



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Tonopah Field Office
P.O. Box 911 (1553 South Main Street)
Tonopah, Nevada 89049
Phone: 775-482-7800 Fax: 775-482-7810
<https://www.blm.gov/nevada>

In Reply Refer To:
2920 (NVB0200)
NVN-101544

Ioneer Rhyolite Ridge, LLC
Attn: Matt Weaver
9460 Double R Blvd
Reno, NV 89521

JAN 18 2023

CERTIFIED MAIL NO: 7020 0090 0001 5184 0315

Return Receipt Requested

NOTICE OF TRESPASS

Dear Mr. Weaver:

The United States of America, through the Bureau of Land Management (BLM), has instituted trespass proceedings against you for the unauthorized use of public lands. These proceedings are pursuant to Title 43 Code of Federal Regulations (CFR) 2920.1-2 and 9262.1, under authority of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701 et. seq.). The unauthorized use is generally described as a laydown yard for geotechnical drilling, including a water bladder, on public lands located as described in the following:

T. 1S., R. 37 E., Section 34, NW1/4, Mt. Diablo Meridian, Esmeralda County, Nevada.

BACKGROUND

On October 5, 2022, Ioneer Rhyolite Ridge LLC (Ioneer) submitted a 2920 application to collect subsurface data associated with the proposed Rhyolite Ridge Lithium-Boron Mine. Specifically, Ioneer proposed to drill holes beneath the footprints of the proposed North and South Overburden Storage Facilities (OSF) to determine the foundation conditions of the underlying alluvium and volcanic units. All proposed disturbance was to be conducted outside of Tiehm's Buckwheat critical habitat. BLM provided the application to the United States Fish and Wildlife Service (USFWS) on October 11, 2022, for their review. BLM and USFWS provided a unified set of comments to Ioneer on October 18, 2022. The BLM/USFWS comments included recommended applicant-committed measures for air quality, night skies, noxious weeds, reclamation activities, and monitoring plans. Ioneer addressed all the BLM and USFWS comments in a revised 2920 application and statement of work, which Ioneer submitted to the BLM on October 27, 2022. BLM processed the application and approved it on November 2, 2022.

On January 12, 2023, BLM received notification from the Center of Biological Diversity (CBD) that CBD's routine monitoring of the Tiehm's Buckwheat populations identified disturbance within the critical habitat. CBD's documentation showed a laydown yard and water bladder along Cave Springs Road, within the designated critical habitat. Acting upon this information, BLM staff conducted a site visit and compliance inspection on January 13, 2023. BLM inspectors confirmed the placement of a water bladder and identified remnants of a laydown yard at the location identified by CBD. BLM also confirmed that Ioneer was responsible for the disturbance and equipment. The BLM further confirmed that 1) the disturbance was unauthorized by the 2920 permit or any other authorization and 2) the disturbance occurred within designated critical habitat.

The uses identified by the BLM constitute trespass and Ioneer Rhyolite Ridge, LLC is liable. In accordance with 43 CFR 2920.1-2, Ioneer Rhyolite Ridge is liable for:

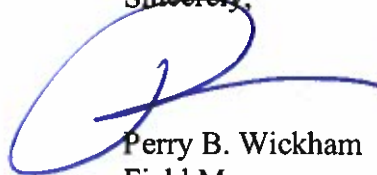
1. The administrative costs incurred by the United States as a consequence of such trespass; and,
2. The fair market value rental of the lands for the current year and past years of trespass; and,
3. Rehabilitation and stabilization of the lands that were the subject of such trespass.

The trespass occurred on lands designated as critical habitat for Tiehm's Buckwheat, so the USFWS must be consulted to determine if any adverse modification or destruction of designated critical habitat occurred prior to the beginning of any reclamation activities. Additionally, BLM and USFWS staff must be onsite during all reclamation actions of said unauthorized use.

If you have evidence or information, which tends to show you are not in trespass as alleged, you are provided 14 days from receipt of this notice to present such evidence or information at the BLM Tonopah Field Office, as listed above.

Failure to respond to this notice in writing within 14 days and resolve the trespass liability may result in further trespass penalties. Should you have any questions or concerns, please contact Jonah Blustain, Assistant Field Manager, at the number above.

Sincerely,



Perry B. Wickham
Field Manager

cc: Scott Lake, Center for Biological Diversity
slake@biologicaldiversity.org

Justin Barrett, USFWS
justin_barrett@fws.gov