**

Source: RETAAC Phase II Report – Tables 7 & 9

For additional consideration, during the 2009 Nevada Legislature Session, RETAAC's Phase II Report served as a basis for the introduction and passage of Nevada's Assembly Bill 387, which directs the Public Utilities Commission of Nevada (PUCN) to designate REZ's where resources are sufficient to develop generating capacity and where transmission constrains the delivery of electricity to customers.

The PUCN has since opened Docket 09-0711, which developed REZ regulations related to RETAAC's recommendations. The proposed regulations require the utility, NV Energy, to identify REZ transmission projects over its 3-year and 20-year action plans. Following identification of the REZ transmission projects, the PUCN uses the 3-year plan to determine how much capital should be spent by the utility to support the proposed transmission projects. This particular detail is important because it serves to illustrate the advanced state of legislative and regulatory activity and the forth coming budgetary impacts related to RETAAC's widely endorsed and adopted recommendations.

Since the Bureau of Land Management has clearly not considered the intensive work done by RETAAC, RPI contends that the BLM should offer an alternative for potential adoption, which considers as final

October 21, 2010 Page | 4

Responses

Exhibit A was reviewed and considered by BLM; however, it is not included in this Appendix. This document is viewable from the link provided for the final EIS and appendices on the Winnemucca RMP website at: http://www.blm.gov/nv/st/en/fo/wfo/blm_information/rmp.html.

B-RP

Comments

Responses

B-RP-2 Cont-d

RETAAC's previously acknowledged environmental constraints and which incorporates noted state (and national) mandates concerning the expansion of renewable energy development and transmission opportunities.

B-RP-3

Comment 3: The proposed RMP fails to discuss and integrate the decisions made in the BLM Geothermal Leasing Programmatic EIS (Record of Decision issued December 17, 2008)("Geothermal PEIS").

Section Citation: Volume I; Volume II: Chapters 1, 1.6.1, 3.3.2, Table 2-3, 3.3.4, and 3.3.6; Volume IV Chapter 4.3.2; throughout the rest of the document.

Description: The proposed RMP failed to consider the comments and directives from the Geothermal PEIS in violation of §1505.25 of the CEQ regulations described above. Evidence that the BLM failed to consider the Geothermal PEIS is found within the RMP in a section where the RMP states that the Geothermal PEIS is still in draft form.

> Currently the BLM and USFS are preparing the Programmatic EIS for Geothermal Leasing in the Western United States. This EIS addresses what lands should be open or closed to geothermal leasing and presents standardized stipulations, restrictions, and mitigations for geothermal exploration, development and production.

RMP Chapter 3.3.2. While the Geothermal PEIS acknowledges that individual district offices have the authority to issue discretionary closures, as discussed above, the proposed discretionary closures do not conform to directives given to the BLM to facilitate alternative energy development discussed in Comment 1 above.

B-RP-3: The Record of Decision for the Programmatic EIS for Geothermal Leasing in the Western United States amended BLM land use plans throughout the Western U.S. This EIS provided a programmatic analysis that included allocating BLM administered lands with geothermal resource potential as open, closed, or open with stipulations. It also included best management practices and procedures to enable competitive geothermal leasing. The EIS also acknowledged that the Winnemucca District is in the process of developing a District specific RMP.

The Winnemucca District RMP would allocate lands open, closed, and open with special stipulations based on a site specific District wide analysis. The new RMP would be applicable for geothermal leasing, exploration and development.

Section 2

LEASE-HOLD SPECIFIC COMMENTS

B-RP-4

Comment 4: The classification, Open with No Surface Occupancy, within the noted Availability of Areas under the Fluid Mineral Leasing Laws, as depicted within the proposed RMP, appears to be arbitrarily applied to lands abutting or near the town of Gerlach, Nevada.

Section Citation: Volume 2, Appendix A, Figure 2-44 & Volume 4, Table 4-51

Description: Relative to Alternative A, Alternate D represents a 1,004% increase in lands that are leasable under Fluid Mineral Leasing Laws, but with No Surface Occupancy (NSO) allowed. Blending the percentage increase in NSO lands with the percentage increase in lands designated for closure under the proposed RMP, there is a 242% increase in lands that are encumbered by either a closure or an NSO designation.

Immediately abutting lands that are proposed for NSO or Closed status, the Gerlach Waste Transfer Station exists. In the face of the previously mentioned renewable energy related mandates, articulated in the Energy Policy Act of 2005, RPI would like to understand the logic that accommodates a

B-RP-4:Activities on private lands (such as the waste transfer station) have limited effect on management decisions applied to Federal land. Management decisions authorized by the RMP would have no effect on valid existing rights, including previously-issued geothermal leases. The RMP recognized valid existing rights, including previously-issued geothermal leases, see section 1.6. The No Surface Occupancy recommended in this area is related to maintaining the integrity of the Noble's Route, part of the California National Historic Trail system. See Action D-CR 6.8.

B-RP

Comments

B-RP-4 Cont-d

waste transfer station while concurrently and effectively closing environmentally similar lands to renewable energy development and, in particular, Geothermal Lease NVN 77268.

Affected RPI Lease-Hold:

Lease NVN 77268 is owned by SGP and falls within or adjacent to the proposed expanded NSO *and* Closed areas of the RMP. Additional details are as follows:

Lease Serial #	Lease Effective Date	Lease Expiration Date	Lease Type	Royalty Rate	Annual Rental Amount	Issued Acreage
NVN 077268	December 1, 2003	November 30, 2013	Competitive	1.75% y1-10, 3.5% y11+	$1,487	1,662
				Total	$1,487	1,662

Location: About 80 miles NNE of Reno, adjacent to the town of Gerlach, within the Gerlach FKGRA.

Distance to Electrical Grid: A high voltage direct current transmission line is located approximately one mile west of the lease boundary. This line was built to carry DC power generated by hydroelectric plants in the Pacific Northwest to the Los Angeles area. A lower voltage utility transmission line is located near the Gerlach lease area which services the town of Gerlach. In addition to the nearby electrical grid, paved U.S. highway 447 goes through the lease area.

Prospect General: The infrastructure considerations mentioned above, combined with the tract being located within the Gerlach FKGRA, were the primary reasons that the lease was acquired. The area has been well explored in the early 1990's. San Emidio Resources operates the 4 MW Empire binary power plant located approximately 12 miles due south of Gerlach. In 2008 US Geothermal Inc., acquired the Empire power plant for US$16.6M and some 3,400 acres adjacent to the Gerlach leases.

B-RP-5

Comment 5: The Winnemucca District Office RMP Proposed Utility Corridors do not provide reasonable transmission accommodation for the northern portion of the Dixie Valley FKGRA. This particular lack of accommodation, coupled with the proposed "Special Stipulation" zones neighboring RPI's Dixie Valley lease portfolio, create a scenario that endangers the feasibility of geothermal development within the subject lease area. Clarification is needed to fully understand what "Special Stipulations" would apply to RPI's Dixie Valley leases should the need arise to cross proposed Class III VRM areas to connect to a distant utility corridor.

Section Citation: Volume 2, Figure 2-76 and Volume 3, Fig. 3-26

Description: The Winnemucca District Office RMP Proposed Utility Corridors, as depicted in Figure 2-76, do not provide reasonable transmission accommodation for the Dixie Valley FKGRA. The lack of a utility corridor to accommodate the northern portion of the Dixie Valley FKGRA puts future geothermal development at risk in this area.

Responses

B-RP-5:

1) A corridor designation is not necessary to build a transmission line from the Dixie Valley FKGRA. This can be accomplished with a single right of way.

2) Class III VRM allows for powerlines.

3) Alternative B and C show the area in question to be Class IV

4) An Avoidance Area could allow uses based on management discretion and compliance with land use plans, BLM policy, regulatory authority, and applicable laws. Stipulation relating to rights of way proposals within an avoidance area is located in Appendix O.

B-RP

Comments

B-RP-5 Cont-d

Geothermal Zone 1, depicted within Exhibit A, denotes Proposed Transmission Interconnections 6 and 7 (TI's 6 & 7). RPI proposes that Figure 2-76 be revised to include an expansion of the Proposed Utility Corridor to accommodate future renewable energy transmission along the referenced TI 6 & 7 center lines.

Further, to both help feasibility and the potential of renewable energy development and transmission within the northern portion of the Dixie Valley FKGRA, RPI proposes modification of the south east portion of Figure 2-25 within the proposed RMP. Specifically, RPI proposes that the current VRM Class IV designation in and around the Stillwater Range be allowed to remain Class IV in the final RMP. Also related to transmission in this area, to the extent possible, RPI propose modification to Figure 2-68 to eliminate the proposed expansion of Avoidance Area in the lands north of Still Water Range and South of East Range.

Affected RPI Lease-Hold(s):

Lease Serial #	Lease Effective Date	Lease Expiration Date	Lease Type	Royalty Rate	Annual Rental Amount	Issued Acreage
NVN 083951	September 1, 2007	August 31, 2017	Competitive	1.75% y1-10, 3.5% y11+	$9,279	3,093
NVN 083952	September 1, 2007	August 31, 2017	Competitive	1.75% y1-10, 3.5% y11+	$3,780	1,260
NVN 083954	September 1, 2007	August 31, 2017	Competitive	1.75% y1-10, 3.5% y11+	$4,560	1,520
NVN 083955	September 1, 2007	August 31, 2017	Competitive	1.75% y1-10, 3.5% y11+	$3,960	1,320
NVN 083956	September 1, 2007	August 31, 2017	Competitive	1.75% y1-10, 3.5% y11+	$5,760	1,920
NVN 083957	September 1, 2007	August 31, 2017	Competitive	1.75% y1-10, 3.5% y11+	$11,571	3,856
NVN 085721	September 1, 2008	August 31, 2018	Competitive	1.75% y1-10, 3.5% y11+	$3,606	1,201
				Total	**$42,516**	**14,170**

Noted leases are a part of RPI's $22M+ acquisition of SGP's lease portfolio.

Location: About 120 miles NNE of Reno NV, and about 11 miles NE of Terra-Gen Power, LLC Dixie Valley Geothermal Power Plant.

Distance to Electrical Grid: Terra-Gen's 230 kV line runs within a few miles of the lease boundaries. Interconnection could be made at the Oxbow substation but an agreement would need to be made with Terra-Gen for wheeling. If an agreement cannot be made with Terra-Gen, this project can interconnect (with the likely need for a line upgrade) on NV-Energy's current 60 kV system at Antelope Valley, approximately 30 miles away.

Prospect General: Until recently, the Dixie Valley Power Plant was the highest producing power plant in the Basin and Range, Dixie Valley was studied extensively to understand the resource and look for additional ones. Regional and local studies to the north were done, but much of the studies do not cover in detail the northernmost part of the valley. Those that do, such as aerial gravity, geochemistry, and water recharge studies show that the project area has distinct characteristics that differentiate it from the rest of the valley. Examples include: a gravity low, local recharge and a heat flow anomaly.

October 21, 2010 Page | 7

Responses

Exhibit A was reviewed and considered by BLM; however, it is not included in this Appendix. This document is viewable from the link provided for the final EIS and appendices on the Winnemucca RMP website at: http://www.blm.gov/nv/st/en/fo/wfo/blm_information/rmp.html.

B-RP

Comments

In the 1970's the USGS and Republic Geothermal Inc. drilled temperature gradient holes and found commercial grade gradients (120-190 °C/km), but this was not followed up with known deeper drilling. The project area resides next to two collections of Hot Springs (HS). To the northeast, very close to the project area, there is a collection of HS called Sou HS (also known as Seven Devil HS) and south of the prospect is a collection called Hyder HS.

B-RP-6

Comment 6: Regarding the proposed Right of Way Avoidance Area in and around the former town of Sulphur, crossing the Pershing and Humboldt County line, clarification is needed to fully understand what "Special Stipulations" would apply to future geothermal development and renewable energy transmission from RPI leases NVN 080599 and NVN 080602. This is of particular concern should the need arise to cross proposed Class III VRM areas to connect to the proposed utility corridor.

Section Citation: Volume 2, Figures 2-25, 2-68, 2-76

Description: Figure 2-68 serves to communicate what appears to be a proposed Right of Way Avoidance Area and a shift in classification from VRM IV to VRM III (Figure 2-25) in or around the bounds of RPI owned Leases NVN 080599 and NVN 080602.

Affected RPI Lease Hold(s):

Lease Serial #	Lease Effective Date	Lease Expiration Date	Lease Type	Royalty Rate	Annual Rental Amount	Issued Acreage
NVN 080599	$39,569	$43,220	Non-Competitive	1.75% y1-10, 3.5% y11+	$3,178	1,589
NVN 080602	$39,569	$43,221	Non-Competitive	1.75% y1-10, 3.5% y11+	$3,736	1,868
				Total	**$6,914**	**3,457**

Noted leases are a part of RPI's $22M+ acquisition of SGP's lease portfolio.

Location: About 50 miles west of Winnemucca, Nevada in southwestern Humboldt County, near an active mine and the abandoned town of Sulphur.

Distance to Electrical Grid: The Hycroft substation is approximately two miles from the respective leases. This substation connects to NV Energy's 60 kV system. In addition to the nearby electrical grid, paved State highway 49 goes through the lease area.

Prospect General: The presence of one of the largest silica sinter deposits in Nevada and the persistent thermal anomaly were the primary reasons for acquiring the leases. The leases at Sulphur surround a large open pit mine that is currently being exploited for gold and silver by Allied Nevada Gold Corp. The ore deposit is situated in a fossilized hot-spring system that deposited massive amounts of silica sinter as a result of near-surface geothermal activity. A geothermal anomaly at Sulphur persists today as evidenced by a 97 °C/km temperature gradient measured in a borehole at the Hycroft mine as well as shallow borehole temperatures exceeding 71 °C (160 °F).

Responses

B-RP-6: There is no avoidance area at Sulphur.
There is a designated utility corridor passing through Sulphur and existing powerlines. ROW proposals within avoidance areas would be subject to special stipulations. See Appendix O.

B-RP

Comments

Conclusion

Thank you for the opportunity to submit comments on the Winnemucca District Office draft RMP. The comments herein have captured general industry and specific lease-hold related concerns that address potential RMP imposed impacts that would be adverse to the potential for renewable energy development and transmission within the RMP planning area.

B-RP-7

In spite of national and state level executive mandates to increase and accelerate renewable energy development and transmission, the proposed RMP instead moves to outright close or effectively close significant public lands to renewable energy developers. In the face of significant work done to the contrary by RETAAC's 40-plus recognized industry experts and agency professionals, over the course of more than two years, from all relevant environmental and land management agencies, including the Bureau of Land Management, the Winnemucca BLM District Office has chosen to propose the redrawing of previously agreed upon borders that currently define environmental land constraints within the subject planning area.

It has generally been recognized that it is in the United States' vital interest to lessen our dependence on foreign energy imports, yet the proposed RMP would serve to perpetuate and exacerbate this unnecessary dependence. Where we have an opportunity to bring thousands of renewable energy jobs to America's worst employment market, the proposed RMP stands to help ensure a protracted economic recovery with little job growth from renewable energy development within the affected planning area. In terms of national and state policy goals related to reduction in green house gas emissions, the proposed RMP serves to also blunt efforts on this front.

B-RP-8

In short, the proposed RMP runs counter to a host of initiatives that have been deemed important, vital, and in the national interest of the United States of America. RPI contents that neglecting to include the previously noted initiatives and mandates effectively constitutes procedural error by the BLM in their duty to balance the components of a multiple use management plan. Consistent with these comments, we urge the BLM Winnemucca District Office to revise the subject draft Resource Management Plan to both accommodate the national interest of the United States and to take into account the significant contribution the Nevada Governor's RETAAC has already made to planning for the responsible use of federal lands within the purview of BLM's Winnemucca District.

Sincerely,

Ram Power, Corp

Christy Morris
Vice President, Land and Permitting

Cc: Matt Tuma, Office of Senator Harry Reid
Jim Groth, Nevada State Office of Energy Director
Gary Johnson, BLM Deputy State Director
Amy Lueders, BLM Associate State Director
Hatice Gecol, Nevada Energy Commissioner
Bonnie Weber, Washoe County 5th District Commissioner

October 21, 2010 Page | 9

Responses

B-RP-7: BLM provided a range of alternatives with respect to geothermal lands that are open, closed, or open with special stipulations. BLM is also mandated through FLPMA to balance protection of resources while allowing for multiple uses.

B-RP-8: See response B-RP-7

B-RP

Comments

Responses

Curt Robinson, Geothermal Resources Council Executive Director
Karl Gawell, Geothermal Energy Association Director
John McCaull, Geothermal Energy Association Western States Representative
Members of the Nevada Geothermal Council, via email

er 21, 2010

Page | 10

B-Sage Design Studios

Comments

"Sage Design Studios, Inc." <sagedesignstudios@cox.net>

09/16/2010 06:22 PM

To <wfoweb@nv.blm.gov>
cc
Subject Winnemucca RMP, Edwards

Let's go. Do the right thing to preserve quality of life for generations to follow.

Wilderness Characteristics Areas

- We support the RMP's identification of the following areas as having wilderness characteristics: Fencemaker, North Sahwave Mountains, Tobin Range and the two units in the Granite Range (Buckhorn Peak and Granite Peak).
- In addition, we request that you add these areas to the list of Wilderness Characteristics Areas:
  - the area directly south of the Blue Lakes WSA to the Sage Hen drainage, and
  - the highly-scenic core ridge of the Lava Beds including its western flank.

B-Sage Design Studios-1

Management of Wilderness Characteristics Areas

We would ask that you more clearly define the management actions for protecting the Wilderness Characteristics Areas as follows. These areas should be:

- designated as "limited to designated routes,"
- classified as a Class I for Visual Resource Management,
- closed to mineral material disposal, mineral leasing and mineral entry,
- included in rights-of-way exclusion areas, and
- retained in public ownership.

Wilderness Study Areas

- We support designating all WSAs as "limited to designated routes" and we stress that a high priority should be given to identifying these routes with signs and on maps;
- high priority also should be given to promptly restoring wilderness character from damage created by vehicle incursions within the WSAs, and
- we support the acquisition of private inholdings in WSAs, Wilderness and in Wilderness Characteristics Areas to enhance wild character.

Jonathan Spears, ASLA
Sage Design Studios, Inc.
Phone: 702.303.4714
Fax: 702.256.4078
www.sagedesignstudiosinc.com

Responses

B-Sage Design Studios-1:
See Action C-WSA 2.1 The boundary recommendations of the Pine Forest Wilderness Citizen's Working Group have been incorporated for the Blue Lakes and Alder Creek Wilderness Characteristics Inventory. The Citizens Proposal put forward by the Pershing County Checkerboard Lands Committee for Wilderness Characteristics Inventory has been adopted by this RMP. This Citizens Group and the BLM determined that the Lava Beds did not meet the criteria for Wilderness Characteristics.

B-Strata Wind

Comments

Star Mountain Development, LLC
Sonoma Mountain Development, LLC
StrataWind
4112 Albans Road
Houston, Texas 77005
(713)666-6747

730 Brookfield Drive
Reno, Nevada 89503

Your Ref:
1610
NV010.00

Certified Mail # 7010 1870 0003 3606 3940
Via email and USPS

20 September 2011

Gene Seidlitz, District Field Manager
United States Department of the Interior
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445

Attention: Bob Edwards

Dear Sirs:

Draft Resource Management Plan and Draft Environmental Impact Statement

B-Strata Wind-1:

StrataWind is concerned that the Draft Resource Management Plan is sterilizing/ impeding prospective wind development in the district and that the proposed plan is in conflict with national policies which encourage renewable energy. Figure 2-69 would sterilize most of the known wind resources in the district. StrataWind would prefer that Alternate B Figure-2-66 be implemented, but we request as a minimum that areas south of I-80 not be classified as Right of Way avoidance areas.

StrataWind is an affected party as it has a Project Area Grant for Testing and Monitoring in the west Humboldt and a pending application in the Sonoma. The attractiveness of these areas for wind development is that the Humboldt, Sonoma and Tobin Ranges are in close proximity to existing transmission lines. These areas do not fit the characteristics associated with a ROW avoidance area. Locating wind projects next to existing transmission will avoid significant environmental disturbance.

Responses

B-Strata Wind-1:
Avoidance areas have been revised in the FEIS/RMP. See D-LR 5.3 and Figure 2-60. The definition of avoidance areas has also been revised. ROW proposals within avoidance areas would be subject to special stipulations identified in Appendix O. The Sonoma, Humboldt, and Tobin ranges have been identified in the PRMP as avoidance areas based on important wildlife habitat including sage-grouse habitat.

B-Strata Wind

Comments

Specific Comments

Humboldt

The Humboldt Range is in a checkerboard with private land sections. The area has two large active gold minds along with numerous older mining structures. Two- 245 KV transmission lines cut though the middle of the range immediately south of the project area. On the west side of the range, there are low voltage transmission lines and the area has geothermal potential. Given the degree of disturbance in the area, this range should not be included as a ROW avoidance area.

Sonoma

The Sonoma Range is in a checkerboard area with private land. The area has numerous abandoned minds and its use by ranchers is evidenced by the existence of the number of fences. Like the Humboldt, there are transmission lines to both the south and the east. The west side of the Sonoma has good geothermal potential. Given the degree of disturbance, this area should not be a right of way avoidance area.

Tobin

The Tobin Range is near the transmission lines.

On a confidential basis, we would be willing to share our wind data with the district.

Very truly yours,

R. H. W. Powell

R. H W. Powell

Responses

The enclosed map was reviewed and considered by BLM; however, it is not included in this Appendix. This document is viewable from the link provided for the final EIS and appendices on the Winnemucca RMP website at: http://www.blm.gov/nv/st/en/fo/wfo/blm_information/rmp.html.

B-TGP

Comments

Vincent Signorotti
<vsignorotti@terra-gen power.com>
10/29/2010 04:59 PM

To "michael_truden@blm.gov" <michael_truden@blm.gov>
cc
Subject Draft RMP

Hello Michael,

Today I received a copy of the attached letter dated October 21, 2010 from Christy Morris (Ram Power , Inc.) to Mr. Jeff Johnson that was submitted in connection with the Winnemucca District Office's Draft Resource Management Plan and Environmental Impact Statement, dated May 2010 ("RMP").

B-TGP-1

Like Ram Power, Terra-Gen Power ("TGP") has a significant existing lease position in Humboldt, Pershing and portions of the other counties affected by the RMP. In addition and as you are also aware, TGP has nominated numerous parcels that are within the RMP including Nomination numbers N-87043, N-87072 and N-87082. Together these three nominations comprise some of the most highly valued prospective lands in Nevada. As such, we believe that it is imperative that these and other prospects nominated by TGP for the 2011 BLM geothermal auction are made available to mineral leasing.

TGP wholeheartedly endorses the comments and positions taken by Ms. Morris and we urge you to seriously consider the recommendations she makes in response to the RMP.

Thank you and please do not hesitate to contact me at (858) 764-3736 if you have questions or comments.

Best regards,

Vince Signorotti

Vice President, Land Management Winnemucca Draft RMP - Ram Power Comment Letter.pdf

Responses

B-TGP-1:
Mineral leasing is a discretionary action for the BLM, and when allowed it is subject to stipulations designed to protect other resources present in the lease area. Alternatives A and B recommend a leasing scenario that is less restrictive, versus Alternatives C and D. The parcels identified (N-87043, N-87072, and N878082) are in areas where there is high potential for conflicts with one or more resources. Lands open, closed, and open with special stipulations applicable to fluid minerals are identified in Figure 2-33.

This letter is included in this appendix at page Business-70.

B-USG,Inc.

Comments

U.S. Geothermal Inc.
CLEAN GREEN RENEWABLE ENERGY

1505 Tyrell Lane, Boise, ID 83706
Tel: 208.424.1027 Fax: 208.424.1030

October 22, 2010

Bureau of Land Management
Winnemucca District
Attn: Gene Seidlitz
5100 E. Winnemucca Boulevard
Winnemucca, NV 89445

RE: Comments for the Draft Resource Management Plan and Environmental Impact Statement – Winnemucca District Office

Dear Mr. Seidlitz,

Thank you for the opportunity to comment on the DRMP and EIS for the Winnemucca District Office.

As you know, the south end of the Hualapai Desert near Granite Creek, along with lands around Gerlach and lands located south through the San Emidio Desert host substantial geothermal resources. The Gerlach geothermal resource area is estimated to be the third largest geothermal resource in Nevada. The Department of Interior recognized these values and has issued thousands of acres of geothermal leases to promote and encourage renewable energy development opportunities. U.S. Geothermal Inc. holds geothermal leases within the Winnemucca District Office, Black Rock Field Office and we conduct geothermal exploration and operations under the names of USG Nevada LLC and Gerlach Geothermal LLC. U.S. Geothermal is only one of several parties who are interested in developing the geothermal resources in the Gerlach area. As a federal geothermal lessee and as an interested member of the public, we support the Preferred Alternative D with modifications. U.S. Geothermal's concerns and recommended modifications are outlined in the remainder of this comment letter.

B-USG,Inc.-1 Our first concern is the extensive lapse in time between Scoping and publication of this Draft Resource Management Plan. While a period of 12-18 months would be expected, a delay of five (5) years certainly raises questions about the validity and applicability of the scoped issues that are to be addressed in this DRMP. The EIS should discuss the lapse in time and clearly establish how or why the Scoped issues are still valid.

B-USG,Inc.-2 Our second concern is that the Preferred Alternative closes existing geothermal lease areas to fluid mineral leasing and either limits or eliminates "Surface Occupancy" and the opportunity

Responses

B-USG,Inc-1:
BLM has complied with requirements for identification of issues according to Code of Federal Regulations at: §43 CFR 1610.4-1 and the National Environmental Policy Act at: §40 CFR 1501.7 Although a number of years have passed since initial scoping of the RMP, BLM has determined that the planning issues identified remain relevant. The PRMP/FEIS has been updated to address changes in laws, regulations and policy that have occurred since initial scoping. Based on public comments received on the DEIS, input from cooperating agencies, changes in laws regulations and policy input from management and interdisciplinary team input.

B-USG,Inc-2:
The RMP recognizes valid existing rights—See Section 1.6. Fluid mineral leasing, when allowed, may be subject to stipulations designed to protect other resources present in the lease area. Alternatives A and B recommend the leasing scenario that is less restrictive, versus Alternatives C and D. BLM is required under FLPMA to manage public lands in a manner that protects resources values while providing for multiple uses. (FLPMA Sec. 102(8) and Sec. 103(c)). ROW avoidance areas area addressed at D-LR 5.3. Stipulations applicable to avoidance areas are identified in Appendix O. ROW exclusion areas are addressed at D-LR 5.4.—See Figure 3-60.

B-USG,Inc.

Comments

B-USG,Inc.-2 Cont-d

to obtain a ROW for future renewable energy transmission needs. Closing and or limiting fluid mineral development and infrastructure construction in the Granite Creek, Gerlach, and San Emidio geothermal resource areas is unacceptable. USG is strongly opposed to these requirements of Preferred Alternative D. In order to accommodate existing geothermal lease interests and support renewable energy development USG recommends:

B-USG,Inc.-3

1) The No Surface Occupancy designation should not be carried forward on lands that are now under lease or will be leased for geothermal development in the future. It is unacceptable and unreasonable to lease parcels for geothermal development, then place unreasonable limits on how the resource can be developed. Geothermal energy development does not generate high profit margins. As a result, BLM surface occupancy restrictions will result in projects that are not economically feasible to construct.

B-USG,Inc.-4

2) The DRMP appears to specifically not allow any new or additional Rights of Way or ROW corridors by way of "Exclusion or Avoidance areas". This requirement will in effect close the region to renewable energy development. The RMP must acknowledge and allow for transmission and utility corridors so that renewable energy development can be accommodated.

B-USG,Inc.-5

3) The visual resource management classification must be reduced to Class III in the area from Hualapai Desert south through Gerlach and west along SR 447, to allow for geothermal development and transmission under established leases. A class II VRM designation is inappropriate and overly restrictive given the current level of development. Specifically, from our Gerlach leases you can see the towns of Gerlach and Empire, State Highways 447 and SR 34, transmission lines, a waste transfer station, several gravel pits, the US Gypsum mine, trains, Gerlach's water treatment facility tank, a grave yard, a junk yard, and the new administrative site being constructed for the BLM. Certainly this area does not require a VRM Class II designation given the level of development and the Class III designation that exists on the east side of the southern playa.

B-USG,Inc.-6

4) The San Emidio Geothermal Power Plant has been producing energy since 1987 with consistent royalty payments to the federal government. USG Nevada LLC unitized the resource for the purpose of orderly and efficient geothermal development. The Preferred Alternative D will close a large area within our geothermal Unit including the area around the Wind Mountain Gold Mine to geothermal development due allegedly to the presence of cultural artifacts. While there are identified cultural artifacts located in the area, operators have explored and developed this area without the need for closure. We believe cultural resource documentation and/or avoidance has been and will continue to be the best approach to protecting archeological resources. The area proposed for closure is not a registered historic site, does not have significant cultural sites, and should not be closed to fluid mineral development. The fluid minerals closure, proposed to be located within the San Emidio Desert Geothermal Unit NVN-85820X, is not acceptable, will adversely affect future geothermal development within the Unit, and must be removed.

B-USG,Inc.-7

In summary, the 1.2 million acres National Conservation Area (NCA) within the Black Rock Field Office has many restrictions. However, the Act which established the NCA did not establish the need for a buffer zone along the edge or outside of the NCA. As a result, BLM

U.S. Geothermal Inc. 1505 Tyrell Lane, Boise, ID 83706 208-424-1027
www.usgeothermal.com

Responses

B-USG,Inc-3: Existing leases are subject to the stipulations placed on the lease at the time of issue. A decision to place limitations on a particular area is effective only on future leases. See also B-USG, Inc-2. Areas south of Gerlach and west of Highway SR 447 are identified as Class III VRM.

B-USG,Inc.-4: Energy Corridors are designated in the RMP. If new Corridors are needed to meet future demand the plan may be amended. Many renewable energy projects will not require designated corridors. These project will be handled on a case by case basis with rights of way. Rights-of-way are permitted in Avoidance Areas subject to stipulations identified in Appendix O. Management criteria has been developed for ROW exclusion areas that may allow ROW on a case by case basis. See D-FW 1.2.

B-USG,Inc.-5: BLM conducted a comprehensive VRM inventory (2009) to determine management classes. Contrast ratings are required for all major projects proposed on public lands that fall within VRM Class I, II, and III areas. VRM management for management Classes II, II, and IV does not preclude development but manages development to achieve VRM objectives. Lands south of Gerlach have been identified as Class III areas on the west side of SR 447.

B-USG,Inc.-6: The only alternative to propose large-scale closure in the San Emidio Desert is Alternative C. There is a relatively small closure recommended in Alternative D in the vicinity of the Wind Mountain Mine. By law we must maintain the wild and free-roaming nature of the wild horse and burro population, including in the present management setting (Alternative A). Existing leases are subject to the stipulations placed on the lease at the time of issue. A decision to place limitations on a particular area is effective only on future leases.

B-USG,Inc.-7: BLM is in compliance with the NCA legislation. No buffer zones around the NCA have been created. VRM classifications are not buffer zones. Figure 2-33 displays one area south of the NCA border that is proposed as being closed to fluid mineral leasing to protect other resource values outside of the NCA.

B-USG,Inc.

Comments

B-USG,Inc.-7 Cont-d

should not take actions to create a defacto buffer and adversely affect existing and planned uses that are critical to the regions economic stability, generate federal revenues, and support national renewable energy policies.

B-USG,Inc.-8

Finally, it is incomprehensible that the BLM, under our current renewable energy policy, would develop a new administrative site on top of a known geothermal site without utilize the geothermal resource to the fullest extent possible and simultaneously take actions to unnecessarily restrict and even close those resources to future development.

B-USG,Inc.-9

In summary, it is inappropriate for the BLM to implement a Resource Management Plan that limits or hinders the ability to explore and develop known renewable energy resources that support National Energy Policy goals. Without the recommended changes, the Preferred Alternative D will close or otherwise preclude development of the public's valuable renewable geothermal energy resources without basis and the RMP is not consistent with the National Energy Policy Act.

U.S. Geothermal appreciates the opportunity to comment on the DRMP and hopes to see the above changes incorporated into a new RMP. Should BLM chose to close these areas to geothermal leasing and development, either literally or through overly restrictive management requirements, U.S. Geothermal Inc and our partners will be required to seek compensation for our investment losses and future production revenues lost as a result of these actions.

Sincerely,

Kerry D. Hawkley
Chief Financial Officer

CC:
Secretary of Interior, Ken Salazar
BLM Director, Bob Abbey
Nevada State Director, Ron Wenker
Deputy State Director, Minerals Management, Gary Johnson
Senator Harry Reid
Senator John Ensign
Congressman Dean Heller

U.S. Geothermal Inc. 1505 Tyrell Lane, Boise, ID 83706 www.usgeothermal.com 208-424-1027

Responses

B-USG,Inc.-8:
Comment noted.

B-USG,Inc.-9:
According to FLPMA the BLM is required to balance multiple resources in developing an RMP. All of these resources are governed by various laws and regulations.

B-WL

Comments

Responses

WESTERN LITHIUM WLC

October 25, 2010

Mr. Bob Edwards
Winnemucca District Office
Bureau of Land Management
5100 East Winnemucca Blvd.
Winnemucca, NV 89445
Via email: wdrmp@blm.gov

RE: Draft Resource Management Plan
Public Comments

Dear Sir:

We have reviewed the above referenced Draft Management Plan for the BLM's Winnemucca Office and would like to offer comments. Western Lithium Corporation is currently developing a World Class lithium resource within the Winnemucca District at Thacker Pass, in northern Humboldt County, between the Montana Mountains and the Double H Mountains. Part of the deposits extends into the western portion of the Montana Mountains. Western Lithium controls approximately 2000 mining claims covering the deposit. This lithium resource is generally considered, by those knowledgeable, to be one of the largest lithium deposits in the World and therefore should be retained as accessible for future possible development. The Draft Plan impacts to some extent some aspects of our planned development.

In the Purpose of and Need for Action we do appreciate the statement: "The RMP generally does not include a description of how particular programs or projects would be implemented or prioritized; those decisions are deferred to implementation-level planning." We assume this means our future plans for the lithium would stand on its own merits and be considered based on all Resources as outlined in the Plan.

Our planned lithium operation is projected to go into production in 2014. We are in the process of preparing a Plan of Operation (POO) for submittal sometime next year. We currently have an approved Exploration Plan of Operations and a couple of "Notice" level activities in the area. The planned mine would include and extend beyond the current POO boundaries. An EA was prepared as a part of the POO.

B-WL

Comments

Specific comments with regard to the Alternatives include:

B-WL-1

1. The proposed Right of Way Avoidance Areas includes what appears to be a large part of the small valley along State Highway 293 at and to the east of Thacker Pass as shown on Figures 2-66 and 2-68. This is the area encompassed by the southern portion of our claim group and is the area of the current POO and future planned mining operation. We would ask that this area along the highway and within the small valley where are claims are located be excluded from inclusion in any right of way avoidance designation.
2. The proposed Right of Way Exclusion Area as shown on Figure 2-70 appears to encompass a portion of our claim group and of the proposed mining operation in the vicinity of our POO to the north of State Highway 293. This could negatively impact our future operations. Excluding right of ways into the Montana Mountains further to the north could negatively impact future mining operations for lithium.
3. The alternatives for the Priority Wildlife Habitat Areas, Figures 2-8 and 2-81, show priority areas encompass parts of our mining claim group, especially those along State Highway 293 where planned mining operations are proposed to be initiated. We would like to ask that these boundaries be adjusted to exclude the POO and future adjacent proposed mining.
4. As part of our future mining operation Western Lithium would propose additional utility corridors including a gas pipeline into the Thacker Pass area from the Ruby Pipeline to the south.

In addition to the specific comments above we would like to reiterate the need for keeping public lands multiple use, including mining. Western Lithium is about to embark on a long term commitment to potentially develop one of the largest lithium resources in the world. Including this lithium deposit as a valuable domestic resource in the Plan should be considered. The electrification of transportation in the future will require battery technologies that include lithium.

Thank you for this consideration. If I could answer any questions please do not hesitate to contact me at any time.

Sincerely,

Dennis Bryan
Senior Vice President of Development
Western Lithium Corporation
3685 Lakeside Drive
Reno, Nevada 89509
775-827-3318
dbryan@westernlithium.com

Responses

B-WL-1:
A range of alternatives were considered that addresses avoidance and exclusion areas. These were taken into consideration in the FEIS. The avoidance and exclusion zones proposed in the RMP apply only to discretionary actions authorized by the BLM. Appropriate rights-of-way, following routes that are considered by the BLM to be reasonable, and subject to applicable stipulations, must be allowed for operations proposed under the General Mining Law. Avoidance or exclusion zones have no effect on properly authorized operations under the General Mining Law. Definitions for avoidance and exclusions areas are included in the glossary and account for activities allowed by law.