



Barrick Gold of North America, Inc.
310 South Main Street, Suite 1150
Salt Lake City, UT 84101

December 24, 2018

Submitted via email to kpetter@sagebrusheco.nv.gov

Ms. Kathleen Petter
Sagebrush Ecosystem Program
201 S. Roop Street, Suite 101
Carson City, NV 89701

Re: Comments regarding proposed mitigation requirements

Dear Ms. Petter,

Barrick Gold of North America, Inc. on behalf of itself and its affiliates (collectively "Barrick"), and in response to the Notice of Workshop to Solicit Public Comments on Proposed Mitigation Regulations, submits these comments. We hope you will consider them in developing proposed regulations related to mitigation of impacts for certain land uses or activities in Greater Sage-grouse habitat.

As the Council is aware, Barrick has entered into the *Barrick Nevada Sage-Grouse Bank Enabling Agreement* (the "BEA") with the Bureau of Land Management ("BLM") and the U.S. Fish and Wildlife Service ("USFWS"). The BEA establishes a conservation bank that allows Barrick to accumulate credits for successful mitigation projects that protect and enhance greater sage-grouse habitat on the company's Nevada ranch lands and on public lands. The BEA specifies that a methodology developed by The Nature Conservancy (that has been agency and peer reviewed) will be used to calculate debits and credits for habitat impacts. The BEA is acknowledged by the 2015 BLM Greater Sage-Grouse resource management plan amendment as an approved method for quantifying and mitigating potential impacts.

Barrick has implemented the BEA. The TNC model has been developed, approved and used to quantify projected debits and credits for Barrick activities. BLM and the USFWS have approved private and public land project plans which identify specific treatment measures that have been or will be undertaken by Barrick to generate credits for the bank. In 2017, Barrick began implementing the approved treatment measures under the private land project plan. Measures on public land will begin after BLM has complied with the National Environmental Policy Act ("NEPA") for that plan. To date, Barrick has invested more than \$4.5 million in implementing the BEA. More than 1,800 acres of private land have been treated. Under the approved private land plan, Barrick will treat 8,000 more acres. Under the approved public land plan, Barrick has committed to treat over 37,000 acres of public land. We have committed \$16 million for on the ground expenditures under the private plan. The BEA is the most advanced and certain plan in Nevada for restoring habitat for Greater Sage-Grouse.

Because of this commitment to the BEA, we ask that any regulations proposed or adopted by the Council regarding mitigation explicitly reference the BEA as an approved methodology and strategy for quantifying and mitigating potential impacts to Greater Sage-Grouse habitat.

The workshop proposal asked for comments on the general topic that “mitigation processes must use . . . the Conservation Credit System, . . . An approved existing Mitigation Program, or some combination therein.” Barrick supports this approach and asks specifically that the BEA be included within any regulatory definition of “approved existing mitigation program,” and recognized by the regulations as an acceptable alternative to the Conservation Credit System.

As regulations are developed, we also recommend that the SEP carefully consider alternatives to the Conservation Credit System that could be used where credits are unavailable or available only far from the proposed disturbance. The SEP’s June 29, 2015 protest of the BLM’s resource management plan amendment stated that “The SEP understands that there is a need to account for existing signed agreements (i.e., the Barrick Bank Enabling Agreement), as well as the need for flexibility in the unlikely event that the CCS is not able to fulfill mitigation requirements. However, the allowance of multiple mitigation systems, without specific detail requiring that alternative mitigation systems achieve at a minimum the same level of conservation gain, does not provide consistency or certainty” that is necessary. This regulatory proposal allows the SEP to develop the “specific detail requiring that alternative mitigation systems achieve . . . the same level of conservation gain.” We hope to see language to implement this objective in the proposed regulations.

If you have any questions regarding these comments or the BEA, please contact Gail Ross, Barrick’s Manager Biological and Ecological Sciences at gsross@barrick.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Webster', with a long horizontal line extending to the right.

Peter Webster
General Counsel U.S.