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*Final Environmental Impact Statement*  
*Thacker Pass Lithium Mine Project*

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*Appendix O*

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Regulatory Setting and Required Project Permits

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## APPENDIX O. REGULATORY SETTING AND REQUIRED PROJECT PERMITS

**Table O.1** presents the Federal and State regulatory settings for each resource analyzed in the Final EIS.

**Table O.1. Federal and State Regulatory Setting**

Resource	Regulatory Framework
Air Quality	<p>The Federal Clean Air Act (CAA) and subsequent Clean Air Act Amendments (CAAA) of 1990 authorized the regulation of air emissions from stationary and mobile sources. Specifically, the CAA and CAAA of 1990 requires the EPA to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare, as well as to regulate emissions of hazardous air pollutants.</p> <p>Based on the CAA and CAAA of 1990, the EPA has established NAAQS for pollutants known as “criteria” pollutants that are harmful to public health or the environment. NAAQS have been set for ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), particulate matter less than 10 and 2.5 microns in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb). Air pollutant concentrations that exceed the NAAQS constitute a risk to human health. State specific Ambient Air Quality Standards (AAQS) have also been developed by the Nevada Division of Environmental Protection (NDEP) and are defined in NAC 445B.22097.</p>
Cultural Resources	<p>The National Historic Preservation Act (NHPA) of 1966, as amended, and the Archaeological Resources Protection Act (ARPA) of 1979, as amended, are the primary laws regulating cultural resource preservation. NHPA and ARPA together provide a structure for federal agencies to follow when evaluating effects on Historic Properties listed or eligible for listing in the NRHP.</p> <p>Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on Historic Properties and affords the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. Project-related actions may adversely affect any site, structure, or object that is, or can be, included in the NRHP. These regulations, codified 36 CFR 60.4, provide criteria to determine if a site is eligible and apply to all federal undertakings and all cultural (archaeological, cultural, and historic) resources.</p> <p>ARPA provides protection to archaeological resources and sites on public and Indian lands for the present and future benefit of the people. The intent of ARPA is to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources.</p>
Hazardous Materials	<p>“Hazardous materials,” which are defined in various ways under a number of regulatory programs, can represent potential risks to both human health and the environment when not properly managed. The term “hazardous materials” includes materials that may be utilized, disposed, or generated in conjunction with the proposed Project operations. Hazardous materials are defined and regulated under the following regulatory programs:</p> <ul style="list-style-type: none"><li>• Chemicals covered under Occupational Safety and Health Administration and Mine Safety and Health Administration Hazard Communication Standards (29 CFR 1910.1200 and 30 CFR 42): the types of materials used in mining activities that would be subject to these regulations would include the majority of materials identified under “Hazardous Materials.”</li><li>• “Hazardous materials” as defined under U.S. Department of Transportation</li></ul>

Resource	Regulatory Framework
	<p>(USDOT) regulations in 49 CFR 170-177: the types of materials used in mining activities that would be subject to these regulations would include sodium cyanide, explosives, cement, fuels, some paints and coatings, and other chemical products.</p> <ul style="list-style-type: none"> <li>• “Hazardous substances” as defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and listed in 40 CFR Table 302.4: the types of materials that may contain hazardous substances that are used in mining activities and that would be subject to these requirements would include sodium cyanide, solvents, solvent containing materials (e.g., paints, coatings, degreasers), acids, and other chemicals.</li> <li>• “Hazardous wastes” as defined in the Resource Conservation and Recovery Act (RCRA): Procedures in 40 CFR 262 are used to determine whether a waste is a hazardous waste. The types of materials used in mining activities that would be subject to these requirements would include liquid waste materials with a flashpoint of less than 140 degrees Fahrenheit, spent solvent containing wastes, corrosive liquids, and lab assay wastes. The hazardous wastes are regulated under Subtitle C of RCRA.</li> <li>• Any “hazardous substances” and “extremely hazardous substances” as well as petroleum products such as gasoline, diesel, or propane, that are subject to reporting requirements if volumes on-hand exceed threshold planning quantities under Sections 311 and 312 of the Superfund Amendments and Reauthorization Act (SARA). The types of materials used in mining activities that could be subject to these requirements include fuels, coolants, acids, and solvent-containing products such as paints and coatings.</li> <li>• Petroleum products defined as “oil” in the Oil Pollution Act of 1990. The types of materials used in mining activities that would be subject to these requirements include diesel, lubrication fuels, and hydraulic oil.</li> </ul>
Native American Religious Concerns	<p>The following laws direct the BLM to make its best efforts to identify sites, resources, and activities of religious, traditional, or cultural importance during government-to-government consultation with tribal organizations:</p> <ul style="list-style-type: none"> <li>• NHPA of 1966 (previously 16 U.S.C., Section 470 et seq.; now 54 U.S.C., Section 300101 et seq.)</li> <li>• NEPA of 1969</li> <li>• FLPMA of 1976</li> <li>• AIRFA of 1978 (Public Law 95-341)</li> <li>• ARPA of 1979</li> <li>• NAGPRA of 1990 (Public Law 101-601)</li> <li>• Executive Orders 13007 (1996, Indian Sacred Sites) and 13175 (2000, Consultation and Coordination with Indian Tribal Governments)</li> <li>• Secretarial Order 3317 (2011, Department of the Interior Policy on Consultation with Indian Tribes)</li> </ul> <p>In its consultation process, the BLM also uses its Manual Section 8120, Tribal Consultation Under Cultural Resource Authorities, and guidance from the National Register Bulletin 38, “Guidelines for Evaluating and Documenting Traditional Cultural Properties” (NPS 2019).</p> <p>As defined in National Register Bulletin 38, a traditional cultural property (TCP) “can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (NPS 2019:1). Further, a TCP can be a</p>

Resource	Regulatory Framework
	<p>location characterized by the following:</p> <ul style="list-style-type: none"> <li>• Associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;</li> <li>• Where Native American religious practitioners have historically gone and are known or thought to go today to perform ceremonial activities in accordance with traditional cultural rules of practice;</li> </ul> <p>Where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historical identity.</p>
Transportation	<p>The transportation system in the vicinity of the proposed Thacker Pass Project consists of a network of roads that are maintained by either NDOT, BLM, or Humboldt County.</p> <p>The Nevada Department of Transportation (NDOT) is responsible for the planning, construction, operation, and maintenance of roads highways and bridges which make up the state highway system. In fulfilling these responsibilities, NDOT has in place a resource document entitled Access Management System and Standards. It states, “The purpose of these standards is to regulate access onto state highways in order to protect the health, safety and welfare of the public, to maintain the highway rights-of-way, and to preserve the functional level of State highways while meeting the needs of the motoring public.” A permit for Occupancy of NDOT rights-of-way is required for access onto any street, road, or highway that is in the State highway system, whether for a temporary event, permanent utility, or other development work. An encroachment permit must be approved by and obtained from NDOT prior to the commencement of any type of work within a State right-of-way.</p> <p>Roads that are not owned and maintained by NDOT are under the jurisdiction of either the BLM or Humboldt County, and have similar requirements. State Route 293 and U.S. Highway 95 are within the NDOT state highway system. Pole Creek Road and roads in the vicinity of the Quinn River Production Well are under the jurisdiction of the BLM.</p>
Vegetation and Wetlands	<p>The NDEP BMRR, in cooperation with other state, federal, and local agencies, regulates mining activities. The Reclamation Branch of the NDEP issues permits to exploration and mining operations to reclaim the disturbance created to a safe and stable condition to ensure a productive post-mining land use (NAC-519A 2016).</p> <p>The Winnemucca BLM RMP will be utilized to ensure long-term health and diversity of the public lands by minimizing impacts on other resources, returning lands disturbed to productive uses, and preventing unnecessary or undue degradation to public lands.</p> <p>Wetlands, waters of the U.S. and other waters of the U.S. are regulated by the U.S. Army Corps of Engineers (USACE) in adherence with the Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1972.</p>
Water Resources	<p>The regulation, appropriation, and preservation of water in Nevada falls under both state and federal jurisdiction. Surface water and groundwater use are regulated in Nevada by the Nevada Division of Water Resources (NDWR). The NDEP and BMRR are responsible for surface water quality and groundwater protection.</p> <p>Approval of the Proposed Action or any alternative would require authorizing actions from state agencies and federal agencies with jurisdiction over water resources in the study area. When a project has the potential to directly or indirectly affect the waters under State of Nevada jurisdiction, the State of Nevada is authorized to implement its own permit programs under the provisions of state law or the Clean Water Act (CWA). The Nevada State Engineer Office of the NDWR is responsible for the administration and adjudication of water rights and the issuance of water</p>

Resource	Regulatory Framework
	<p>appropriation permits.</p> <p>The CWA and Nevada water rights regulations provide the primary regulatory framework for the surface water component of water resources. The CWA includes part 404, dealing with the placement of fill material in Waters of the U.S., and includes the protection of water quality via federal and state regulations. Water rights are state-regulated through a permitting process and control the use of surface water and groundwater. Regulatory programs relevant to the proposed Project are briefly described below.</p> <p>Waters of the U.S. are defined by 33 CFR 328.3 as: all waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters that are or could be used by interstate or foreign travelers for recreational or other purposes, or from which fish or shellfish are or could be taken and sold in interstate or foreign commerce, or that are used or could be used for industrial purpose by industries in interstate commerce; all impoundments of waters otherwise defined as Waters of the U.S. under the definition; tributaries of waters identified in paragraphs (a)(1)-(4) of this section; the territorial seas; and wetlands adjacent to waters (other than waters that are themselves wetlands).</p>
Wildlife and Special Status Species	<p><b>BLM/NDOW Partnership</b></p> <p>Wildlife and fisheries resources and their habitat on public lands are managed cooperatively by the BLM and Nevada Department of Wildlife (NDOW) under a Memorandum of Understanding (MOU) established in 1971. The MOU describes the BLM's commitment to manage wildlife and fisheries resource habitat, and NDOW's role in managing populations. The BLM meets its obligations by managing public lands to protect and enhance food, shelter, and breeding areas for wild animals. NDOW assures healthy wildlife numbers through a variety of management tools including wildlife and fisheries stocking programs, hunting and fishing regulations, land purchases for wildlife management, cooperative enhancement projects, and other activities.</p> <p>NDOW is the state agency responsible for the restoration and management of fish and wildlife resources within the state. NDOW administers state wildlife management and protection programs as set forth in Nevada Revised Statutes (NRS) Chapter 501, Wildlife Administration and Enforcement, and NAC Chapter 503, Hunting, Fishing, and Trapping; Miscellaneous Protective Measures. NRS 501.110 defines the various categories of wildlife in Nevada, including protected categories. NAC 503.010-503.080, 503.110, and 503.140 list the wildlife species currently placed in the state's various legal categories, including protected species, game species, and pest species.</p> <p><b>Migratory Birds</b></p> <p>Nongame birds encompass a variety of passerine and raptor species including migratory bird species that are protected under the Migratory Bird Treaty Act (MBTA) (16 United States Code [U.S.C.] 703- 711), Bald and Golden Eagle Protection Act, and Executive Order (EO) 13186 (66 Federal Register 3853). Pursuant to EO 13186, a MOU between the BLM and U.S. Fish and Wildlife Service (USFWS) outlines a collaborative approach to promote the conservation of migratory bird populations. The purpose of the MOU is to strengthen migratory bird conservation in the U.S. and Canada by identifying and implementing strategies that promote conservation and avoid or minimize adverse impacts on migratory birds in</p>



Resource	Regulatory Framework
	<p>coordination with state, tribal, and local governments. This MOU identifies specific activities where cooperation between the BLM and USFWS would contribute to the conservation of migratory birds and their habitat. In Nevada, all birds protected under the MBTA also are protected by state legislation (NAC 503.050). Many of the sensitive migratory bird species found in Nevada also are identified in the Nevada Partners in Flight (PIF) Bird Conservation Plan (Neel 1999). This plan, along with the Birds of Conservation Concern (BCC) Plan (USFWS 2008), prioritizes migratory bird species for management actions according to habitat types.</p> <p><b>Special Status Species</b></p> <p>Special status species are those species for which state or federal agencies afford an additional level of protection by law, regulation, or policy. Included in this category are federally listed species that are protected under the Endangered Species Act (ESA) and species designated as sensitive by the BLM. The State of Nevada has a protected animal list (NAC 503.030) that the BLM has incorporated, in part, into the BLM’s sensitive species list. The State of Nevada has state protected plant lists for Nevada (NAC 527.010) that include many of the BLM and ESA listed species. All cacti, yucca, and Christmas trees in Nevada are protected under Nevada Revised Statutes (NRS) 527.060-120. In accordance with the ESA, as amended, the lead agency (BLM), in coordination with the U.S. Fish and Wildlife Service (USFWS), must ensure that any action that they authorize, fund, or carry out would not adversely affect a federally listed threatened or endangered species. In addition, as stated in Special Status Species Management Policy 6840 (6840 Policy) (Rel. 6-125), it also is the BLM’s policy “to conserve and/or recover ESA-listed species and the ecosystems on which they depend so that ESA provisions are no longer needed for these species, and to initiate proactive conservation measures that reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing of these species under the ESA.”</p> <p><b>Bald and Golden Eagles</b></p> <p>The Bald and Golden Eagle Protection Act (BGEPA) (16 United States Code 668) applies primarily to taking, hunting, and trading activities that involve any Bald or Golden Eagle. The Act prohibits the direct or indirect take of an eagle, eagle part or product, nest, or egg. The term “take” as used in the act includes “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb.” Golden Eagles are protected by the Migratory Bird Treaty Act as well as by the BGEPA, which prohibits take. The Interim Golden Eagle Technical Guidance: Inventory and Monitoring Protocols; and Other Recommendations in Support of Golden Eagle Management and Permit Issuance provides guidance to conduct informed impact analyses and mitigation during the NEPA process (Pagel et al. 2010).</p> <p><b>Greater Sage-grouse</b></p> <p>As required under NRS 232.162, LNC is working with the SETT to utilize the CCS to offset effects of the proposed Project’s surface disturbance to GRSG and sagebrush habitat. Mitigation pursued by the applicant through the CCS program is used to offset impacts to GRSG and sagebrush habitat only, and is not intended to offset effects to other resources, such as impacts to riparian and water resources, or impacts from noise. The final number of credits purchased would be determined based on proximity of credit generation to the Project.</p>

**Table O.2** lists the major permits or approvals already in place or that would be obtained or otherwise addressed and the regulatory agencies responsible for issuing and managing such permits and approvals.

**Table O.2. Major Permits and Approvals**

Permit/Approval	Regulatory Agency
Mine Plan of Operations/Record of Decision	United States Department of the Interior, Bureau of Land Management (BLM)
Surface Disturbance Permit and Air Quality Permit to Construct/Permit to Operate	Nevada Division of Environmental Protection, Bureau of Air Pollution Control (BAPC)
Water Pollution Control Permit	Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (BMRR)
Reclamation Permit	Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (BMRR)
Permit to Appropriate Water	Nevada Division of Water Resources (NDWR)
Industrial Artificial Pond Permit	Nevada Department of Wildlife (NDOW)
Explosives Permit	United States Department of the Treasury, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
General Discharge Permit (Stormwater)	Nevada Division of Environmental Protection, Bureau of Water Pollution Control (BWPC)
Highway Encroachment Permit	Nevada Department of Transportation (NDOT)
Hazardous Materials Storage Permit	Nevada Department of Motor Vehicles and Public Safety, Fire Marshall Division; Fire Protection Licensing Bureau, HAZMAT Office.
Hazardous Waste Identification Number	United States Environmental Protection Agency (EPA)
Liquefied Petroleum Gas License	Nevada Division of Environmental Protection, Bureau of Health Protection Services (BHPS)
Class III Solid Waste Landfill	Nevada Division of Environmental Protection; Bureau of Waste Management (BWM)
Potable Water System Permit	Nevada Division of Environmental Protection, Bureau of Safe Drinking Water (BSDW)
Dam Safety Permit	Nevada Division of Water Resources (NDWR)
Septic System Permit	Nevada Division of Environmental Protection, Bureau of Water Pollution Control (BWPC)
Working in Waterways	Nevada Division of Environmental Protection, Bureau of Water Pollution Control (BWPC)
Conditional Use Permit	Humboldt County Planning Department
Building Permit	Humboldt County Building Department
Eagle Take Permit	U.S. Fish and Wildlife Service
Approved Greater Sage-grouse Mitigation Plan	Nevada Conservation Credit System

## **Applicable BLM and Non-BLM Policies, Plans, and Programs**

The BLM is responsible for authorizing mineral rights access on certain federal lands as authorized by the General Mining Law of 1872 as amended. Under the law, qualified applicants are entitled to reasonable access to mineral deposits on public domain lands that have not been withdrawn from mineral entry. In order to use public lands managed by the BLM's Humboldt Field Office, LNC must comply with BLM Surface Management Regulations (43 CFR 3809), FLPMA, the Mining and Mineral Policy Act of 1970 (as amended), State of Nevada laws and regulations applicable to mine reclamation, and other applicable statutes and regulations. The BLM must review LNC's plans for developing the Thacker Pass Project to ensure the following:

- Adequate provisions are included to prevent unnecessary or undue degradation of federal lands and to protect the non-mineral resources of the federal lands;
- Measures are included to provide for reclamation of disturbed areas; and
- Compliance with applicable state and federal laws is achieved.

Section 1.5 of the EIS, *Relationship to BLM and Non-BLM Policies, Plans, and Programs*, describes some of the key BLM and non-BLM policies, plans and programs that apply to the Thacker Pass Project. A more comprehensive list of policies, plans, and programs that apply to all of the alternatives include the following:

### **Mining Law of 1872**

The federal law governing locatable minerals is the Mining Law of 1872 (May 10, 1872), which declared all valuable mineral deposits in land belonging to the United States to be free and open to exploration and purchase. This law provides citizens of the United States the opportunity to explore for, discover, and purchase certain valuable mineral deposits on federal lands that are open for mining location and patent (open to mineral entry).

### **Federal Land Policy and Management Act of 1976**

This act did not amend the Mining Law of 1872, but did affect the recordation and maintenance of claims. Persons holding existing claims were required to record their claims with the BLM, and all new claims and sites were required to be recorded with the BLM. The law gave the BLM information on the location and number of unpatented mining claims, mill sites, and tunnel sites; helped determine the names and addresses of current owners; and helped remove any cloud of title on abandoned claims.

### **Mining and Mineral Policy of 1970**

This law declares that it is the continuing policy of the federal government to foster and encourage private enterprise in the development of a stable domestic minerals industry and the orderly and economic development of domestic mineral resources. This act includes all minerals, including sand and gravel, geothermal, coal, and oil and gas.

## **2008 Energy and Mineral Policy**

This BLM policy applies to the management of energy and mineral resources on public lands, which is a component of the agency’s multiple use mandate. The BLM seeks to implement its multiple use mission to balance various uses to achieve healthy productive landscapes, including the development of energy and minerals in an environmentally sound manner.

## **National Environmental Policy Act**

The BLM must complete an environmental review under the National Environmental Policy Act of 1969 (NEPA) whenever a project includes a major federal action. If the BLM exercises control over the implementation of the action such that the effect can be meaningfully evaluated, NEPA analysis is required.

The NEPA requires federal agencies to consider the potential environmental consequences of their proposed action, and any reasonable alternatives, before deciding whether and in what form to take an action. Environmental reviews prepared under NEPA should provide a decision maker with relevant and timely information, and the Council of Environmental Quality (CEQ) regulations make it clear that “NEPA’s purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action.”

NEPA analyses must be prepared using an interdisciplinary approach, and the disciplines of the preparers must be appropriate to the scope of the analysis and to the issues identified in the scoping process (40 CFR § 1502.6). The requirement for an interdisciplinary approach is met when preparer(s) consult with all appropriate sources for the analysis of affected resources. This may include staff from other BLM offices or other federal or non-federal agencies, as needed, to provide a rational basis for decision-making.

As described in Section 1.5.1, *National and BLM Policies*, this EIS is consistent with NEPA, as amended (42 U.S.C. §§4321-4347), and Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508; 43 CFR §46). This EIS was also developed to meet the provisions set forth in Department of the Interior (DOI) Secretarial Order (SO) 3355 for streamlining NEPA reviews and implementation of EO 13807 (82 FR 40463).

## **Endangered Species Act**

The Endangered Species Act (ESA) provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing ESA are the U.S. Fish and Wildlife Service (USFWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) Fisheries Service. The USFWS maintains a worldwide list of endangered species, which include birds, insects, fish, reptiles, mammals, crustaceans, flowers, grasses, and trees.

The law requires federal agencies, in consultation with the USFWS and/or the NOAA Fisheries Service, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the

continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife. Likewise, import, export, interstate, and foreign commerce of listed species are all generally prohibited.

### **Migratory Bird Treaty Act**

The Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. § 703, implements various treaties and conventions between the United States and Canada, Japan, Mexico and the former Union of Soviet Republics for the protection of migratory birds. The MBTA prohibits hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting migratory birds, parts, nests and eggs, covered by the Act, except as permitted by regulations (50 CFR Subchapter B). The EO 13186 directs the executive branch departments and agencies to take certain actions to further implement the MBTA. Section 3 requires agencies to develop an MOU with the USFWS to promote the conservation of migratory bird populations. One of the elements of such an MOU is a requirement that each agency ensure that environmental analysis of Federal actions required by NEPA or other established environmental review processes evaluates the effects of actions and agency plans on migratory birds, with emphasis on species of concern. "Species of Concern" are defined as "Those species listed in the periodic report, Birds of Conservation Concern, published by the Fish and Wildlife Service Division of Migratory Bird Management; priority migratory bird species documented in comprehensive bird conservation plans (North American Waterbird Conservation Plan, United States Shorebird Conservation Plan, Partners in Flight Bird Conservation Plan); species or populations of waterfowl that the North American Waterfowl Management Plan identifies as a high, or moderately high, continental priority; listed threatened and endangered bird species in 50 CFR 17.11; or MBTA-listed game birds below desired population sizes.

### **Bald and Golden Eagle Protection Act**

Though Golden Eagles are also protected under the MBTA, the Eagle Act is the primary law protecting eagles. The Eagle Act prohibits "take" of eagles and their nests without a permit (16 U.S.C. 668-668c). The Eagle Act defines "take" to include "pursue, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest or disturb," and prohibits take of individuals and their parts, nests, or eggs. The definition includes the term "destroy" to ensure that "take" includes destruction of eagle nests. The term "disturb" is further defined by regulation as "to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, injury to an eagle, a decrease in productivity, or nest abandonment" (50 CFR 22.3).

The Nevada Department of Wildlife (NDOW) is the state of Nevada agency responsible for restoration and management of fish and wildlife resources, including Golden Eagles, within Nevada.

### **Locatable Minerals Surface Management Regulations (43 CFR 3809)**

The purposes of these regulations are to:

- Prevent unnecessary or undue degradation of public lands by operations authorized by the mining laws. Anyone intending to develop mineral resources on the public lands must prevent unnecessary or undue degradation of the land and reclaim disturbed areas. This subpart establishes procedures and standards to ensure that operators and mining claimants meet this responsibility; and
- Provide for maximum possible coordination with appropriate state agencies to avoid duplication and to ensure that operators prevent unnecessary or undue degradation of public lands.

### **National Historic Preservation Act**

It is the policy of the federal government, in cooperation with other nations and in partnership with states, local governments, Indian tribes, Native Hawaiian organizations, and private organizations and individuals, to:

- Use measures, including financial and technical assistance, to foster conditions under which our modern society and our historic property can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
- Provide leadership in the preservation of the historic property of the United States and of the international community of nations and in the administration of the national preservation program;
- Administer federally owned, administered, or controlled historic property in a spirit of stewardship for the inspiration and benefit of present and future generations;
- Contribute to the preservation of non-federally owned historic property and give maximum encouragement to organizations and individuals undertaking preservation by private means;
- Encourage the public and private preservation and utilization of all usable elements of the nation's historic built environment; and
- Assist state and local governments, Indian tribes and Native Hawaiian organizations, and the national trust to expand and accelerate their historic preservation programs and activities.

### **Winnemucca Resource Management Plan**

Section 1.5.2, *Land Use Plan Conformance*, of the EIS provides a detailed description of the Project's conformance to the Plan.

**Nevada and Northeastern California Greater Sage-grouse Approved Resource Management Plan Amendment**

Section 1.5.2, *Land Use Plan Conformance*, of the EIS provides a detailed description of the Project's conformance to the Plan Amendment.

**State and Local Land Use Plans and Policies**

Section 1.5.2, *Land Use Plan Conformance*, of the EIS provides a detailed description of the Project's conformance to state regulations and local land use plans and policies.

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