Bald Mountain Mine Threatens Sensitive Wildlife

by John Hadder

Barrick Gold Corp. continues to expand its Bald Mountain gold mining operations south of the Ruby Mountain range in Elko County. BLM released for comment “Exploration Plan Amendment #17” on the Bald Mountain Mine, to which GBRW sent comments, focusing mostly of impacts to sage grouse and Mule deer. From our comment letter:

Great Basin Resource Watch (GBRW) is becoming increasingly concerned with the cumulative impacts of mining exploration. It appears to be incrementally changing the landscape and nature of the Great Basin. The footprint of the Bald Mountain mine is very significant and the expansion of the mine and its exploration fingers is a region-wide impact.

GBRW remains concerned about the long-term impacts to wildlife. There are critical mule deer migration routes that the Bald Mountain mine cuts across, and pigmy rabbit and sage grouse habitat that is being affected as well. The mere construction of the roads is a major disturbance to any ecosystem, and chops up potentially important roadless areas. - September 15, 2014

One general aspect of impact analysis that we see in these environmental reviews is how the degree of impact is assessed based on specific disturbances (roads, drill pads, etc) of the exploration or mine. This is an incorrect assessment of the impacts of mineral exploration and development. The analysis of impacts on wildlife should extend beyond the specific land disturbance. The effect of roads and other facilities extends well beyond the physical disturbance. Numerous studies show that sage grouse populations are effected as far as four miles or greater from the actual disturbance. The noise, dust, and constant activity of 24/7 resource extraction deters sage grouse habitation. GBRW has been commenting on this practice

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Mining activists recognized years ago the need for international standards for every aspect of resource extraction. Mining creates a significant and direct impact on the land and water, both of which may hold cultural value for a nearby community. The effects on the land and water can be very long-term requiring remediation in perpetuity. For almost ten years people have been coming together to develop these international standards to provide guidance to the industry and protection to communities. The process led by mining reformers, called the Initiative for Responsible Mining Assurance (IRMA), has brought together nongovernment organizations (NGOs); downstream businesses who purchase minerals and metals for products they make and sell; trade unions; affected communities and mining companies. This fall, a draft of the standards was released for public review.

As discussed in our story in this issue on mining in Guatemala, it is important to recognize that the same companies that operate here in Nevada have operations in other countries, and often are engaged in practices that would be unacceptable here. Because of disparate economic and regulatory environments across the globe, these companies exhibit different behaviors outside the U.S. The industry appears to take every advantage of loose environmental regulations, corrupt public officials, and financially strapped governments in the exploration, development, and operation of the mines. This situation cries for a uniform and just internal code for resource extraction. The IRMA standard would not be immediately enforceable; however, if adopted by the United Nations it would put a spotlight on companies that are behaving poorly, and have the force of international community.

GBRW has been part of this process and is reviewing the draft IRMA standards. This is an important milestone in helping communities around the world have a mechanism for engagement and transparency so that best practices are followed regardless of the country. We will feature a more detailed story on this process and the final standards in future editions of the Bristlecone.
Fracking to Impact the Great Basin?

by Mary Lee Dazey

Oil and gas corporations using hydraulic fracturing or “fracking” to extract oil and gas in shale rock are purchasing leases in central and eastern Nevada in hopes of finding significant deposits. Industry trade brochures are reminiscent of 19th century western expansionism: “Today Nevada is considered to be the latest frontier area for oil and gas exploration,” boasts the Gray Fox Petroleum Corporation website.

Fracking production begins with the acquisition of water rights for an average 100,000 gallons per well. After a casing is inserted and enclosed in cement, a charge is sent “down hole” to blast holes through casing and cement into the shale. Next, water, sand and chemicals are shot through the well at 4,200 gallons per minute. This high pressure cracks the shale. Gas or oil flow into the casing and up to the surface, along with 10% to 70% of the fracking fluids and possibly other toxic elements, such as radium and uranium.

Impacts to drinking water across the U.S.

According to the 2013 report “Fracking by the Numbers: Key Impacts . . .” fracking across the U.S. had resulted in 82,000 wells as of 2012 and transformed 280,000 billion gallons of fresh water into toxic wastewater. Fracking operations for natural gas in Pennsylvania have polluted rivers and streams, and groundwater in Colorado and New Mexico through leaks and spills of fracking fluid, well blowouts, the escape of methane and other contaminants. Methane has rendered tap water flammable in Pennsylvania.

Frack waste is exempt from the federal Resource Conservation and Recovery Act (RCRA), which regulates hazardous waste disposal. Fracking as a source of contaminants was exempted from the federal Safe Water Drinking Act in 2009, leaving states and citizens to hold corporations accountable.

Exploration in Nevada

Industry interest is focused especially on 20 million acres of central and eastern Nevada and Utah called the Chainman Shale according to one industry website. A possible 1 billion barrels of oil may exist in this shale. In Nevada, energy companies have leased 1.6 million acres thus far, 70% on public lands.

Long Term Migration of Contaminants?

The Chainman Shale is a lure to oil and gas companies, but the shale is 16,000 to 24,000 feet deep, a technical hurdle. In the shallower parts of Chainman, companies could spend $2.5 million to drill a single well. And the Chainman Shale lies below the carbonate aquifer. Long-term migration of fracturing waste in the aquifer is an issue hydrologist Tom Myers thinks needs to be further investigated. “Fracking fluids used in hydraulic fracturing may be creating a long-term time bomb wherein these fluids are slowly making their way to the surface,” said Myers. “Fracking changes the permeability of shale so that gas can flow to the well, but this also allows fracturing fluid and natural waters from the shale to escape to more permeable formations above.” He added, “If there is pressure, faults or fractures - features highly prevalent in Nevada - these fluids could easily flow up and contaminate the aquifer.”

Voices in opposition

Scientist Jennifer Eisele, a member of the Duck Valley Shoshone-Paiute Tribe, opposes fracking. “Everyone wants to talk about the boom, but not the bust,” she says. She understands what it is like to live with water contamination. Half of the tribal members are on domestic wells and have lived with heavy metals and sulfur in their taps since The Rio Tinto Mountain Company injected wastes into a

Protest of BLM Oil and Gas Lease sale, July 2014. Photo: Frack-Free Living

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GBRW Action Pays Off at the Rochester Mine

GBRW actions have most likely led to a long awaited environmental review of the Rochester Mine site. In 2011 GBRW challenged the Bureau of Land Management’s (BLM) Finding of No Significant Impact (“FONSI”) and Environmental Assessment (EA) on the Coeur Rochester Mine Expansion Project. We were requesting a reconsideration of the decision. Our specific reasons from our legal brief for the challenge were the following:

- BLM failed to prevent “unnecessary or undue degradation” of public land resources as required by the Federal Land Policy and Management Act (“FLPMA”), 43 U.S.C. 1732(b), when it approved the Project despite acknowledging that the Project is predicted to violate numerous water quality standards.
- BLM failed to require Coeur Rochester, Inc. (CRI) to submit a Closure and Reclamation Plan for the Project in light of the severe water quality problems that have developed at the mine site, despite previous BLM determinations that such a Plan was required. As a condition of the last major Project expansion in 2003, BLM required CRI to submit a complete Reclamation/Closure Plan and work with BLM to prepare a full Environmental Impact Statement (“EIS”).
- BLM violated the National Environmental Policy Act (“NEPA”), 42 U.S.C. 4321 et seq, and FLPMA by failing to prepare an EIS for the Amendment 8 Project, despite BLM’s acknowledgement of the Project’s significant impacts.
- BLM violated NEPA and FLPMA when it failed to adequately analyze the Project’s cumulative impacts and otherwise failed to take the requisite “hard look” at the Project’s impacts.

For years, GBRW has been requesting that an EIS be conducted on the mine including a long-term reclamation analysis. The Rochester mine has had a history of high mercury emissions and water contamination that could impact groundwater and surface water springs. Over the past 10 years multiple amendments have been made to the mine plan and in no instance was a full EIS conducted. At one point BLM informed CRI and the public that the agency had determined that an EIS was needed for approval of Amendment 8. This was based on BLM’s stated finding that the significant issues involving the ongoing water quality problems were directly related to the Amendment 8 expansion and that Amendment 8 and closure issues were connected actions that must be reviewed together, among other significant issues. However, after the Governor Gibbons intervened in 2009 on behalf of CRI, BLM abruptly switched positions and proceeded to prepare just an EA (a significantly less rigorous environmental review). In summary, CRI was allowed a patchwork of EA’s with none of them digging deep into the impacts of the site especially on a cumulative level, and the BLM was complicit in this EIS avoidance.

Our challenge was through the Interior Bureau of Land Appeals (IBLA), which is a quasi-legal, and presumed to be independent legal body that reviews interior department actions. The IBLA ruled on our appeal this past year officially disagreeing with our arguments. However, in June of this year the federal register published a “Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Coeur Rochester Mine Plan of Operations Amendment 10”. Thus, in our view, our constant comments and filing with the IBLA resulted in the BLM taking the needed action. We have submitted detailed comments on this scoping phase of the EIS, and we will keep you updated as to future actions to improve the situation at the Rochester mine.

Anaconda Mine Update and Plea

The Anaconda Mine is an abandoned copper mine covering more than 3,400 acres near Yerington, Nevada. Acid run-off and waste rock, containing low levels of uranium, thorium, and other toxic metals, were disposed of in unlined ponds near the mine from 1941-1978. Pollutants from the mine threaten residents, agricultural operators, and Yerington Paiute tribal lands north of the mine. The two primary health and environmental impacts are from groundwater contamination and blowing dust from the mine site. Because of the groundwater contamination Atlantic Richfield, who bought the mine and most of its problems in 1977, supplies about 90 households in the area with bottled drinking water because their domestic wells have radionuclides higher than EPA safety standards. In order to alleviate contamination and prevent more serious impacts to the

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comstock highlights

In the last Bristlecone we reported that Comstock residents opposing mining in their neighborhoods by Comstock Mining Inc. (CMI) had won a round. The Lyon County Planning Commission voted against Master Plan and zoning changes that would allow mining near the south end of Silver City, back on December 10.

That decision was reversed in January 2014 by the Lyon County Commission, which could allow CMI (or other companies) to mine within 250 feet of homes in Silver City. Comstock Residents Association (CRA) countered by filing a complaint in Lyon County District court. Rumors include that this move by CMI could result in high density housing instead of a mine complex.

Meanwhile, in Storey County, CMI requested and was granted changes to its Special Use Permit in August. Among deficiencies in the document filed by CMI, CRA noted the application does not include a mining plan of operation, does not address the safety of the Silver City water supply, the process of moving the highway that is a lifeline for Gold Hill and Virginia City, or how the ore will get from the east side of the canyon to the west side, reported writer and Comstock resident David Toll in his NevadaGram.

Among more recent developments, CMI was granted a permit by NDEP to increase hours of operation to 20 hours per day.

Citizens can have some input into one proposed action by commenting on the Environmental Assessment (EA) released in November to move CMI’s existing right-of-way on American Flat Road. Instructions on submitting comments (deadline 12/9/14) are at:

https://www.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=35610

(For a more extensive look at the residential mining occurring in the Comstock, see my article in the September 2014 Desert Report “Residential Mining in Nevada’s Historic Comstock”, accessible at www.desertreport.org)

Mt Hope Update

On July 23, 2014 the Federal District Court in Reno issued a ruling against all our arguments in our appeal of the BLM’s Mt. Hope Mine Project Record of Decision. GBRW and the Western Shoshone Defense Project (WSDP) have filed an appeal of this decision to the Ninth Circuit Court of Appeals. We hope to go the arguing in San Francisco in 2015. We will let you know when that happens. Operations at the proposed molybdenum mine site in Eureka County remain on hold for the indefinite future, since the project has not been able to secure financing to move forward. It is likely that as long as the project is in legal limbo with our appeal, investors will be uneasy about committing financial resources to the project. Thus, for now further degradation of the environs of Mt Hope and impacts to local growers has ceased. In our media release regarding the appeal, Carolyn Bailey, a member of one of the region’s oldest ranching families and a resident of Diamond Valley nearest to the proposed mine, said,

“We own the closest private property to the Project in two directions. Our ranch and farm are located close enough to Mount Hope to be adversely affected by the mining caused impairment of our air, increased heavy truck traffic, and the very real damage to our business from the massive pumping and resulting drawdown of groundwater. Our water is not infinite. Adding to our water over appropriation problem is very wrong. I believe it is wrong to break laws that are in place to protect us.”
Guatemala Activists Speak about Actions of Reno-Based Mining Companies

by Susan Juetten

Miriam Pixtún Monroy, from San José Nacahuil, San Pedro and the movement La Puya (see Bristlecone December 2013) and Teresa Muñoz, an anti-mining activist from Jalapa Ayampuc in Guatemala, visited Reno and Silver City on November 12 and 13. They shared stories of indigenous communities facing mining and other mega-development of natural resources, and the ongoing conflicts around construction of the El Tambor Mine by Reno firm Kappes, Cassidy and Associates (KCA), and the El Escobal silver mine, managed by a subsidiary of Reno-based Tahoe Resources. Prior to the meetings, activists delivered a letter to the Nevada Mining Association (NMA) regarding the actions of these companies and their membership in NMA.

Accompanied by Kathryn Johnson of the Guatemala Human Rights Commission and interpreter Angela J. Bunch from Oxfam America, the women shared some history, moving personal stories, and how their non-violent movements are continually being met with murder, intimidation, and illegal actions. Residents near the mines are worried about water, earthquakes, and community well-being and self-determination. Independent evaluations, ignored by the government, found major oversights and errors in the environmental reviews prepared for both mines.

Michon Eban of the Reno-Sparks Indian Colony opened the meeting in Reno with a chant and highlighted the common experience of indigenous peoples everywhere with resource extraction. The meetings were sponsored by the Progressive Leadership Alliance of Nevada, Comstock Residents Association, and Great Basin Resource Watch.

Prior to the meetings, a letter sent to Senator Reid from Nevada and Guatemalan groups, including GBRW, detailed the conflict between the residents and the two Nevada-based mining companies. The letter asked Senator Reid to publicly address the standards to which mining companies should be held, no matter where they operate. It referred him to the draft Initiative for Responsible Mining Assurance (IRMA). This document outlines applicable, clear, and actionable standards crafted through a collaborative process which has involved representatives from organized labor, nongovernmental organizations, mining companies, impacted communities and downstream users. GBRW has been participating in the IRMA crafting for several years. To date, no reply has been received from Senator Reid.

6,700 ft. well located upstream from the reservation. On October 24, 2014 a resolution was submitted by Chairman Lindsey Manning to the Nevada Legislative Commission, urging the state to issue a moratorium on fracking.

Farmer Adrienne Snow, her husband and three children (photo below) live in Reese River Valley Austin in central Nevada at the western edge of the carbonate aquifer. Adrienne is concerned about the number of oil and natural gas leases in this verdant valley that supports many ranches and farms. And, she worries for her children. While no permits have been issued, their ranch is surrounded by leases. Said Adrienne “To look out on the giant endless valley and imagine drill platforms added to the skyline seems to go against the grain of every inhabitant affected.”

Dawn Harris, became active in the fracking issue in Nevada when she realized that “information from the industry perspective was in complete opposition to what is known about the impacts of fracking.” So, she set out to learn the facts and found that “money trumps common sense” when it comes to oil and gas leasing. She founded Frack Free Nevada in 2013, and co-founded Nevadans Against Fracking in 2014. Its members have presented the facts about the impacts of fracking to state policy makers and the public.

Current Status of Fracking Regulations

In 2013, the Nevada Legislature passed Senate Bill 390, which requires the Nevada Division of Minerals and the Nevada Division of Environmental Protection to develop
and would like to reform the methodology. The Bald Mountain Mine is a good example of where this reform is needed.

The mule deer herd, which inhabits the Ruby Mountains, has historically been the largest in Nevada and may number 12,000 or more animals. The herd migrates from 45 to 125 miles between seasonal ranges and crosses private lands as well as those administered by the federal government. The Nevada Department of Wildlife (NDOW) considers this herd to be the most important deer resource in the state in terms of population and recreational opportunity. The Bald Mountain Mine, as GBRW reported in the 2013 edition of the Bristlecone, bisects this migration route. GBRW agrees that this herd is of great importance and more effort needs to be made to protect this migration route.

In May, 2014, NDOW released a Mule deer migration data and analysis relative to the Bald Mountain Mine. The report reveals the current extent of migration around and through the mine (see figure here). The analysis was conducted over the past few years using 37 functioning GPS collars on deer. This represents quite a small sample, so there may be some validity concerns, but it provides some real data on deer movements along this critical migration route.

The data show that deer tend to move through the mine site at a much greater rate than in the surrounding area by a factor of 3-4. A clear inference is that the deer are stressed by the mining operations, spending as little time as possible there. During migration, deer often occupy specific sites to forage and rest. These are called stopover sites and are important to the health of the herd. The reports state

“fitness is so strongly influenced by fat accumulation during the growing season ... lost foraging opportunities during migration certainly have the potential to incur energetic and demographic costs. ... although deer may continue to migrate through moderate levels of development and maintain connectivity to their distant seasonal ranges, behavioral changes like increased rates of movement, may reduce the functionality (e.g., stopover use) of routes ... and potentially reduce the nutritional benefits of migration ....”

Despite the clearly agreed importance of the herd, data, and subsequent analysis, the authors of the report insist that “attempting to protect this entire route may not be feasible where federal lands are administered for multiple-use.” But, the mine site is arguably not a multiple-use area; it has continually encroached upon multiple-use land since the 1970s. The deer have to pass through the site as they have done so for potentially thousands of years. The report is also stated as a baseline, but this is not possible now since the mine has been in operation for decades. Thus, it is not clear that the full extent of impacts to the mule deer populations has been recognized.

GBRW asks that you send comments to BLM about protection of wildlife from the impacts of the Bald Mountain Mine, and in particular the Mule deer migration route. You can be sure that Barrick has regular conversations with the BLM, and we need to do the same.

BLM contact info
Miles Kreidler, Bureau of Land Management
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**Bills to Transfer Federal Lands Popular Again**

by Susan Juetten

Legislative bills mandating land transfers from federal stewardship to the state of Nevada are many this year. At the federal level bills folded into the National Defense Appropriations Act passed on December 12. At the state level AB 227 passed the legislature in 2013. The trend to convey federal land to states, appearing in a variety of guises since the Sagebrush Rebellion of the 1970s, is strong in Western states again and on the agenda of the powerful right-wing national group American Legislative Exchange Council (ALEC). U.S. Representative Amodei (R-Nevada) introduced more than a dozen bills related to land use in Congress during his first term.

What was once “The Lyon County Conservation...Act of 2013”, which Great Basin opposed is one of the federal bills about to become law. GBRW opposed the Act because it included no provision for detailed environmental review once land was transferred for the Pumpkin Hollow Mine. The bill also included provisions for wilderness designation of Wovoka Wilderness in Lyon County and the Pine Forest Range in Humboldt County.

AB 227 was far more radical in its goal to transfer at least seven million acres to state control. In the final report to the Nevada Interim Legislative Committee on Public Lands, which requested a draft bill in 2015, the authors stated “...Nevada could generate significant net revenue were it afforded the opportunity to manage an expanded state land portfolio.” This conclusion has been widely criticized.

That the transfers would generate revenue was not the view of Assemblyman Paul Aizley (D-Las Vegas), chairman of the Nevada Legislative Committee on Public Lands. At the committee’s August meeting, he refused to take up the measure for discussion, saying the state was not ready for such legislation.

The decision was disappointing to supporters of the transfers. Sen. Pete Goicoechea, (R-Eureka) intends to pursue passage of a bill based on the Nevada Land Management Task Force Report in the state’s 2015 legislative session.

One of the serious problems with these and similar bills is that they do not trigger provisions for public process and environmental protections similar to what happens under the Federal National Environmental Policy Act (NEPA) since Nevada does not have legal and regulatory frameworks in place to ensure these protections. We are also concerned that mining companies may receive transferred lands without proper vetting while the transfer trend is popular with lawmakers and some of their constituents. In the 2015 Republican-led state legislature land transfers from Federal to state control are a distinct possibility.