



April 21, 2018

Josh Nicholes, Acting District Ranger  
Mountain City, Ruby Mountains & Jarbidge Ranger District

Dear Mr. Nicholes,

The Nevada Chapter of Backcountry Hunters and Anglers (NV BHA) has a deep interest in and grave concerns regarding the proposed oil & gas leasing by BLM within areas surrounding the Ruby Mountains. Any public notice of a proposed action within or surrounding these beloved iconic Nevada mountains are an immediate red flag for investigation by any outdoor enthusiast, including all our NV BHA members. These mountains are the epitome of an alpine ecosystem, rare in NV. The visitor statistics are some of the highest in Nevada.

The Rubies and adjacent areas encompass possibly the highest scenic, tourist, recreation, cultural, wildlife and water resources in our state. The economic value they subsequently bring both to the state and the local communities are substantial. Some of our NV BHA members are outfitter/guides and ranchers who depend upon the health of these areas for their livelihoods. Nearly all our members have recreated here for hunting, fishing, backpacking, camping, photography, bird-watching, to name a few of our outdoor activities.

The substantial outdoor industry in general has a vested interest in retaining the recreational value of this area, contributing in turn to state and local economies. Their statistics show that Congressional District 2, which includes Elko County, brings almost \$2 billion annual revenue to Northern NV communities and state coffers and statewide contributes 87,000 jobs.

Our organization exists in large part to advocate for, conserve and/or restore large intact wildlife habitat. These are the key areas to maintain healthy wildlife populations and thus provide quality opportunities to hunters and fishers. The areas surrounding the Ruby Mountains are a prime example of such highly important wildlife habitat. Statewide, mule deer populations have decreased, sage grouse populations are under threat of listing by USFWS and the Lahontan Cutthroat Trout is listed as threatened. This area is of critical import to all 3 of these these valuable species, thus any potential negative impact to habitat is of grave concern. Our members rank this area as one of their all-time favorite NV

places to both fish and hunt.

NV BHA believes that the certainty of significant and permanent negative impacts to natural resources alone demands that the only responsible decision is to deny leasing for oil and gas development within this area.

Details of our concerns are as follows:

### **Mule deer:**

The potential lease areas encompass key parts of the winter range for almost a quarter of Nevada's mule deer population, the highest density in NV, making it an absolutely crucial area. Migratory corridors and transition ranges are within the lease offerings. Judging by the sale of mule deer tags, the Rubies and surrounding areas provide the highest sportsmen opportunity in NV. This herd is the largest in the state and, as such, the most valuable, especially at a time when mule deer numbers are in decline. The decline trend is a serious concern to sportsmen, to all who care about the wildlife of NV and to the livelihood of outfitters and guides.

This same habitat, in varying locations, is key to the migratory movement of antelope and bighorn sheep. Potential impacts to these populations, although not currently as threatened, must be assessed as well.

Of essential note is the tragic toll on the viability of Wyoming's largest mule deer herd by habitat fragmentation and sight/sound/frequency disturbance of increasingly dense oil and gas exploration and pumping activities. Numerous scientific studies document this disastrous loss.

### **Sage grouse (SG):**

The proposed lease areas include both Primary (PHMA) & General (GHMA) SG habitat management areas. Various seasonal habitats could also be compromised by leasing. The lease proposal areas include the Green Mountain lek, situated on the Green Mountain bench, which is the key lek in Elko County for monitoring population trend. The entire bench is itself critical SG habitat. Similar negative impacts could occur to the Huntington Valley bench, another key SG habitat area, which also serves as a connector to important habitat to Sulpher Springs Mountain.

Again, WY, so similar to NV in topography and habitat, provides a useful bellwether for potential impacts. Numerous scientific studies there concluded that both lek attendance and population numbers have been negatively affected by oil and gas well density.

### **Lahontan Cutthroat Trout (LCT):**

Almost all streams within the Ruby Mountains have historically had LCT populations. Over a dozen streams could be impacted where LCT are in current

recovery management, key to achieving de-listing. These recovery streams with conservation populations, other streams with current populations and all historically occupied streams must be included in the analysis to protect LCT species for the future.

As with mule deer and SG, science studies in WY of impacts of oil/gas leasing and development can easily predict what can happen to our LCT populations in this area. The WY studies show a direct connection between the location of wells, poor water quality and lowered populations of Colorado River Cutthroat Trout.

Many entities: Federal, state and private, have expended substantial labor, money and time in LCT recovery efforts. The 1996 MOU between NDOW, BLM FS & FWS providing specific management direction for LCT recovery must be included in any analysis, including effects of recovery efforts potentially at risk.

The Rubies, and the streams flowing down from them, are legendary as some of the best fly-fishing in the entire state, a state in which fly-fishing is a rare opportunity. Thus, every stream, LCT or not, is of great value.

### **USFS Inventoried Roadless Areas (IRAs):**

Any proposed leasing within IRAs must have an EIS analysis. IRAs have a minimum of disturbance, route and development impacts and as such, along with Wilderness, have the highest value habitat, possessing the healthiest fish and wildlife populations. The proposed lease areas overlap with a substantial amount of IRA acreage: nearly 17,000 acres could potentially be impacted. Conserving the roadless quality of IRAs is key to retaining healthy wildlife populations, unfragmented wildlife habitat, watersheds and clean water.

IRAs provide both escape and relief from the motor disturbance which tends to disburse mule deer and sage grouse. These areas have been protected for 4 decades. 3 IRA units have been proposed as an addition to the Ruby Mountain Wilderness and Pearl Peak IRA as an additional Wilderness area. Many, if not most, of our members value the challenge, quality and solitude of a traditional Wilderness hunting or fishing experience. These areas are the very landscapes BHA values highest.

### **Water resources:**

We are aware that research on potential hydrological degradation by fracking impacts is still a work in progress, but concerns will remain until more science is brought to the table. Pearl Peak, just south of the Rubies, and on whose flanks are proposed lease units, are of limestone composition. Limestone, being of porous nature, triggers concerns that fracturing could potentially lead to contamination of waters that flow from the mountain and/or to ground water.

In addition to porosity, faults in the local geologic composition are of concern.

Faults provide a pathway for fluids to reach the surface and/or aquifers, whether gas or liquid, in form of injected liquids, naturally occurring brine, or natural gas. While offsets may be required, not all faults are known, thus problems can occur. More information must be accumulated before an educated decision can be made.

Any potential for contamination of waters feeding into the Ruby Marshes or Ruby Lake National Wildlife Refuge, famous for fisheries and waterfowl, would be of major concern. Again, these are areas beloved of not only our NV BHA members, but other sportsmen, birders, boaters and photographers from all parts of the nation and world.

Potential impacts to water quality and quantity in surface and groundwater resources must be analyzed. The no surface occupancy (NSO) stipulations are insufficient to provide adequate protections to these resources and the wildlife and livelihoods that depend upon them.

### **Additional considerations:**

- 1.) The Elko District Management Plan is over 30 years old, written before the evolution of current fracking methods. The plan should be revised before a decision can be fully analyzed.
- 2.) Although a No Surface Occupancy (NSO) is a helpful restriction, it does not preclude potential harm to adjacent parcels and/or hydrologic impacts.
- 3.) This proposal is of sufficient controversy to necessitate an Environmental Impact Statement (EIS) to evaluate the wide range of potential impacts on recreation, wildlife, habitat and hydrology.

### **In summation:**

For all the above reasons, NV BHA concludes that oil and gas leasing in the Ruby Mountains area is incompatible with the tremendous wildlife, recreational, cultural, hunting/fishing, Wilderness values and opportunities offered and enjoyed for generations of Nevadans and visitors from afar. We are certain that more appropriate leasing opportunity locations can be found within Elko County which could avoid such high value wildlife habitat while retaining multiple use standards.

With such a uniquely valuable area, wildlife and water resources at stake, the HTFS must apply the highest, best, long-term beneficial use adage for decision-making. **NV BHA urges you "to just say no" to this unwise leasing proposal for an area so completely inappropriate for such a use.**

Thank you for your consideration of these comments,

Karen Boeger  
Backcountry Hunters & Anglers, NV Chapter

PS. With my BHA hat off, the following is my personal anecdote, chosen from many precious memories of exploring the Rubies, illustrating a tiny insight to what these mountains mean to me personally:

The Rubies have been at the top of the list of family favorite mule deer hunting locales and we went there often. Coming home with a harvested animal, if it happened, was only "icing on the cake" simply because spending time up in the rugged splendor of those mountains was gift enough. It was a gift earned by the sweat of carrying our "home" on our backs and later, in our "golden years", on the backs of our 2 burros.

7 Autumns ago, my late husband, Dan Heinz, and I spent 5 days high in the Rubies on what was to be his last mule deer hunt and our last hunt together. The weather, angle of light and Fall color were glorious. The nights were appropriately chill and stars brilliant. As a muzzle-loader hunter, Dan appreciated that he gave his prey a degree of advantage. Sure enough, though executing a few exciting stalks on a handsome buck, fate decided there be no Ruby Mountain venison in our freezer that year. No matter, we treasured the precious gem of a memory of that glorious hunt. How blessed we were for the opportunity to experience and meet the challenge those iconic mountains provide. We felt lucky to be Nevadans with the wealth of world class recreation opportunity our very own Rubies represent.

