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7 *Attorneys for Federal Defendants*

8
9 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

10
11 WESTERN WATERSHEDS PROJECT,
et al.,

12 Plaintiffs,

13 v.

14 UNITED STATES DEPARTMENT
15 OF THE INTERIOR, *et al.*,

16 Defendants

17 and

18 LITHIUM NEVADA CORP.

19 Defendant-Intervenor

Case No. 3:21-cv-103-MMD-CLB

**DECLARATION OF KENTON M.
LODA**

1 I, Kenton M. Loda, hereby declare and state as follows:

2 1. I am the Lead Geologist for the Humboldt River Field Office of the Bureau of
3 Land Management (BLM). My responsibilities include general guidance to management
4 and staff on the application of mineral resource law, regulation, and policy; providing
5 information on mineral development equipment, facilities, and processes; providing day-to-
6 day guidance to staff on practical application of BLM's minerals regulations and policies;
7 and leading projects that are not captured in the usual staff position descriptions, are
8 particularly complex, or functionally exceed the capacity of the existing minerals staff.

9 2. This Declaration is submitted on behalf of Federal Defendants in support of
10 Federal Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction and
11 Motion to Strike Declaration of Terry Crenshaw. I have personal knowledge of the matters
12 stated herein, and if called as a witness, could and would competently testify thereto.

13 3. In my role as the Thacker Pass Project Lead, I am taking a leading role in
14 overseeing the compilation of BLM's administrative record for the action challenged in this
15 action. Though that process is not yet complete, to the best of my knowledge and based on
16 my personal knowledge and inquiries of my staff, I hereby certify that the following
17 documents submitted in support of and opposition to Plaintiffs' Motion for Preliminary
18 Injunction will form a part of, and be included in, the administrative record:

- 19 a. January 15, 2021 Record of Decision: Thacker Pass Lithium Mine Project
20 Record of Decision and Plan of Operations Approval DOI-BLM-NV-WO10-
21 2020-0012-EIS (Plaintiffs' Exhibit 1);
- 22 b. Final Environmental Impact Statement for the Thacker Pass Lithium Mine
23 Project Final Environmental Impact Statement (Chapters 1-6) (Plaintiffs'
24 Exhibit 2);
- 25 c. Appendix B to Final Environmental Impact Statement for the Thacker Pass
26 Lithium Mine Project Final Environmental Impact Statement (Plaintiffs'
27 Exhibit 3);
- 28 d. January 4, 2021 letter titled "Thacker Pass FEIS - 30-Day Review


- 1 Comments” to BLM from Nevada Department of Wildlife; (Plaintiffs’
2 Exhibit 4);
- 3 e. Appendix R to Final Environmental Impact Statement for the Thacker Pass
4 Lithium Mine Project Final Environmental Impact Statement (Plaintiffs’
5 Exhibit 5);
- 6 f. BLM Winnemucca District Resource Management Plan (excerpts of which
7 submitted as Plaintiffs’ Exhibit 7);
- 8 g. Record of Decision and Approved Resource Management Plan Amendments
9 for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions
10 (Plaintiffs’ Exhibit 8);
- 11 h. Nevada and Northeastern California Greater Sage-Grouse Approved
12 Resource Management Plan Amendment (Plaintiffs’ Exhibit 9);
- 13 i. Appendix A to Final Environmental Impact Statement for the Thacker Pass
14 Lithium Mine Project Final Environmental Impact Statement (Plaintiffs’
15 Exhibit 11);
- 16 j. Appendix N to Final Environmental Impact Statement for the Thacker Pass
17 Lithium Mine Project Final Environmental Impact Statement (Plaintiffs’
18 Exhibit 12);
- 19 k. Appendix C to Nevada and Northeastern California Greater Sage-Grouse
20 Approved Resource Management Plan Amendment (Plaintiffs’ Exhibit 13);
- 21 l. Appendix E to Nevada and Northeastern California Greater Sage-Grouse
22 Approved Resource Management Plan Amendment (Plaintiffs’ Exhibit 14);
- 23 m. January 4, 2021 letter from the Environmental Protection Agency to BLM
24 (Plaintiffs’ Exhibit 17);
- 25 n. Appendix K to Final Environmental Impact Statement for the Thacker Pass
26 Lithium Mine Project Final Environmental Impact Statement (Plaintiffs’
27 Exhibit 18);
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- o. Appendix H to Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project Final Environmental Impact Statement (Plaintiffs' Exhibit 19);
- p. Appendix G to Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project Final Environmental Impact Statement (Plaintiffs' Exhibit 20);
- q. Appendix D to Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project Final Environmental Impact Statement (Plaintiffs' Exhibit 33);
- r. Lithium Nevada 2018 Springsnail (*Pyrgulopsis spp.*) Survey, December 19, 2018 (Plaintiffs' Exhibit 34);
- s. September 14, 2020 letter from Western Watersheds Project to BLM titled "Supplemental Comments on the Thacker Pass Lithium Mine DEIS) (Plaintiffs' Exhibit 36);
- t. Draft Environmental Impact Statement for the Thacker Pass Lithium Mine Project Final Environmental Impact Statement (excerpts of which are submitted as Federal Defendants' Exhibit B);
- u. Appendix P, Part 1 of 8, to Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project Final Environmental Impact Statement (Federal Defendants' Exhibit F and Lithium Nevada Corp.'s Exhibit 6);
- v. Nevada and Northeastern California Greater Sage-Grouse Proposed Land Use Plan Amendment and Final Environmental Impact Statement (Section 3.12 of which is submitted as Lithium Nevada Corp.'s Exhibit 3);
- w. Thacker Pass Project, Greater Sage-Grouse Habitat Quantification Report (Lithium Nevada Corp.'s Exhibit 4);
- x. Appendix P, Part 4 of 8, to Final Environmental Impact Statement for the Thacker Pass Lithium Mine Project Final Environmental Impact Statement

1 (Lithium Nevada Corp.'s Exhibit 5); and
2 y. Nevada and Northeastern California Greater Sage-Grouse Proposed Land
3 Use Plan Amendment and Final Environmental Impact Statement
4 (Section 2.7 of which is submitted as Lithium Nevada Corp.'s Exhibit 9).
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6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
7 correct.
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9 Executed on this 9th day of July 2021 in Winnemucca, Nevada.
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12 Kenton M. Loda
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