

EXHIBIT 26

Declaration of Mark Hall

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BARTELL RANCH LLC, *et al.*,
Plaintiffs,
v.

ESTER M. MCCULLOUGH, *et al.*,
Defendants.

WESTERN WATERSHEDS PROJECT,
et al.,
Plaintiffs,
v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, *et al.*,
Defendants.

Case No. 3:21-cv-80-MMD-CLB
Related Case No. 3:21-cv-103-MMD-CLB
(Consolidated)

**DECLARATION OF MARK E.
HALL IN SUPPORT OF
FEDERAL DEFENDANTS'
OPPOSITION TO PLAINTIFF-
INTERVENORS' MOTION FOR
PRELIMINARY INJUNCTION**

1 I, Mark E. Hall, PhD, hereby declare and state as follows:

2 1. I am the Field Manager for the Black Rock Field Office, Bureau of
3 Land Management (BLM), United States Department of the Interior, located in the
4 BLM's Winnemucca District Office (WDO) in Winnemucca, Nevada. I have been
5 employed by the BLM since joining as an archaeologist in January of 2010. Before
6 becoming field manager, I have also worked for the BLM in the WDO as an
7 assistant field manager, a planning and environmental coordinator, a project
8 manager, and an archaeologist. Since November 2017, I have been Field Manager
9 of the Black Rock Field Office.

10 2. Before joining the BLM, I worked as a consultant doing archaeological
11 and ethnographic studies for Cultural Resource Management contractors and with
12 tribes in California and Nevada. From 2006 through June 2007, I was employed as
13 a Museum Scientist by the Native American Graves Protection and Repatriation
14 Act Unit of the Hearst Museum of Anthropology at the University of California at
15 Berkeley (UCB). My doctorate in Anthropology, Archaeology emphasis, was
16 awarded in December 1992 from UCB. My MA in Anthropology was awarded
17 from UCB in 1986, and I was also awarded a MS in Materials Science and Mining
18 from UCB in 1985, and a BS in Metallurgy from the University of Kentucky in
19 1982. I am listed in the Register of Professional Archaeologists, a member of the
20 American Geophysical Union, Archaeological Institute of America, Society for
21 California Archaeology, and the Prehistoric Society. I have published over 45 peer
22 reviewed articles in such journals as American Antiquity, Antiquity, Archaeometry
23 and Journal of Archaeological Sciences. Over the past two years I have presented
24 papers and posters on the archaeology of the Winnemucca District at the American
25 Geophysical Union conference, European Geophysical Union conference, Society
26 for California Archaeology conference, and the 2021 Society for American
27 Archaeology conference.
28

1 3. In my capacity as Field Manager, I oversee the Black Rock-High Rock
2 National Conservation Area, the Burning Man Event, and manage employees
3 working in natural resource and recreation programs. The Black Rock Field Office
4 has active recreation and geothermal programs. As a line officer, I have authority to
5 sign decision documents for projects on public lands in the jurisdiction of the Black
6 Rock Field Office. In addition, since the WDO's senior archaeologist (who was
7 assigned to the Thacker Pass Project (Project)) took a new position in Arizona, and
8 WDO's two other archaeologists are new recruits, I am mentoring and training
9 them. Due to this situation, I am familiar with the Project and specifically the
10 Historic Properties Treatment Plan (HPTP) and the Project's compliance with the
11 National Historic Preservation Act (NHPA).

12 4. On June 27, 2021, the Burns Paiute Tribe informed the BLM
13 Winnemucca Field Office of a 2006 tribal resolution through which the Tribe
14 defined its aboriginal territory to include the Thacker Pass area. Prior to June 27,
15 2021, the BLM Winnemucca Field Office was not aware of this resolution.

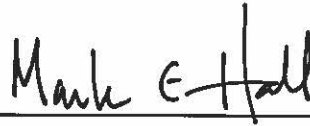
16 5. In late August 2020, BLM sent letters enclosing copies of the draft
17 Memorandum of Agreement and the Historic Properties Treatment Plan to the Fort
18 McDermitt Paiute-Shoshone Tribe, the Summit Lake Paiute Tribe, and the
19 Winnemucca Indian Colony. BLM received no response to those letters.

20 6. The Record of Decision for the Thacker Pass Project indicates on
21 page 6 that the MOA was still being prepared as of the date of the Record of
22 Decision even though the MOA was signed on November 5, 2020. This was an
23 unintentional oversight.

24 7. The majority of the caves or rockshelters in the vicinity of the Project
25 Area that the BLM knows of are approximately 0.6 mile to 8 miles away from the
26 areas proposed for excavation and are located at higher elevations than the areas
27 proposed for excavation. Most are in the indirect effects area, while others are
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1 outside the area of indirect and direct effects. The excavations are only occurring in
2 the area of direct effects. Some are in the Double H/Whitehorse archaeological
3 district and would potentially be subject to visual indirect effects once the mine is
4 constructed. Thus, the survey and excavation component of the HPTP in the
5 Double H/Whitehorse District is unlikely to disturb these caves and hiding places.
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7 Executed on this 12th day of August 2021 in Winnemucca, Nevada.

8
9  12 Aug. 2021

10 Mark E. Hall
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