BAYHORSE SILVER USA INC

Aquatic/Avian/Terrestrial Wildlife Occurrences

Baseline Report

July 2024

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BAYHORSE SILVER USA INC. BAYHORSE MINE PROJECT EXISTING ENVIRONMENT BASELINE REPORT in support of an Operating Permit under MLRR Division 35, OAR 632-035-0025. Oregon Mined Land Reclamation Act, Placer Mines, Coal Mines, And Metal Mines Using Only Gravity Separation.

Existing Environment - Environmental Baseline Information including analysis and characterization of the following:

1 Vegetation
2 Soil/Overburden
3 Climate/Air Quality/ Precipitation (including modeling 100-year, 24-hour precipitation event)
4 Fish/Aquatic Biology
5 Wildlife (terrestrial/avian)
6 Surface Water
7 Groundwater
8 Area seismicity
9 Geology and geographic hazards
10 Mineralogy and chemistry
11 Noise

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Abbreviations

BGEPA Bald and Golden Eagle Protection Act

BLM Bureau of Land Management

DOGAMI Department of Geology and Mineral Industries

ESA Endangered Species Act

FSA Farm Service Agency

GIS Geographic Information Systems

GPS Global Positioning System

IPaC Information for Planning and Consultation

NAIP National Agriculture Imagery Program

NEPA National Environmental Policy Act

NHD National Hydrography Dataset

NRCS Natural Resources Conservation Service

NWC Northwest Wildlife Consultants, Inc.

NWGAP Northwest Regional Gap Analysis Project

OAR Oregon Administrative Rule

ODFW Oregon Department of Fish and Wildlife ORBIC

Oregon Biodiversity Information Center

ORS Oregon Revised Statute

T&E threatened and endangered

TES Threatened, Endangered, and Sensitive Species

U.S.C. United States Code

USDA United States Department of Agriculture

USFWS United States Fish and Wildlife Service

USGS United States Geological Survey

WSA Wildlife Study Area

FISH, AQUATIC BIOLOGY, WILDLIFE BASELINE REPORT

Introduction

The purpose of this Fish/Aquatic Biology, Wildlife (terrestrial/avian), baseline report is to characterize their condition in the study area for an Operation Permit Application for continued mining operations at the Bayhorse Silver Mine Project (Project) near the town of Huntington, Baker County, Oregon.

The Oregon Department of Geology and Mineral Industries (DOGAMI) guidelines for an Operations Permit Application under MLRR Division 35 Application Requirements (OAR 632-035-0025) require local and regional information be collected on Vegetation, Soil/Overburden, Climate/Air Quality/ Precipitation (including modeling 100-year, 24-hour precipitation event), Fish/Aquatic Biology, Wildlife (terrestrial/avian), Surface Water, Groundwater, Area Seismicity, Geology and Geographic Hazards, Mineralogy and Chemistry and Noise, to provide a characterization of baseline conditions. These conditions include the 100-year 24 hour precipitation event

Location

The Project, that lies entirely within the Idaho Power Corporation Baseline Study Area that extends one-half mile from the banks of the Brownlee Reservoir, for the renewal of its Hells Canyon Hells Canyon Dam Complex relicensing; and that has been approved by the State of Oregon as of the date of this study. The Project is zoned by Baker County as ME (Mineral Extraction) and is located at 31690 Snake River Road, approximately 8 miles north of Huntington, Baker County, Oregon, 97907, which is 4 miles off US Interstate I-84 exit 26, and 30 miles north-west of the city of Ontario on the State Boundary Line with Idaho Oregon (Figure 1, Figure 2).

The Mine and underground workings are located on Baker County Tax Lot 500 and the historic underground workings extend under an adjacent unpatented lode mining claim (BH7) land administered by the Bureau of Land Management. Road access to the Mine is located on Tax Lot 400, that commences on Snake River (Baker County) Road in Township 13 South Range 45 East W.M., Baker County, Oregon. Together the Property covers an estimated 35 acres. Tax Lots 300 and 500, are owned by Bayhorse Silver Mine LLC. Bayhorse Silver has a 100% interest in a Mining Lease on the Property.

The mine and road access is located on private ground of +/- 22 acres and an unpatented lode mining claim that covers an additional +/- 20 acres. All proposed mining operations would occur on +/- 3.5 acres of Tax Lot 500 on ground that has historical, and recent, mining related disturbance (DOGAMI GIS 2023).

All historic mining related disturbances have occurred on the private, ground, with some underground and proposed mining underground workings extending under the unpatented lode mining claim BH7.

Snake River Road runs along the Western side of the Brownlee Reservoir, that was created in 1956 by the establishment of the Brownlee Dam by Idaho Power Corporation.



Figure 1, Mine general location.

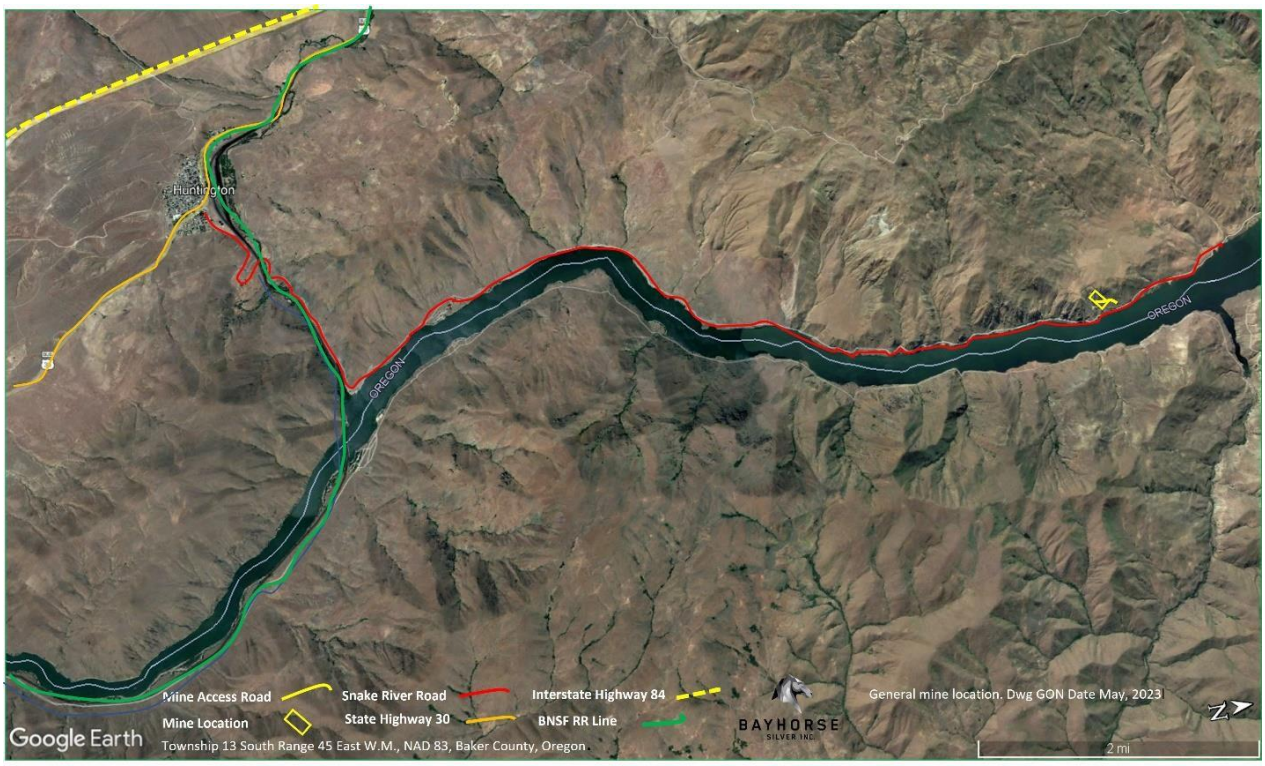


Figure 2, Mine location

The Bayhorse Mine Project is designed as a minimal environmental impact project using electronic dry sorting (gravity) to reduce the volume of material for trucking to off site processing facilities in Payette, Idaho. Water is solely used for dust suppression purposes during mining and the crushing/separating process.

All sorted mineralization is bagged and trucked to Payette, Idaho, for further processing, The only water used at the mine site is for dust suppression from crushing the proposed +/- 70 cu/yds mined material per day. The rejects from the sorting have a Acid Base Assessment (ABA) of 29, and it is intended to backfill the mined voids with these rejects. Stormwater from the crushing/sorting area is directed to sumps so that stormwater from the active operations area is retained on site. It is filtered and recycled or is evaporated. Solids are removed from the sumps and is used in backfilling underground excavations.

The Oregon Department of Geology and Mineral Industries (DOGAMI) guidelines for an Operations Permit Application under MLRR Division 35 Application Requirements (OAR 632-035-0025) require local and regional wildlife information be collected to provide a characterization of baseline conditions.

Resource Study Area

The Resource Study Area is between mile 320 and 321 of the Snake River system in what is termed the Upper Reaches of the Brownlee Reservoir, created through the development of the Hells Canyon Dam Complex, which license expired in 2005. The relicensing Application was made to the FERC in 2003.

FERC issued a final environmental impact statement (EIS) for the project in 2007. Since then, it has worked with the states of Oregon and Idaho to receive water-quality certifications required to obtain a new FERC license. These certifications were granted in May 2019.

Until a new license is issued, Idaho Power operates the HCC on an annual license under the terms and conditions of the prior license, that Idaho Power Corporation anticipates that the relicensing will be completed by the end of 2024. All these facilities operate under the same license (No. 1971) granted by FERC.

Due to the relicensing application requirements by Federal and State (Idaho/Oregon) Agencies for the Hells Canyon Dam Complexes, there have been numerous, comprehensive, Baseline Studies completed by and for Idaho Power Corporation on the Hells Canyon Complex that includes one-half mile from the banks of the Brownlee Reservoir, inside which the Bayhorse Mine is located.

Literature Review

A review of the significant number of studies conducted by, for, or on behalf of Idaho Power Corporation, and studies conducted by the U.S. Geological Survey, U.S. Department of Agriculture, U.S. Department of Commerce, U.S. Department of the Interior, (Bureau of Land Management, Fish and Wildlife), among others in Relicensing the Hells Canyon Hydro Developments by Idaho Power Corporation was undertaken to develop this baseline report.

These studies, approved by the State of Oregon, include a biological assessment titled Biological Assessment for Bureau of Reclamation Operations and Maintenance in the Snake River Basin Above Brownlee Reservoir, undertaken by the U.S Department of the Interior, Bureau of Reclamation and includes assessment of Essential Fish Habitat, steelhead and salmon and bull trout and aquatic snails. Occurrence and Distribution of Amphibians and Reptiles in Hells Canyon by Idaho State University Department of Biology as well as bald eagles and grey wolf. (See Bibliography).

The Brownlee Reservoir is dammed on the Snake River, between mile 284 and 285, from its confluence with the Colombia River, near Pasco, Washington State. The Brownlee Reservoir has a catchment area of 72,500 square miles (Figure 3).

Although the Brownlee Reservoir is used as a water storage reservoir for the generation of hydro power, it has large seasonal fluctuation in water levels. It is also used to support fish habitat, and an accompanying large freshwater recreational fishing environment. Power boats regularly travel along the reservoir, and a significant number of fisherpersons regularly park/camp, at the BLM's "Spring" campsite, 1.5 miles north of Huntington, Oregon, and along many miles of Snake River Road to conduct fishing activities during the Spring, Summer, and Fall.

From late Fall to early Spring, the climate of west-central Idaho and eastern Oregon is typically influenced by cool and moist Pacific maritime air. Periodically, this westerly flow is interrupted by outbreaks of cold, dry, continental air from the north, normally blocked by mountain ranges to the east. During Summer months, a Pacific high pressure system dominates weather patterns,

The majority of the baseline characterization in this report has been taken from the significant relicensing documentation developed by Idaho Power Corporation during the period 2000 to 2020, and submitted and approved by Federal Agencies and the Agencies of the States of Oregon and Idaho for its hydro power dams of the Snake River Corridor, Hells Canyon, Weiser, Idaho to the Salmon River

Regulatory

Federal & State

The Council on Environmental Quality regulations discuss "human environment" at 40 Code of Federal Regulations 1508.14. This term broadly relates to the biological, physical, social, and economic elements of the environment. It includes the wildlife resources category. Relevant data is to be used in describing the affected environment as the basis for determining the effects (direct and indirect) of a proposed action.

The 2008 BLM National Environmental Policy Act (NEPA) Handbook (H-1790-1) describes potential NEPA-related federal requirements. Other federal requirements, such as the Endangered Species Act (ESA) consultations, and critical habitat procedural requirements are discussed in Chapter 175, "Wildlife and Vegetation Protection; Environmental Regulation of the American Law of Mining" (Holland and Hart 2010).

The following sections provide a list of relevant federal regulations. 3.1.1 Federal Endangered Species Act Section 7 of the ESA (19 United States Code [U.S.C] § 1536(c)), as amended, states that any actions authorized, funded, or carried out by a federal agency do not jeopardize the continued existence of a federally listed endangered or threatened species, or result in the destruction or adverse modification of federally listed designated critical habitat.

The action agencies are required to consult with the United States Fish and Wildlife Service (USFWS) and/or National Oceanic and Atmospheric Administration to determine whether federally listed threatened and endangered (T&E) species or designated critical habitat are found within the vicinity of the proposed project, and to determine the proposed action's potential effects on those species or critical habitats.

Bald and Golden Eagle Protection Act When first enacted in 1940, the Bald and Golden Eagle Protection Act (16 U.S.C.§ 668) (BGEPA) prohibited the take, transport or sale of bald eagles, their eggs, or any part of an eagle except where expressly allowed by the Secretary of the Interior. The BGEPA was amended in 1962 to extend the prohibitions to the golden eagle (Aquila chrysaetos).

Bald eagles typically nest in multi-layered coniferous stands with old-growth trees and within 1 mile of large bodies of water (lakes, reservoirs, large rivers, and coastal estuaries). Availability of suitable trees for nesting and perching is critical. There are no multi-layered coniferous stands with old-growth trees within 3 miles of the Bayhorse Project location on the Brownlee.

Golden eagles typically nest on steep cliffs or tall trees. While there are rocky outcrops present, there do not appear to be suitable "eyrie" sites for Golden eagles within three miles of the Bayhorse Project location on Brownlee Reservoir.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (16 U.S.C. §§ 703-712) implements various treaties and conventions for the protection of migratory birds. Under this Act, taking, killing, or possessing migratory birds (including any part, nest, or egg) is unlawful.

Bureau of Land Management (Manual 6840)

Special Status Species The BLM's policy for management of special status species is in BLM Manual Section 6840 (BLM 2008a). Special status species include the following:

- Federally listed Threatened or Endangered Species: Any species the USFWS has listed as an endangered or threatened species under the ESA throughout all or a significant portion of its range;

- Proposed Threatened or Endangered Species: Any species the USFWS has proposed for listing as a federally endangered or threatened species under the ESA;

- Candidate Species: Plant and animal taxa under consideration for possible listing as threatened or endangered under the ESA;

- Delisted Species: Any species in the five years following their delisting;

- BLM Sensitive Species: Species designated as Sensitive by the BLM State Director because they meet the following criteria: Native species found on BLM-administered lands for which the BLM has the capability to significantly affect the conservation status of the species through management, and either:

1) there is information that a species has undergone, is undergoing, or is predicted to undergo a downward trend such that the viability of the species or a distinct population segment of the species is at risk across all or a significant portion of the species range; or

2) the species depends on ecological refugia or specialized or unique habitats on BLM-administered lands, and there is evidence that such areas are threatened with alteration such that the continued viability of the species in that area would be at risk (BLM 2008a); and

- State of Oregon Listed Species: State-protected animals that have been determined to meet BLM's Manual 6840 policy definition.

State The Oregon Department of Fish and Wildlife (ODFW) manages fish and wildlife populations through objectives specified in various management plans.

ODFW has direct responsibility for wildlife protection. In the Permit Area, the BLM manages habitat to support fish and wildlife.

The State of Oregon has threatened, endangered, and sensitive (TES) species provisions that protect native vertebrates and plants on state lands (ORS Sections 496.172 to 496.192; 498.026; and 564.100 to 564.135) and requires consideration of the impacts of any action on private land on T&E species (ORS Sections 517.956. 496.012, and 506.109).

Fish and wildlife mortality shall be reported in accordance with a monitoring and reporting plan approved by ODFW; Baseline data collection will be consistent with what is required in developing a wildlife protection plan in accordance with OAR 635-420-0010, standards to protect wildlife in accordance with OAR 635-420-0015-0025, a habitat mitigation plan in accordance with OAR 635-420-0030, and wildlife mitigation plan in accordance with OAR 635420-0060.

If required, a wildlife mitigation plan shall include the information required in OAR 635-415-0020(5). Affected wildlife habitats shall be evaluated using methodologies approved by the ODFW which are well-documented, measurable and verifiable.

Study Methodology

The Bayhorse Mine operating area and access road has been in existence since as early as 1976. There are three historic mine portals, and one historic, blind adit. The Brownlee Reservoir is the only Surface waterway, while there is a seasonal spring/seep at the top of the property.

The local distinctive overburden/soils are stony talus/scree slopes, and the desertic herbland vegetation is prevalent along the majority of the Brownlee Reach.

Desertic-herbland vegetation consists of mainly herbaceous-dominated vegetation types. The dry climate and typically stony, shallow soils of the canyon have favored the development of grassland steppe communities at the lower and middle elevations (Tisdale 1979, 1986).

Commonly occurring grass species in the study area include bunchgrasses, such as bluebunch wheatgrass (Pseudoroegneria spicata), Idaho fescue (Festuca idahoensis), Sandberg bluegrass (Poa secunda), and annual grasses, such as cheatgrass (Bromus tectorum) and medusahead wildrye (Taeniatherum caput-medusae) (Holmstead 2001). Other grasses, such as sand dropseed (Sporobolus cryptandrus) and red threeawn (Aristida longiseta), are locally common (Bonneville Power Administration 1984, Tisdale 1986).

In the Brownlee Upper Reach where the Bayhorse Project is located, many shoreline sections have no riparian vegetation. Rather, upland vegetation on steep canyon slopes simply meets the rocky shoreline. Grassland and shrubland communities are common along the Snake River and its tributaries.

The shoreline portion of the Brownlee in the Resource Study area (between miles 320 and 321), (Figure 3), between the highwater level and the drawdown levels, consist of hard rock, gravel and sand.
Snake River Road is beside the shoreline where it passes by the Bayhorse Project property. The ground between the highwater level and the road is dry and hard and is not conducive to supporting riparian vegetation.

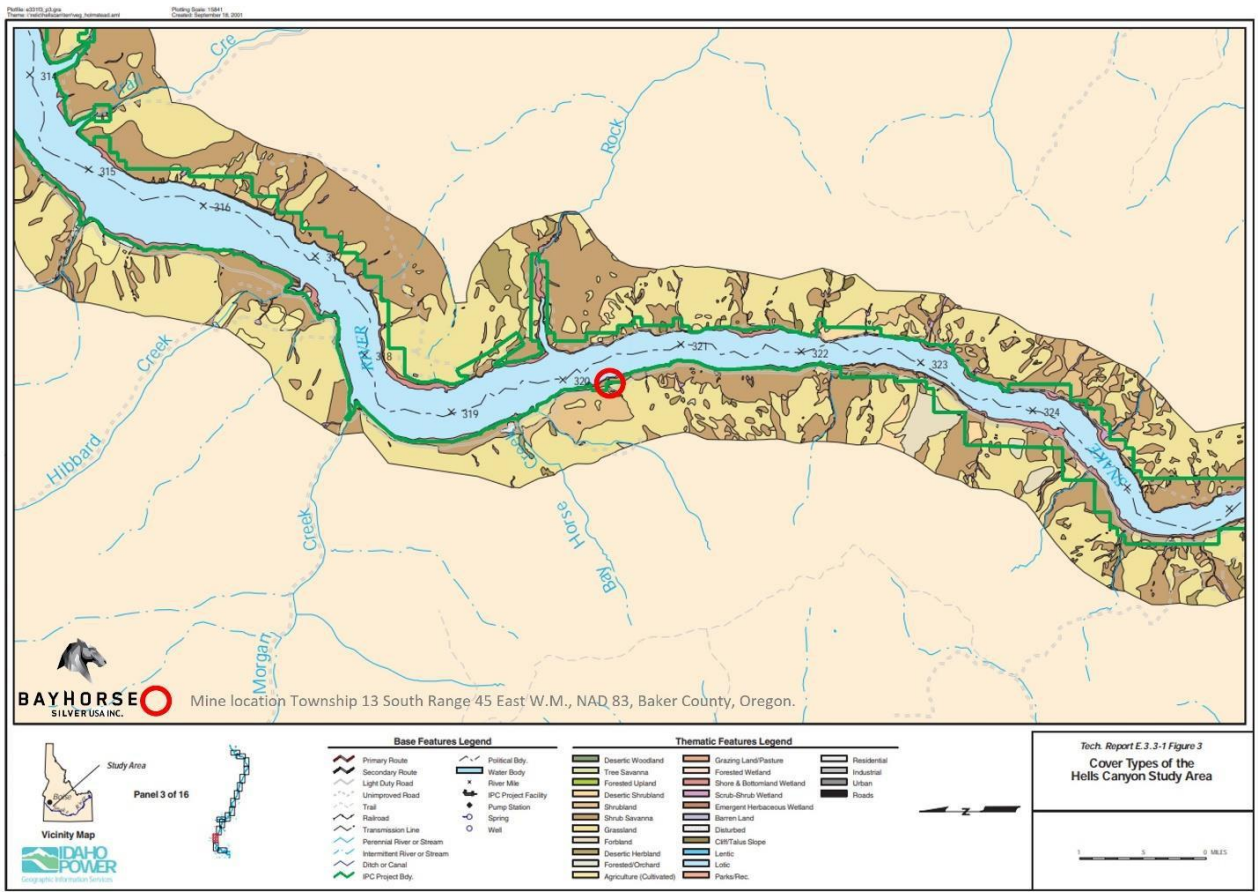


Figure 3. Resource Study Area, Between Miles 320 & 321 of the Snake River Upper Reach of the Brownlee Reservoir.

Avian Species

There are no wetland wildlife habitats and no riparian areas in the study area. There is no big game habitat. Due to the predominately dry talus/scree slopes and rocky outcrops, bird habitat is limited. Idaho Power Corporation has developed and published a “bird checklist” (see bibliography) that identifies all avian species, including waterfowl, and supporting habitat, that inhabits the Hells Canyon Complex. In the study area, there is minimal to no habitat for state or federally listed threatened or endangered species, and state sensitive species. There are no reproduction and nursery areas and no fish spawning areas.

There are Geomorphic and edaphic habitats such as rocky outcrops and accessible underground mine workings. As the Brownlee is a large body of water, it is a waterfowl wildlife migration and movement corridor.

The Oregon Biodiversity Information Center (ORBIC), maintains a computerized inventory of the wildlife, plant, and ecological community resources of Oregon, as does the Oregon Department of Fish and Wildlife (ODFW) maintain fish habitat species inventory.

Farewell Bend State Park, which has riparian vegetation that supports avian species, is 10 miles from the study area, and the BLM Spring Recreation area, that has some riparian vegetation, is 6 miles from the study area. Both are known bird watching sites.

Approximately 2.4 acres of the Permit Area have mine related disturbance, of which +/- 1 acre is in the form of compacted gravel working area accessed by a +/- 0.5 acre access road. These areas are relatively devoid of vegetation and offer little value to most wildlife. Roads are a potential source of the spread of noxious and invasive exotic grasses and weeds. They also constitute a potential source of fatality for birds, snakes, lizards, and mammals. During operations, there is very little traffic on the access road to the Permit Area, while Snake River County Road has moderate traffic during the spring/summer/fall fishing season.

Aquatic (Fish)

Brownlee Dam is a hydroelectric earth fill embankment dam on the Snake River on the Idaho-Oregon border, in Hells Canyon (river mile 285). It impounds the Snake River in the 58-mile (93 km) long Brownlee Reservoir and has a catchment area of 72,500 square miles. (U.S. Bureau of Reclamation)

Brownlee Reservoir is a steep-sided reservoir with a maximum depth approaching 300 ft near the dam. Large rock outcrops occur throughout its entire length. In 1988 & 1989 the Idaho fish and game and the Oregon department of Fish and Wildlife in cooperation with Idaho Power Co., took a creel census. That census showed that Brownlee produced more fisherman hours than any other body of water in the state apart from the ocean.

As part of the original license that was issued for the Hells Canyon Complex (HCC), and ongoing Federal relicensing of the HCC, Idaho Power was mandated to preserve the anadromous fish (fish that spawn in fresh water, migrate to salt water to reach adulthood and return to freshwater to spawn) runs that would be affected by this hydroelectric development. Idaho Power Corporation maintains active fish hatcheries supporting all fish and their habitat. (see bibliography).

The following fish species have been reported by Idaho Power Corporation relicensing studies that inhabit the 55 mile long Brownlee Reservoir: Smallmouth bass, largemouth bass, bluegills, several species of bull heads, channel catfish, blue catfish, flathead catfish, black crappie, white crappie, sturgeon, red eared sunfish, pumpkinseed, rainbow trout, and more recently brown trout and walleye. River otters have also been identified in Brownlee. There are no salmon above the Brownlee Dam (Idaho Power Relicensing Documentation) Significant recreational fishing occurs on the Brownlee Reservoir.

Idaho Power Species Occurrence and Distribution of Amphibians and Reptiles in Hells Canyon (2003) identified the desertic herbland classified sandy/rocky talus/scree slopes on the Bayhorse Project property may support the striped whipsnake (Masticophis taeniatus), although none have been reported. and the western rattlesnake (Crotalus atrox), of which reports of several sightings have been made in the mine portals. No amphibians or lizards have been identified in the Bayhorse Project area.

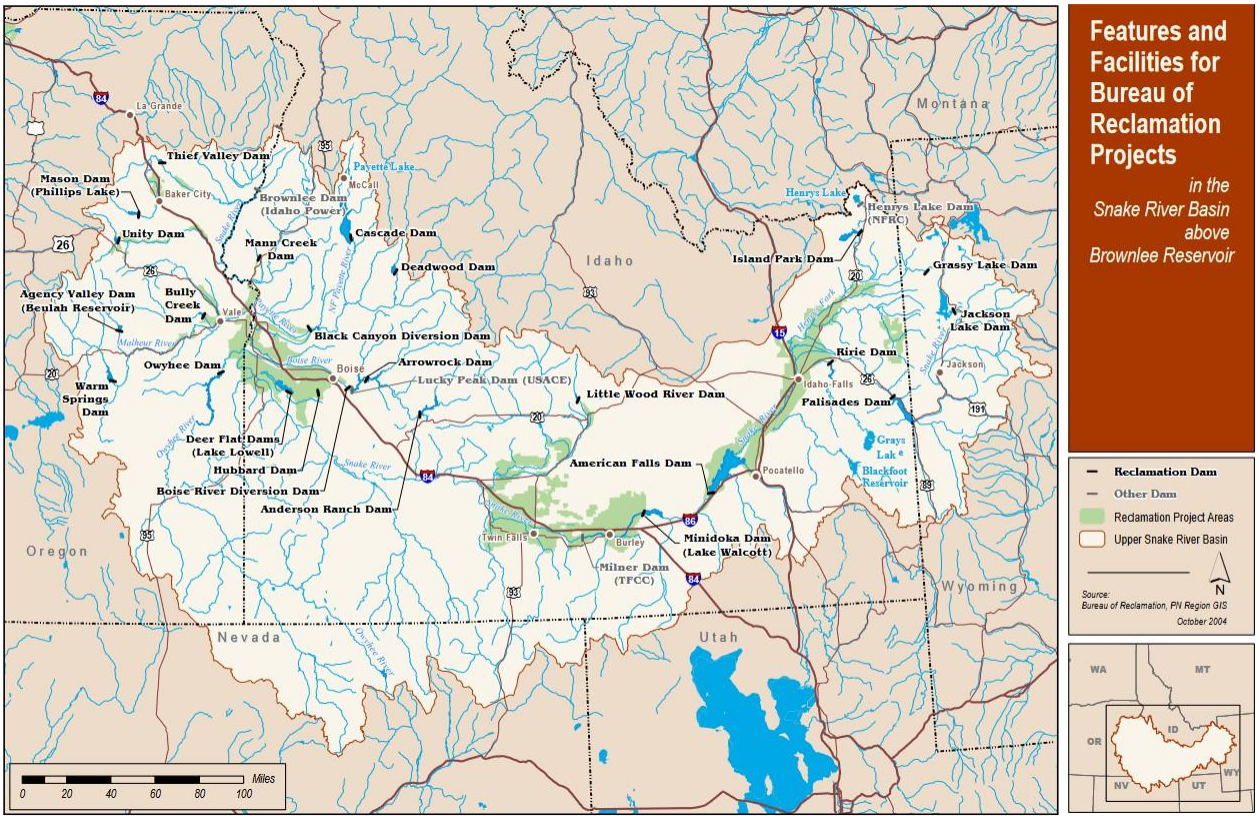


Figure 4. Brownlee Reservoir Catchment Area.

General Wildlife Observations

Wildlife species and habitats occurring within and adjacent to the 0.5-Mile Buffer are consistent with desertic herbland classification of the section of the Brownlee where the Bayhorse Project is located where grasses are the dominant species. During the period June 2014 to June 2023, Mule deer (Odocoileus hemionus) have been identified outside this 0.5 mile area. One Mountain Lion sighting was reported. Western rattlesnakes have been found in the entrance to the underground workings. Packrats are evidenced by their scat inside the equipment shelter, and inside the underground workings. The underground workings have been inspected for evidence of bats; however, no evidence of bat guano has been found.

Packrats and squirrels are an important source of prey for the raptor species; however, no owls have been observed, and few birds are present around the Bayhorse Project working area. The occasional hawk has been observed flying overhead of the Reservoir. Neither badger nor coyote are present, nor are their common prey, ground squirrels, no owls were observed within the 0.5-mile buffer.

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