Mining and Nevada’s Water

By John Hadder

According to state of Nevada pumping data the mining industry is the second largest water user in the state, behind agriculture and ahead of municipal and quasi-municipal users. Much of the pumping is needed to keep open pits dry from groundwater, which is called dewatering. A portion of the pumped groundwater is used to process ore, and is a consumptive loss; however, the amount of water from dewatering is typically much greater than that required for processing. The unused water is infiltrated into the shallow portion of the aquifer, which is not where it was pumped and could be in a different hydrographic basin such as on the other side of a mountainous divide. Thus, mining operations are also mining the water; ancient water that may have not seen daylight for in some cases thousands of years. The dewatering lowers the water table near the mine hundreds of feet and in the case of the Carlin Trend mines the water table is lowered by 10 feet as much as 12-15 miles from the mining operations. What the affect drawing out this deep water has on the long-term character of aquifers and the region is unclear.

Due to a lawsuit filed by GBRW, (over ten years ago) the Bureau of Land Management (BLM) was required to conduct a revised cumulative impacts analysis of the Leeville and South Operations Area Project Amendment projects. The EIS documents (2007) cite the potential for dewatering to affect surface creek, seeps and spring flows, and noted some decreased flow in Brush Creek, and Maggie Creek at the narrows. According to the analysis, 28 of the 33 springs monitored at that time by Newmont and Barrick gold producers showed decreased flow or had gone dry for more than one year, but concluded that mine dewatering was not the cause. There was a documented case of 3 springs drying up due to mine dewatering in the fourth quarter 2005 monitoring report by Barrick for the Betze/Post mine.

Contractors hired by Barrick to prepare the Environmental Impact Statement (EIS) for the Cortez Hills Mine at the base of Mt Tenabo determined that a prominent and culturally important spring to the Western Shoshone would dry up as a result of deep dewatering. This spring was not expected to recover in the 100 year time horizon of the analysis. BLM has required that the lost water be replaced in this spring by piping water from another location to just above the spring outlet. It is unclear whether the source of the spring will ever recover.

In both of these examples the analysis focused on current and short-term aspects were studied in detail with the assumption that once dewatering operations stop long-term affects on streams, springs and seeps will be negligible or easily mitigated forever. However, the mining pits will result in large pit lakes that will draw in groundwater forever, and if there is any outflow from these pit lakes groundwater quality will be affected as well.

A number of years ago GBRW began a process of reexamining how all the hard rock mines within the Humboldt Watershed

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As of the publication of this newsletter, leaders of the world have negotiated agreements in Paris to prevent a two degree Celsius rise in global temperatures over the next century. The emphasis has largely been energy production, but any significant source needs to be addressed.

Mining operations are not light users of fossil fuels. Think about the millions of gallons of diesel fuel used by the haul trucks, power shovels, and other mining equipment. Roughly, 100 to 200 tons of rock needs to be moved for every ounce of gold extracted in the Carlin Trend, and additionally all the energy required to pump the millions to billions of gallons of groundwater annually.

Based on estimates from environmental impact statements on annual greenhouse gases (GHG), reported gold production and US EPA GHG reporting the gold mines in Nevada produce from about 0.3 to 1.4 tons of GHG per oz of gold. For 2014 gold production was just under 5 million ounces, so the total GHG production for gold operations in Nevada ranges from 1.5 to 5.7 million tons GHG, consistent with the 2.1 million tons GHG reported to the EPA for the largest sources. It should be noted that this does not include loss of GHG absorbing capacity, such as the removal of vegetation.

Overall, mining in Nevada is appears to contribute about 10% to the Nevada GHG emissions. As the analysis above indicates it can vary considerable from one mine to another. GBRW thinks it’s time for the industry to be accountable for this level of GHG production relative to the value obtained from the mining operation.

It is now becoming clear that increased GHG production will cost us economically as well as environmentally. Gold is mostly extracted for its ornamental value in jewelry and gold banking. Other minerals mining produces raw materials that are used in products we depend upon in a practical way; from steel for construction to high tech metals for cell phones. However, we humans produce huge amounts of wastes annually including those very materials extracted from mining. We need to manufacture with reuse in mind. As we do this less extraction will be required and all its impacts including climate change will decrease. GBRW thinks it is time for a recycling and reuse bill at the design level requiring an end use of the materials in products, instead of sending it to landfills.
Western Shoshone Defense Project Lives On at UNR

By Amy Hadden Marsh

I remember a Western Shoshone Defense Project (WSDP) gathering at Carrie and Mary Dann's ranch in Crescent Valley, Nevada one early spring weekend in the mid-1990s. The threat of snow loomed over the Cortez Mountains and the first night, as we sat around the fire, Carrie said “We’d like snow without wind, please.” I remember it like it was last week. It was as if she were ordering dinner at a restaurant.

The next morning, our tents had collapsed under the weight of about 6 inches of heavy, wet, spring snow. It was a cold gathering but the sweat lodge ceremonies were warm and the fresh salmon brought by supporters from the Pacific Northwest was excellent.

That was the first of a few WSDP gatherings in the 1990s that I was lucky enough to attend. I say “lucky” because they aren’t happening anymore. People are still working less collectively on the issues. But, the era of large Western Shoshone actions has closed - an era of resisting nuclear testing at the Nevada Test Site, in the heart of Newe Sogobia, and of non-violent, civil disobedience to protect Dann cattle and horses from Bureau of Land Management (BLM) round-ups.

Christopher Sewall, who now lives in Maine, was the WSDP coordinator for 12 years. He said that his first action with WSDP was resisting a BLM roundup at the Dann ranch in October, 1992. “I think [the BLM was] hoping for a shoot-out,” he recalled. “They were armed, wore bullet-proof vests, and rode around on ATVs.” But, unlike Cliven Bundy, another Nevadan who faced the BLM last year with an armed militia, Sewall said, “These were just two old ladies committed to non-violent resistance.” And, unlike the outcome of the Cliven Bundy incident, the Dann livestock was taken off the land.

WSDP was the brainchild of American Peace Test staffer Stefan Luccini, who was the first coordinator. AIM activist Rip Lone Wolf took over in 1993, followed by Sewall and Julie Kavanaugh-Bill, now an attorney in Elko.

It was tough work, said Sewall, fighting deep-pocketed mining corporations and Federal agencies. But, partnerships with other groups, including Great Basin Mine Watch (now Great Basin Resource Watch), helped educate the Western Shoshone and others about environmental and cultural resource laws that governed mining activities. And, protecting Rock Creek was a success.

Sewall doesn’t regret his time spent with WSDP. But, he added, “I don’t feel like we finished our work.”

WSDP also kept records, which are now housed at the University of Nevada at Reno (UNR). Mary Gibson, Sewall’s partner and Carrie and Mary Dann’s niece, said all the records were in Carrie’s attic in 2012. “Over 50 years of her life are in those papers,” said Gibson. So, she convinced Carrie to donate them to UNR in 2013.

Gibson organized the records. “I learned the history of my great-grandmother who had given horses to Aunt Mary [who died in 2006],” she recalled. “A lot of the horses rounded up were heritage horses.”

The WSDP papers, said Gibson, are a record of the Western Shoshone, of the issues they worked on and the struggles they faced. Some papers, dating back to the 1920s, are full of Dann family history and Western Shoshone land struggles, which she says is important for the younger generation to understand. “It’s written into our DNA that we have this connection [with the land] and we have to find that sense of balance of who we are, of being Western Shoshone in a world that’s totally opposite,” she said. “The [WSDP] papers can be a guide, not only for us but for other nations.”

Western Shoshone and WSDP activist, Larson Bill, says, “We are in the circle.” The WSDP is more dormant now but a time may come when people will revive the work, perhaps under a different banner.

The Western Shoshone Defense Project Records are on display through March 18, 2016 on the third floor of the Mathewson-IGT Knowledge Center at the Special Collections Department at UNR. For more information, call 775.682.5665.

“Here is your country. Cherish these natural wonders, cherish the natural resources, cherish the history and romance as a sacred heritage, for your children and your children’s children.

Do not let selfish men or greedy interests skin your country of its beauty, its riches or its romance.”

Republican President
Theodore Roosevelt
Mining in the Comstock. What’s New?

CMI and NDOT managed to repair most of the damage, plug the old mineshaft and reopen 2 miles of highway by June. Phase 2 of the reconstruction, which again closed the road, was completed by the end of November.

The BLM issued a revised Environmental Assessment (EA) in September regarding CMI’s request for an exclusive right-of-way between their Lucerne Pit and their processing plant, which would close part of the now-public American Flat Road. GBRW, Progressive Leadership Alliance of Nevada and CRA filed extensive comments responding to the first EA. A main point of those comments is that CMI’s mining activities need to be analyzed as a “connected action” to the proposed haul road, especially since that EA specifically stated that the haul road right-of-way and the mining are connected actions. Even if the actions are not legally considered connected, the mining activities still require analysis under the “cumulative impacts” requirement of NEPA. To fully analyze the mining operations, CMI would finally need to submit a Plan of Operations which would bring more scrutiny to the overall workings of CMI.

GBRW speculates if CMI’s activities this year, such as filling an old mine shaft (unplanned), rebuilding a haul road (project under much scrutiny) and unplanned legal costs are a strain on the bottom line of the company. They lost $4,307,358 in the third quarter for a 20th consecutive quarter of losses. You could conclude the situation turns on the hubris, inexperience or both of the developers at the expense of many people, especially residents, and for uncertain profits.

You can potentially mine on virtually any public land under the Mining Law of 1872, but that doesn’t mean you should.

The perils of Comstock Mining LLC’s mining activities in the unsuitable Comstock Historic District are clear when you summarize last year’s events:

After the Lyon County Planning Commission voted against Master Plan and zoning changes to allow mining within 250 feet of Silver City homes, last January the Lyon County Commission reversed that decision. Homeowners took that decision to the 3rd District Court, and lost the appeal. In July, Silver City resident Joe McCarthy and the Comstock Residents’ Association (CRA) filed another appeal, this time in the Nevada Supreme Court. The court agreed to hear the case on the basis of “Abuse of Discretion”.

More in the public eye was the collapse of Highway 342 in Storey County, which required closing the road in February. Residents, tourists and commercial interests who travel the road as a principal way in to Virginia City had to use alternate routes. CMI and the Nevada Department of Transportation attributed the collapse to an abandoned mineshaft owned by CMI under the road. No public mention by these two entities addressed the possible subsidence and instability of SR342 due to CMI’s blasting and earth removal directly adjacent to the roadway for more than a mile (see photo).

The Great Basin Roundup

A compendium of some of the projects we watch and challenge when we must.
We’re the Lone Ranger when it comes to closely monitoring mining impacts in Nevada.
No New Mining Proposed for 2.7 Million Acres of Prime Sage Grouse Habitat in Nevada

In September, the US Fish and Wildlife Service announced they were not listing the greater sage grouse as Threatened or Endangered.

Shortly thereafter, the BLM and the Forest Service proposed withdrawing 10 million acres in 6 western states (2.7 million acres in Nevada’s Elko and Washoe Counties) from no new hardrock mining for at least two years in order to preserve and enhance the greatest value sage grouse habitat. The BLM designated these areas Sage-Grouse Focal Areas.

The proposed plan honors all valid, preexisting rights or Plans of Operation. Still, it has engendered numerous lawsuits already by mining interests, several Nevada counties and the Nevada State Attorney General.

Great Basin Resource Watch, along with partners including Earthworks, Earth Justice, Idaho Conservation League and Rock Creek Alliance favor this proposal, with important modifications. GBRW will be submitting joint comments along with our partners’ comments by the January 15 deadline.

Our comments will include the suggested alternative: The proposed mineral withdrawal should be expanded to include more greater sage grouse PACs [priority areas previously identified], and the DRAFT EIS should include an alternative that analyzes the additional benefits to greater sage grouse afforded by this expansion.

Public scoping meetings regarding the withdrawal proposal were held in December. In Nevada, meetings are scheduled for December 15, 5-7 pm at the Sparks Nugget, and in Elko on December 16. More details on the proposed withdrawal can be found at www.blm/nv. The deadline for comments was extended to January 15, 2016. Address them to: sagebrush_withdrawal@blm.gov

We encourage you individuals to submit your own comments to the Department of Interior. For clarification on various points please contact us at GBRW to discuss your ideas. We will be posted our draft Nevada focused comments on our webpage by the beginning of January 2016.

The first court case about the challenges to the proposed withdrawal was a setback for opponents. On November 17 in Reno, U.S. District Court Judge Miranda Du ruled that the case lacked “...specificity to determine the likelihood of irreparable harm”.

The EPA held two meetings in Reno and Yerington in August to discuss the cleanup process underway at the abandoned Anaconda Copper Mine outside Yerington. GBRW was there, as we’ve been for most of these meetings in the past 12 years.

Final steps to determine the most effective way to remediate the groundwater contamination plume coming off the mine are under discussion with the EPA, Atlantic Richfield, the state and community partners participating.

Ongoing, years-long study of the movement of water away from the site which was released to the public in August conclusively prove Uranium at several depths comes from the mine.

Because of the level of Uranium in their wells, at least 80 households north and west of the site drink bottled water supplied by Atlantic Richfield (now BP), the company who owns most of this property and is responsible for much of the cost of cleaning up this complicated site.

However, the portion of the mine for which there is no responsible party to pay for remediation is the elephant in the room. Private parties or other mining interests are unlikely to underwrite the EPA-estimated 30 million dollars needed to fix the “Arimetco site”. Federal EPA Superfund money is realistically needed. Citizens living closest to the mine have requested 5 times that the EPA place this site on the National Priorities List (NPL). For NPL listing to occur, states must kick in a small percentage of the cost. The state of Nevada claims they can’t afford it.

Adding to the impasse, NPL listing is unpopular with some interests in Lyon County because of the perceived stigma that comes with it, which can in the short term affect local economics – similar to fears in Colorado’s San Juan County where a recent mine spill had far greater consequences than the NPL listing a municipality resisted, filling the iconic Animas River with 3 million gallons of heavy-metal laced groundwater. In Lyon County, elected officials publically oppose listing.

Meanwhile, the toxic plume continues to move towards more households, the Yerington Paiute Tribal lands and conceivably, towards the Walker River. There may be a water handling problem with a wet winter appearing likely. As one federal official stated, we can’t afford to lose any more aquifers. That’s our position as well at Great Basin Resource Watch.

HOW YOU CAN HELP:
Please write to the EPA, either as an individual or for your organization. A sample letter is available at our new website: www.gbrw.org

DECEMBER 2015
Guatemalans Still Tangling with Reno-Based Mining Companies

By Susan Juetten

In October, activists from Guatemala who have been peacefully protesting giant mining projects in their watersheds and agrarian lands again visited Reno to highlight the issues surrounding the Escobal mine belonging to Tahoe Resources, headquartered in the U.S. in Reno.

This year, as part of their seven-state speaking tour, CODIDE-NA (The Diocesan Committee in the Defense of Nature) and NISGUA (Network in Solidarity with the People of Guatemala) made Tahoe Resources a rallying point because of continuing human rights violations around that mine in southeastern Guatemala.

In Reno, they joined local indigenous leaders and Nevada Progressive Leadership Alliance (PLAN) in downtown Reno for a rally to commemorate Indigenous Peoples’ Day and draw connections between grassroots struggles across borders.

Some of this group then visited Tahoe Resources’ office. To quote from NISGUA’s website “…[Tahoe Resources]'s pattern of silencing criticism and criminalizing dissent continued... Instead of receiving supporters... Ira Gostin immediately informed us that we were trespassing. Instead of respectfully listening to PLAN Nevada’s concerns about Tahoe's operations in Guatemala, he told PLAN they were misinformed. Instead of talking with NISGUA about allegations of violence by Tahoe’s private security in Guatemala, Gostin called the police.”

This treatment is typical for the company, it's said. For years, confrontations have taken place in municipalities around the mine, where more than 55,000 people have voted against the mine’s presence. Communities there have continuously denounced the tactics used against them, including legal charges brought against more than 90 people since 2011 for vocally opposing the mine. All cases have been thrown out for lack of evidence.

Meanwhile, back in Guatemala, on October 17, armed assailants shot at six people in Mataquesquintla, near the Tahoe Resources’ Escobal mine project.

Among those injured was Alex Reynoso, a member of the Mataquesquintla mining resistance movement which the concurrent tour in America was organized to highlight. Reynoso remains in stable condition, recuperating from a bullet shot into his lower back.

Just last year, he was shot and injured in another attack – one that killed his 16 year old daughter, Merilyn Topacio, a leader in the local youth movement against mining. In April 2013, private security guards opened fire on a peaceful protest against the mine, wounding seven men who are now suing Tahoe for negligence and battery in a British Columbia court.

Another Reno company, Kappes, Cassidy and Associates, has been heavily criticized for their treatment of peaceful protestors in Guatemala around construction of their El Tambor Mine.

On October 26, 2015, 12 members of the US Congress sent letter to Guatemalan President Alejandro Maldonado Aguirre to raise concerns about abuses related to the El Tambor gold mine. The letter calls on the President to use his authority to uphold human rights and to ensure that the Kappes, Cassidy & Associates (KCA) promptly halts its illegal operations.

Great Basin Resource Watch stands in solidarity with the people of Guatemala wanting to have some say about the use of their own land and resources.

If you want to help...
Go to the NISGUA.ORG website for the latest action or to make a financial contribution.

In 2015 the Nevada Supreme Court sent back the Nevada Water Engineers’ decision to grant Eureka Moly water rights from Kobeh Valley in Eureka County for mining and milling at their proposed mine, saying that existing senior water rights, mostly owned by ranchers and farmers will be impaired. Mining companies are allowed “temporary” water rights for consumptive use, and the state of Nevada views the loss of water to the basin as temporary during the life of the mine. In the case of the Mt Hope mine, multiple years of flow would be drawn for about 40 years. Should 40+ years be considered temporary?

To a competing water user such as a rancher or farmer, 40 years is a long time to have your water rights “impaired.” The drawdown of the water table by mine pumping could necessitate farmers deepening water wells. Although a mining company might agree to pay...
The landmark US environmental law, National Environmental Policy Act, requires that any proposal for using federal land that could “significantly affect[ing] the quality of the human environment,” requires “a detailed statement by the responsible official on:

(i) the environmental impact of the proposed action,
(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
(iii) alternatives to the proposed action,
(iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and
(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.”

The Pumpkin Hollow mine expansion in Lyon County will be a major action, and if on federal land an Environmental Impact statement (EIS) under NEPA would be required. The development of the EIS involves significant public involvement, where the federal agency is required to address public concerns and comments and if need be make adjustment to the proposed action. The process is an opportunity for the general public to be become acquainted with a proposed action, such as a new mine plan or expansion, and learn how the environment and local communities may be affected.

A federal bill sponsored by Nevada’s 2nd District U.S. Representative Mark Amodei, The National Defense Authorization Act for Fiscal Year 2015, effectively skirted NEPA for the Pumpkin Hollow mine by providing for a land transfer of federal public lands on which the mine will be built to the City of Yerington. Once the land conveyance is final, the requirement under NEPA for an EIS disappears. Yerington could require an environmental analysis for the mine expansion, but that will not happen. There is no codified process in Nevada for such an analysis on a local or state level.

In our view, Nevada politicians were acting on behalf of a private company, Nevada Copper, so that the company would be spared the expense of paying for the EIS and the time required, and in the process allowing out public land to be acquired for private use and profit. Leading the charge in these types of exchanges is Representative Amodei, who has other similar schemes in the works. There should be a burden of proof on the company that its use of public land will not cause “unnecessary and undue” degradation of the environment and have a negative long-term affect on local communities.

The land conveyance was billed as an important economic development for the region. Ironically, only a few miles away is the abandoned Anaconda copper mine, which is now a huge liability that will cost millions to billions of public money to clean up. Without an EIS and accompanying public oversight it is possible that deleterious environmental affects of mining at Pumpkin Hollow mine will remain unknown until its too late to mitigate.

This type of conveyance from public to private land may be appropriate in some parts of the state hemmed in by public land with no room to grow. But until Nevada’s environmental laws provide protection to people and private land similar to NEPA, they are risky business. California has such a law, called the California Environmental Quality Act. GBRW and its allies are getting behind the crafting of such a law in Nevada. You will hear more about this as the next state Legislative session gets nearer.  

1 State of Nevada Department of Conservation and Natural Resources Division of Water Resources, “Nevada Statewide Assessment of Groundwater Pumpage, Calendar Year 2013.”
2 Barrick and Newmont mining companies have purchased many older ranches and are using some of the pumped water to irrigate these ranches, hence a presumed proactive use. Again, this water returns to shallow aquifers, and so provide no solution to the issue of deep aquifer depletion in the long term.

CHECK OUT OUR NEWLY DESIGNED WEBSITE AT WWW.GBRW.ORG

Continued from page 7
nevada U.S. Representative Mark Amodei introduced another National Strategic and Critical Minerals Production bill in April. The latest of several related bills, H.R. 1937 seems to have legs.

In late November with the Republican House of Representatives passed the bill, and it has moved to the Senate Energy and Resources Committee where powerful Chairman Lisa Murkowski may shepherd it to the full Senate by combining it with the Energy Policy Modernization Act of 2015, or it could reach the Senate floor on its own.

Though it purports to be about the need for more domestic sources of strategic minerals, in actuality its main thrust is to change the primary tool that holds mining companies accountable, the National Environmental Policy Act (NEPA). We strongly oppose this bill.

WHAT’S WRONG WITH IT:
1. The bill too broadly defines strategic and critical minerals and exaggerates the need for them; the only working rare earth mine in the country, US Molycorp in California, filed for Chapter 11 bankruptcy in 2015;
2. The time limitation of 90 days or less is far too short for an agency to reach a determination under NEPA regarding a proposed project;
3. For proposed projects on US Forest Service land, the requirement to exempt all known mineral reserves from their land use designations is onerous;
4. Limiting civil actions against government agencies regarding mineral exploration or mine permits to those that can be filed within 60 days limits would virtually end the rights of communities and nonprofits to legally protest mining projects.
5. The bill would deny Equal Access to Justice Act payments to attorneys representing nonprofits in civil actions as defined in 4. This Act allows the courts and its agencies to award costs and fees to parties who succeed in litigation against the federal government.

Mining in effect takes precedence over other uses of our public lands such as recreation, water protection and historical sacred uses because of the outdated Mining Law of 1872 (also before Congress now is S. 2254 which would reform it).

NEPA provisions allow citizens and nonprofit groups representing citizens almost the only means of input into the permitting process for mining projects. This law if enacted would seriously hamper our ability to weigh in on many projects.

One example in Nevada: the ranching and farming communities of Diamond Valley in central Nevada will see their historic way of life ruined if the proposed Mt. Hope Molybdenum Mine in Eureka County goes in as planned. There would be increased heavy truck traffic and dust, but most significantly massive water pumping by the mine and a resulting drawdown of residents’ water. There are already water over-appropriation problems in this valley as in much of rural Nevada. GBRW’s legal actions on the Mt Hope project may not have been possible under the restrictions of H.R. 1937.

NEPA is a primary legal vehicle for rural communities to control development on public land. Without a robust NEPA process the ability to launch a legal objection to a mine or specific aspects of the mine will be seriously crippled. Therefore, even the legal path may become effectively unavailable under the provisions at H.R. 1937.

What Can You Do?
Write to Senators Reid and Heller and Representative Amodei, and tell them the Great Basin’s people, water and land need NEPA provisions and a reform of the Mining Act of 1872 to counteract powerful mining interests, not HR 1937.

Sample letters at GBRW.ORG