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Working to protect and restore Western Watersheds and Wildlife

Delivered via email

May 31, 2018

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RE: Supplemental Comments on the Environmental Assessment for the Cortez Refractory Ore Amendment to the Plan of Operations (NVN-067575 [18-1A]) and Reclamation Permit Application (DOI-BLM-NV-B010-2018-0028-EA)

Dear Mr. Hurrell:

Western Watersheds Project (WWP), Center for Biological Diversity (CBD), and Great Basin Resource Watch (GBRW) are pleased to provide these supplemental comments in response to the Bureau of Land Management's (BLM's) reopening of the comment period for the Environmental Assessment (EA) for the Cortez Refractory Ore Amendment to the Plan of Operations (NVN-067575 [18-1A]) and Reclamation Permit Application (DOI-BLM-NV-B010-2018-0028-EA).

Western Watersheds Project is a non-profit organization with more than 5,000 members and supporters. Our mission is to protect and restore western watersheds and wildlife through education, public policy initiatives and legal advocacy. Western Watersheds Project has staff and members in Nevada who use and enjoy America's public lands and their wildlife, cultural and natural resources for health, recreational, scientific, spiritual, educational, aesthetic, and other purposes. Western Watersheds Project also has a direct interest in mineral development that occurs in areas with sensitive wildlife populations and important wildlife habitat, as well as long-standing interest in conserving Nevada's wildlife and habitats.

The Center for Biological Diversity ("Center") is a non-profit environmental organization dedicated to the protection of native species and their habitats in the Western

Hemisphere through science, policy, and environmental law. The Center has over 1.6 million members and supporters throughout Nevada and the United States, including dozens of supporters who live in the Battle Mountain District, and who utilize public lands for recreation and other uses. The Center's Nevada program focuses on the protection of wildlife and endangered species, the preservation of public lands, and the sustainability of Nevada's groundwater resources.

Great Basin Resource Watch is a regional environmental justice organization dedicated to protecting the health and well being of the land, air, water, wildlife, and human communities of the Great Basin from the adverse effects of resource extraction and use. We inform communities about mining impacts through reports and educational materials. We review mine proposals, permits and expansions in Nevada and California, and we recommend policy solutions to reduce toxic emissions, protect our water resources and preserve human and wildlife habitat.

The comments in this letter are in addition to previous comments dated May 24, 2018. We incorporate those comments by reference (Attachment D).

I. We urge the BLM to withdraw and redraft the EA, and then circulate the new EA for public comment.

We thank you for extending the EA's comment period and making the Cortez Hills Expansion Project's Final Environmental Impact Statement (FEIS) available online. However, one week for the public to review the information contained in the 721-page FEIS in relation to this EA is insufficient. Most of the public needs to juggle work, family, etc. and then try to find time to look over the National Environmental Policy Act (NEPA) materials. BLM needs to provide a minimum of two weeks for this review.

In a larger sense we see many procedural problems with this EA, as described in our May 24, 2018 comments and in this letter. We urge the BLM to withdraw the current EA and draft a new EA that adheres to NEPA and its implementing regulations, followed by circulating the new EA for public comment.

The EA will effectively need to be redrafted due to the lack of inclusion of cumulative impacts for the proposed "Deep South Expansion." Effectively all sections of cumulative impact will require significant updating to include the Deep South Expansion, making the existing EA seriously deficient. We are also concerned about the EA's reliance on non-NEPA documents for much of its NEPA analysis. The BLM needs to start fresh on this EA and reissue to public review.

II. The EA fails to take a hard look at the direct, indirect, and cumulative impacts of this proposed action on greater sage-grouse.

In addition to the comments on greater sage-grouse in our previous letter, which we incorporate by reference, we note the following:

In regard to special status wildlife, the EA states:

> Indirect effects considered include changes in habitat values due to increases in noise frequency and traffic frequency. Vehicular collisions with these types of wildlife are expected to be rare, and would have negligible effects on populations. Current noise levels from traffic likely cause wildlife, including special status species, to avoid using habitat along the immediate vicinity of the ore transportation route. Increases in the frequency of noise and trucks may have a minor, yet detectible change from current conditions; disturbance effects to these taxa due to the Proposed Action are considered localized, minor, and short-term.
>
> EA at 3-9.

The EA also states:

> There may be a minor effect on greater sage-grouse and greater sage-grouse habitat as a result of the Proposed Action due to increased traffic and noise frequency. However, no long-term population-level impacts or lek abandonment are expected as a result of the Proposed Action.[1]
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> EA at 3-10.

However, if sage-grouse abandon leks or move away from other seasonal habitats during the duration of the proposed action as a result of increased time frequency of noise, there is no guarantee that they will return to that habitat when the proposed action ends. We are also concerned that additional ore hauling from the Cortez operation to the Goldstrike facility may not actually end in 18 months if the proposed Cortez Expansion (Deep South) starts shipping refractory ore to the roaster at Goldstrike then.[2] If that is the case, it would increase the likelihood of greater sage-grouse habitat abandonment along the ore hauling route being permanent. The possibility of permanent sage-grouse habitat abandonment should be analyzed in the EA, for both increased ore hauling ending in 18 months and increased ore hauling continuing as a result of the proposed Cortez Expansion (Deep South).

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[1] What does the BLM consider a "minor effect" and how does the BLM define "long-term"? These phrases are not defined in the EA.

[2] It is our understanding that this proposed action and commencement of the Deep South project are expected to overlap in time. Personal comms., John Hadder (Great Basin Resource Watch) and Kevin Hurrell (BLM, Mt. Lewis Field Office).

Without that analysis, the EA's assertion that there would be no direct, indirect or cumulative effects to greater sage-grouse as a result of the proposed action is not credible[3]. *See* EA at 3-10.

Moreover, the EA should analyze the direct, indirect, and cumulative effects of the project on greater sage-grouse breeding, nesting, and brood-rearing. A 2004 report prepared by state and federal wildlife biologists for the Western Association of Fish and Wildlife Agencies states, "Noise disturbance from construction activities and vehicles also can disrupt sage-grouse breeding and nesting." *See* Conservation Assessment of Greater Sage Grouse at ES-3 (Attachment A). Ambrose and Lyon (2003) found that road traffic of as little as 1 to 12 vehicles per day resulted in female sage-grouse moving further from leks and initiating nests at lower rates. Blickley et al (2012: 5) found that higher levels of glucocorticoid hormones in male sage-grouse at leks that were exposed to taped road noise, "supporting the hypothesis that chronic noise pollution increases stress levels in male greater sage-grouse."[4] A 2013 U.S. Geological Survey review of the influence of human activities on greater sage-grouse described the effects of roads thus:

> In summary, research suggests that roads within 7.5 km (4.7 mi) of leks negatively influence male lek attendance. Increased size of road, increased traffic levels on roads, and traffic activity during the early morning on roads within approximately 3 km (1.9 mi) of leks negatively influence male lek attendance as well as female behavior, nest-initiation, and nest success. Although minimal traffic volumes (<12 vehicles/day) on these roads negatively influence sage-grouse, higher traffic volumes appear to have a greater effect. The intermittent noise characteristic of traffic has been connected to declines in male lek attendance; however, details of causal relations have not been experimentally examined.
>
> Manier et al (2013) at 50 (Attachment C).

If the proposed action results in changes to greater sage-grouse breeding, nesting, and brood-rearing, those changes could have lasting effects after the proposed action ends, for example if nesting success is reduced, resulting in fewer young.

Furthermore, for the public to assess the potential impacts of this proposed action on sage-grouse, the EA should contain a map showing greater sage-grouse habitat along the ore hauling route. This is important because designated greater-sage grouse habitat comprises

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[3] In regard to the EA's assertion that there will be no direct, indirect, or cumulative effects to sage grouse, we ask what monitoring will be conducted to ensure that the EA's assertion is correct? Who will conduct that monitoring? What other measures will BLM take to ensure that the EA's assertion is correct? If BLM issues a Finding of No Significant Impact, how will BLM ensure that no impacts that rise to the level of significance are left unmitigated?

[4] *See* Attachment B.

80% of the EA's analysis area.[5] We know that there is a sage-grouse habitat map in the wildlife resource report, but as we explained in our previous comments, the resource reports are not NEPA documents, so the BLM cannot count material in the resource reports as this EA's NEPA analysis. The EA should also contain more analysis of the sage-grouse habitat areas along the ore hauling route north of I-80 (including seasonal use areas, not just leks). This is because the sage-grouse discussion in the prior NEPA analysis the EA incorporates by reference focuses primarily on the Cortez operations and contains little about sage-grouse in the areas north of I-80.

Accurately assessing direct, indirect, and cumulative impacts is key to ensuring that the proposed action is properly mitigated. The EA proposes no additional sage-grouse mitigation, not even seasonally limiting the times of day the ore hauling is allowed near leks during lekking season. Our May 24, 2018 comments suggest sage-grouse mitigation to remedy this.

III. We request clarification of information in the EA.

Please clarify whether the four-mile wide analysis area along the ore hauling route is four miles wide on each side of the route or four miles wide total, with the route centered. In addition, would the number of truck trips to and from the Arturo mine change during the 18 months of the proposed action? We understand that the total amount of ore backhauled from Arturo is not expected to change, but it's unclear in the EA whether the number of trips would change, for instance if the amount of ore carried per Arturo trip changed.

In conclusion, thank you again for this opportunity to assist BLM by providing supplemental comments for your EA review of the Cortez Refractory Ore Amendment to the Plan of Operations (NVN-067575 [18-1A]) and Reclamation Permit Application (DOI-BLM-NV-B010-2018-0028-EA). If you have any questions or would like additional information, please contact Kelly Fuller at (928) 322-8449, kfuller@westernwatersheds.org and John Hadder at (775) 348-1986, john@gbrw.org.

Please add Western Watersheds Project, Center for Biological Diversity, and Great Basin Resource Watch to the notification list for the Cortez mine complex, including this amendment, future amendments or modifications, and future expansions, using our contact information below.

[5] "The 4-mile-wide analysis area along the ore transportation route encompasses Priority Habitat Management Area (PHMA) (20 percent of the analysis area), General Habitat Management Area (GHMA) (39 percent), Other Habitat Management Area (OHMA) (21 percent), and non-habitat (20 percent)." EA at 3-9.

Sincerely,

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Literature Cited

Blickley JL, Word KR, Krakauer AH, Phillips JL, Sells SN, et al. (2012) Experimental Chronic Noise Is Related to Elevated Fecal Corticosteroid Metabolites in Lekking Male Greater Sage-Grouse (*Centrocercus urophasianus*). PLoS ONE 7(11): e50462. doi:10.1371/journal.pone.0050462. Attachment B.

Bureau of Land Management. 2018. Environmental Assessment for the Barrick Cortez Inc. - Cortez Refractory Ore Amendment to the Plan of Operations (NVN-067575

[18-1A]) and Reclamation Permit Application (DOI-BLM-NV-B010-2018-0028-EA). Available at https://eplanning.blm.gov/epl-front-office/projects/nepa/105663/142396/174809/20180425_BarrickCortezRefractoryOreAmendment_EA_508.pdf.

Connelly, J. W., S. T. Knick, M. A. Schroeder, and S. J. Stiver. 2004. Conservation Assessment of Greater Sage-grouse and Sagebrush Habitats. Western Association of Fish and Wildlife Agencies. Unpublished Report. Cheyenne, Wyoming. Available at https://wdfw.wa.gov/publications/01118/wdfw01118.pdf. Attachment A.

Fuller, Kelly (Western Watersheds Project) and John Hadder (Great Basin Resource Watch) to Kevin Hurrell (BLM). May 24, 2018. Comments on the Environmental Assessment for the Barrick Cortez Inc. - Cortez Refractory Ore Amendment to the Plan of Operations (NVN-067575 [18-1A]) and Reclamation Permit Application (DOI-BLM-NV-B010-2018-0028-EA). Attachment D.

Lyon, A., & Anderson, S. (2003). Potential Gas Development Impacts on Sage Grouse Nest Initiation and Movement. Wildlife Society Bulletin (1973-2006), 31(2), 486-491. Available at http://www.jstor.org/stable/3784329.

Manier, D.J., Wood, D.J.A., Bowen, Z.H., Donovan, R.M., Holloran, M.J., Juliusson, L.M., Mayne, K.S., Oyler-McCance, S.J., Quamen, F.R., Saher, D.J., and Titolo, A.J., 2013, Summary of science, activities, programs, and policies that influence the rangewide conservation of Greater Sage-Grouse (*Centrocercus urophasianus*): U.S. Geological Survey Open-File Report 2013–1098, 170 p., http://pubs.usgs.gov/of/2013/1098/. Attachment C.

Tetra Tech, Inc. 2018. General Wildlife and Special Status Animal Species Resource Report for the Barrick Cortez, Inc. – Cortez Refractory Ore Amendment to the Plan of Operations (NVN-067575 [18-1A]) and Reclamation Permit Application. Available at https://eplanning.blm.gov/epl-front-office/projects/nepa/105663/142402/174815/20180423_BarrickCortezRefractoryOre_WildlifeResourceReport_Final_508.pdf.