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DEPARTMENT OF WILDLIFE

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10/1/2020

Josh Nicholes
District Ranger
660 South 12th Street, Suite 108
Elko, NV 89801
775-778-6109

Re: South Jerritt Exploration Project

Dear Mr. Nicholes,

The Nevada Department of Wildlife (the Department, or NDOW) appreciates the opportunity to provide input on the South Jerritt Exploration Project. We understand that the project proposal is for seven years of exploration activities with disturbance up to 500 acres. Given the duration and magnitude of this proposed exploration and the limited detail provided in the document, NDOW provides the below comments and suggestions to bolster the analysis and provide more adequate protections for wildlife and fisheries resources.

Lahontan Cutthroat Trout

The Department would like to point out that within the project area, Gance Creek, Warm Creek, Road Canyon Creek, California Creek, and Winters Creek are occupied by Lahontan cutthroat trout (LCT). Historically, LCT have also been found in Mahala Creek and Jim Creek; however, NDOW has not conducted recent surveys to determine the current occupation status of LCT in those streams. Based on information provided for this project, it is unclear as to what modifications would be constructed to streams occupied by LCT or how many stream crossings will be constructed or used for the project. The use or modifications to streams occupied by LCT could heavily impact stream quality for the local fisheries population. We highly recommend including clarification specific to the quantity and details of any modifications of the proposed exploration on LCT occupied streams so that an adequate analysis of potential impacts to LCT can be made.

All best management practices (BMPs) should be employed to prevent sediment running off into occupied LCT streams. Additionally, NDOW has concerns associated with ground water level impacts that may result in declines to water flows in streams occupied by LCT. Previous exploration activities in the immediate vicinity of this proposed exploration project have a proven track record of encountering significant groundwater. These past experiences should inform future analysis, BMPs, and other measures to ensure impacts to LCT are not incurred.

The water withdraw location on California Creek is located upstream of an area documented as occupied by LCT. Depending on the volume of water to withdrawn from this location, LCT habitat could be significantly reduced resulting in impacts to LCT. This water withdraw location should be

considered for relocation. Maximum water withdrawal volumes should be identified for analysis within the document to adequately assess potential impacts to LCT. These volumes should also include time of year (e.g. withdrawals during end of water year could be more impactful than withdrawal in the spring season)

Given the potential to impact LCT as a result of the proposed action, NDOW recommends Consultation with the United States Fish and Wildlife Service (USFWS)

Non-Game Species, Eagles and Other Raptors

The Department recommends a bat acoustic baseline survey be conducted in the project area. The baseline data would be important for assessing potential impacts to several sensitive and protected bat species.

The Department also recommends Pygmy Rabbit baseline and clearance surveys in areas of dense sagebrush and deep, friable soils below 8,500 feet above mean sea level

Within the scoping document it states that raptor nest buffers would be avoided March 1 to August 31 each year. What data will be used to determine which nest should be buffered? Will there be annual inventory and occupancy surveys for all raptor nest within a certain distance of proposed disturbance? If so, what recommendations, survey protocols, and buffer distances will be utilized? For example, NDOW recommends a ½ mile “no activity” buffer for any active northern goshawk nest; however, no information on similar buffers is provided in the scoping document indicating what will be adhered to.

There is a previously documented golden eagle nest near the project area. Given this species falls under the jurisdiction of the U.S. Fish and Wildlife Service (USFWS), protected under the Bald and Golden Eagle Protection Act, NDOW recommends consultation with USFWS given the proximity of the nest site to the project. Given the “Golden Eagle Protection Best Practices-Nevada Mineral Exploration and Mining Industry” document (2018), this project would be considered a large exploration project, which leads to recommendations for a two-mile survey buffer for golden eagle nesting and a one- mile activity buffer around any in-use eagle nest. NDOW recommends these BMPs be incorporated as part of this analysis.

Greater Sage-Grouse

There are four active and four pending sage-grouse leks within a 3.1-mile buffer of the project area. The habitat within the project boundary reflects year around (spring breeding, summer brood and winter habitats) high quality sage-grouse habitat. Based on the USGS sage-grouse habitat management category map, much of the project area is within Priority Habitat Management Area.

The scoping document suggests no ground disturbing activities from March through June 30; however, the Department suggests this be edited to: “March 1” to avoid any confusion and provide further clarification to the reader. A further clarification regarding the above language is needed if the above restriction applies to ground disturbing activities, including all drilling activities. We assume that drilling would not take place between March 1 to June 30. During lekking and other seasons, sage-grouse can adversely be impacted by noise. Should production activities commence during the lekking season, NDOW recommends collecting baseline noise data and conducting a noise modeling to determine if the 10 dBA noise threshold will be exceeded.

Please ensure that the Sagebrush Ecosystem Technical Team (SETT) has been contacted regarding the Conservation Credit System (CCS), as State law requires proponents to mitigate anthropogenic disturbances in greater sage-grouse habitat. Please keep in mind that not all projects that are evaluated through the CCS will require mitigation, but it is the authority of the SETT, through analysis using the CCS, to make that determination. Once the SETT has evaluated the project impacts they will provide a letter to both the proponent and to Forest Service documenting the analysis results and whether mitigation will be required, or not. Failure to comply with State law may jeopardize federal permits.

Big Game

The northwestern portion of the project area contains mule deer crucial winter range habitat. This habitat is essential to the Area 6 mule deer herd, especially during heavy snowfall timeframes. Impacts to this habitat should be offset with a 1:1 offset of compensatory mitigation of \$600 per acre. This approach is consistent among other federal agencies within the Elko area and across the State of Nevada. Please include language to address compensatory mitigation for impacts to mule deer crucial winter range.

Concluding Comments

Based on the limited information provided in the document, it is difficult to fully understand and evaluate the potential resource impacts and the level of significance of those impacts. With this level of uncertainty, we typically have a commensurate level of concern because there are too many unknowns to arrive at a sound point of judgment on what impacts to wildlife or fisheries resources could be. With this uncertainty and due to the abundance of sensitive species that may be significantly impacted as a result of this project, we question if an Environmental Impact Statement may be more appropriate for this project?

We greatly appreciate the opportunity to provide comment on this project, and ask that NDOW be kept up to date as this project moves forward. We are happy to discuss our comments and concerns further; should you need clarification on any of the information provided, or require additional information, please contact Lindsey Lesmeister at llesmeister@ndow.org or 775-777-2368.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caleb McAdoo', is written over a light blue horizontal line.

Caleb McAdoo, Eastern Region Habitat Supervisor
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