



WILDLANDS DEFENSE

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January 14, 2025

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RE: Kinross Pegasus Exploration Project Draft Environmental Assessment

Project website: <https://www.fs.usda.gov/r04/humboldt-toiyabe/projects/68901>

Dear Forest Service,

Here are comments from WildLands Defense and Center for Biological Diversity on the Kinross Pegasus Exploration Project.

The Forest Service website lacks a Plan of Operations (POO), which is a complete formal proposal submitted by a mining company to agencies detailing mining activities on public lands, ensuring environmental compliance, specifying operational methods, and outlining reclamation plans to prevent unnecessary or undue degradation.

Here is an example of a form underlying a POO:

https://www.fs.usda.gov/sites/nfs/files/r04/boise/publication/FillablePlanFS2800_05.pdf

In our experience, this information is presented to the public and decisionmakers in the form of a complete POO plan document, with detailed mapping and other site-specific information. It is a key part of information available for public review during the project comment period.

Instead, with the Pegasus project, the USFS presents a shallow and uncertain EA lacking any POO. The EA is filled with environmental uncertainty about how the project will actually be conducted, and lacking in upfront integrated site-specific environmental surveys and other information necessary to understand the extent and severity of environmental degradation that will result from the proposed Pegasus mining activities, and where within the large and diverse 7600 project area site the Pegasus new roads and improved roads and drill pads will be bulldozed in over a 10-year time period. There is some information for a vague “Phase I”, but much is left up in the air. Yet the “Hydrological” report shows locations of many specific drill holes – and it is very difficult to understand, if drill holes to that extent have been plotted out, why there is not a specific integrated plan that Kinross be required to abide by – rather than the loose and open-ended “disturbance could occur anywhere across 7600 acres” EA plan.

The FS states: “*Kinross proposes to conduct approximately 140 acres of disturbance through phased mineral exploration and associated activities in the 7,600 acre Project Area on NFS land (Figure 1; Appendix A, and Table 1) over a 10-year period from the date of authorization to proceed. This is less than two percent of the Project Area. There are lode claims and patented claims within the Project boundary that Kinross does not control. Kinross has written permission from the claim owners to utilize and modify existing access roads on those claims. Figure 2 (Appendix A) shows Phase I disturbance, which could occur over several years. Phase I and subsequent phases disturbance are detailed in Table 1. Disturbance for all phases would include overland travel, constructing temporary roads and drill sites, widening existing roads, limbing or*

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removing trees for safe passage of equipment, and utilizing laydown areas for supplies and water storage tanks used during drilling activities”.

Is there other private land claim holder drilling, trenching or otherwise conducting mining activity? How much past mining disturbance has occurred in the strip of private land?

The EA statement that disturbance is “less than 2 per cent of the project area” minimizes the effects of the prolonged roading and drilling activity with potential impacts to ground and surface waters coupled with road construction and expansion resulting in weed conduits, erosion, habitat disturbance and fragmentation. It also is unclear if additional disturbance will be allowed if “reclamation” of some disturbed acres takes place, The EA also fails to provide a sound baseline of the amount of existing disturbance (roads, drill sites, potential hazardous or toxic materials) resulting from past mining activity in and adjacent to the project area, and the overall current baseline condition of ongoing mining disturbance activity in this landscape – like the regional impacts of the Kinross mega-mine with its huge environmental footprint to water sustainability, to wildlife habitat and populations that will also be impacted by the Pegasus project. That mining disturbance is less than 5 miles from the Pegasus site.

Why Does Legal Notice Contains More Specific Information than the EA?

Is the EA the public was provided for commenting on out-dated? There is more project specificity in the legal notice than in the EA. If so, the comment period needs to be re-initiated.

The legal notice contains more specificity than the EA, stating: *“The first phase of the Project would consist of approximately 83.2 acres of disturbance in the Project Area. Disturbance would include approximately 36.7 miles of new temporary road construction, and approximately 112 drill sites. Subsequent phases could include an additional 56.9 acres of disturbance including 138 drill sites”.*

Some Project “Disturbance” Questions

The EA fails to provide adequate baseline information and details, and to adequately quantify the amount and effects of real-world disturbance that will take place.

Will additive drilling disturbance be allowed under the EA? The Pegasus EA states there will be 140 acres of disturbance. In prolonged drilling operations like this one, BLM allows drillers to disturb MORE land surface area if previously drilled or road-bulldozed or otherwise disturbed sites are “reclaimed”. Thus, additively more acres on the ground are bulldozed or otherwise disturbed than initially stated. Does the USFS allow this? If so, will the driller be allowed to additively disturb more land under this EA, or will new NEPA be required?

Where are all Kinross claims in southern Toquima Range and surroundings?

The USFS states:

Project disturbance could occur anywhere within the Project boundary and would include new temporary road construction, widening of existing roads, limbing or removal of live trees along road routes and drill spurs and pads, utilization of laydown storage areas, overland travel and drill sites, and a total of 250 drill sites. Usable boles for fire

wood would be considered Forest Products. The USFS would offer District fuelwood permits when active operations would not be impacted (i.e. not district wide). Non product wood, branches, and limbs would be lop/cut and scattered for low density coverage and/or piled for higher density debris. Surveys for sensitive resources would be conducted as part of Subsequent Phase Work Plans. Phase I would likely last multiple years. This means not all of the roads shown on Figure 2 would be constructed at the beginning of the Project implementation. Each drilling program would inform subsequent drilling programs in both Phase 1 and Subsequent Phases. Some roads may not be constructed at all. A conceptual Operation and Maintenance Plan for temporary roads is included in Appendix C and utilizes National Best Management Practices (BMPs) for Water Quality Management on National Forest System Lands (Appendix C). We have underlined parts of this statement that highlight the significant uncertainty with this project. This uncertainty thwarts the purpose of NEPA analysis, as:

- Road and drill pad bulldozing, off-road driving, horizontal and vertical drilling, etc. could take place “anywhere in the project area”.

- Despite any location in the entire project area being allowed to suffer significant Pegasus disturbance, there have not been intensive pre-decisional biological, cultural and other inventories – including of wildlife species presence and native vegetation communities including potential mature nut-producing and old growth Pinyon Pine or other forest and sagebrush/shrub communities.

A primary purpose of NEPA is to take a current hard look at a proposed action’s impacts and to obviate uncertainty.

The USFS is required to prevent unnecessary undue degradation and ensure effective actions to minimize and mitigate impacts. It can’t do that with this sketchy Pegasus EA. There is no adequate environmental baseline (vegetation community specifics, forest age class, location of mature and old growth PJ and sage or other vegetation communities, stand density, etc.), condition of watershed and drainage networks, sensitive species occurrence across the entire project area – since any place in the 7600 acres can be torn up, disregarding habitat, watershed or other values.

The EA allows piecemeal, scattershot in-front-of-the-bulldozer sensitive species and other environmental inventories to take place post-decisionally – as “phases” of drilling progress. Thus, there’s no adequate integrated environmental baseline for signing a FONSI has been provided.

In the days of ever-increasing remote sensing and other exploration techniques, and in an area that has suffered historical mining disturbance (and ongoing mining disturbance at present with the massive ever-enlarging Kinross mine within several miles), one would assume more specific information could be used in nailing down a concrete exploration plan. Instead, the USFS is letting Pegasus slide by with a “conceptual” plan and allowing open season for bulldozing roads and for drilling any place within the 7600 acres.

The EA includes “*A Conceptual Operation and Maintenance Plan for temporary roads is included in Appendix C*”.

How many “phases” will there be? What triggers moving to a future phase? How is a phase defined?

Countless other exploration mining EAs of both BLM and the USFS have provided specific locations of ground-disturbing activities. Instead here, the FS treats the entire landscape in a manner that allows critical habitats, and to be torn up or destroyed. The Table 1 chart shows potential slopes in excess of 30%. Please consider helicopter drilling for these sites, and sites where new roads would be constructed or mature forest cleared. Where specifically will new roads need to be constructed? How can the USFS lay out the information in Table 1, and not provide much more specific and clear baseline information on where and how this project disturbance will take place? How actually were the “disturbance” estimates arrived at? What specific information and methodology was used?

The EA states:

“Up to five drill holes may be drilled from each drill site at various angles and azimuths to collect geologic information and minimize surface disturbance. Sumps would be constructed within or adjacent to the drill pad footprint at each site to contain sediment and rock chips and to manage water. No water or drilling effluent would be allowed to flow uncontrolled from drill sumps. Water used for the Project would be obtained from existing Kinross water rights permitted through the Nevada Division of Water Resources (NDWR). A change of place of use would be filed with the NDWR as necessary”.

What is the estimated depth of all drill holes?

The Hydro report guesses at drilling down to 2500 ft. How far sideways is drilling expected to go? What are the possible depths to groundwater across the areas mapped in the Hydro report? How will the USFS verify that drill holes are sealed properly? How might both vertical and horizontal drilling impact the water table?

How close to drainage networks - ephemeral, intermittent, perennial -will all forms of drilling take place? Is there mandatory distance from drainages and springs? If so, what is it? And how would this be enforced with horizontal drilling? How much of this activity can the USFS verify, and how much does it have to take Kinross’s word for?

Is there existing information on any past drilling here, or on the private land? If so, what are the depths of the drill holes? Did they encounter ground water? if so, at what depths did they hit water?

Hydro Report Concerns

The hydrology report reveals drilling will be to depths of 2500 ft! Isn’t this very deep drilling for a mining exploration project. This sounds more like geothermal exploration drilling depths.

How far sideways will horizontal drilling extend?

The report states: A maximum of 1,250 holes would be drilled over the life of the Project. And: What is the maximum and average bore hole spacing (between adjacent holes)?

Maximum: 6 miles Average: 2,000 feet.

Why such a huge and uncertain spacing range?

What is meant by a “dry” vs. a “wet” drill hole?

The hydro report reveals there are two springs within the Project Area and two additional springs in the “HIA”. How was the HIA delineated, and is this an adequate area?

Also Hydro Report pp. 10-11. “Three intermittent streams are mapped within one mile of the Project. East Manhattan Wash appeared to be ephemeral within one mile of the Project but may flow intermittently during the spring season when melting snowpack is present. The third mapped intermittent stream, emanating from Mariposa Canyon, flows west past the north corner of the Project boundary”.

“Why is the USFS allowing so much drilling in a municipal watershed? The Hydro report states: “The city of Manhattan has a public supply well approximately 2,400 feet outside of the HIA, and USFS records indicate a wellhead protection area (WPA), presumably for this well (PWS ID NV0000165, Well ID W01), that extends into the HIA approximately 3,270 feet but does not extend into the Project Area. There are 15 proposed drill pads within the HUC12 watershed (160600030403, Manhattan Gulch) of this municipal supply, six of which are within 3,000 feet of the WPA, and all proposed pads appear to have a direct or plausible nexus to the WPA”.

“There are nine public supply wells associated with the community of Manhattan water supply, six domestic wells, three test wells, one stock well, and one irrigation well within the WRSA and no wells within one mile of the Project boundary. Due to the lack of available data, groundwater levels within the Project boundary are not well established. Based on hydrogeologic conditions to the north and south of the Project, and the spring seepage encountered within Bald Mountain drainages, potentially shallow perched groundwater may be encountered in shallower fracture zones within mountain block rocks near ground surface”.

Just how effectively can a driller “restore” previous conditions, for example, the hydro report states:

“Significant fluid gain during drilling, although rare, may indicate cross contamination or artesian conditions. Significant fluid loss during drilling could indicate an aquifer is being drained. Provide contingency plans for reducing fluid gain or loss during drilling and the proper procedures for drill hole abandonment in these cases.

In the unlikely event that any drill hole produces artesian flow, the drill hole will be contained pursuant to Nevada Revised Statute 534”.

How do you ensure refilling a drained aquifer?

Are there monitoring wells planned, and how many will there be? Where will they be located?

How close will any of this drilling and the HIA – which may not be sufficient in size – be to any Kinross monitoring wells or re-injection wells?

The Forest Service commits to no future NEPA after this EA – yet the uncertain EA states:

“Surface disturbance for subsequent phases is not identified at this time because the locations of future activities would be based on drilling results from the previous drilling activities. Table 1 provides an estimate of subsequent disturbance types and road widths based on slope. The analysis undertaken in this EA would consider approximately 140 total acres of disturbance under the Proposed Action that could occur anywhere within the 7,600 acre project boundary”.

The USFS refers to “existing roads”. There is no adequate map, no analysis of the condition of all existing roads, no Forest travel plan to determine if routes in the project

area are authorized or unauthorized routes. This is important to understand, as it is unclear if an existing illegal route is “improved”, or is considered an access route, whether the “improvement” will count as disturbance, and need to be reclaimed. Please provide a current travel plan for this area, and assess the current status of all routes, as a baseline part of this analysis.

There is no baseline provided of the location, type and extent of past mining disturbance here. What is the current condition and type of existing roads? Are they jeep trails? Are they vegetated in the center? Are they perilous steep old “historic” mining gashes?

Manhattan Area and Round Mountain – Gold Mining Footprint

Google Earth imagery shows how extensive the disturbance and environmental degradation and watershed damage associated with the ever-expanding Kinross Round Mountain mine and other mining activity in this landscape is.

See Attached Google Earth Maps 1, 2 and 3.

See also mapping in the EA Hydro report, but there is more definition of the huge existing Kinross mining disturbance in the Google Earth Images.

How many mining exploration drilling or full-blown mine projects are underway or contemplated within 10 miles of the Pegasus site? How many exploration and/or full blown mining projects have there been on Forest Service land in the past 20 years? On BLM land? Please include “Notice” level activity. Where have these been located?

Where are all existing mining claims within 10 miles of the project area?

An undated BLM document found on-line excerpt on-line states:

“Mining in the Big Smoky Valley and adjacent southern Toquima Range has historically included surface placer operations, exploration (drilling, trenching, sampling, and road construction), underground mining, and recent open pit mining. The surface disturbance associated with these mines includes underground mine workings, open pits, prospect pits, dredge deposits, waste rock dumps, heap-leach pads, tailing impoundments, ore processing facilities, and other structures. Various mines and mining districts are described below”.

The EA lacks critical baseline information on the major existing environmental footprint of gold and other mining activity in this landscape – both historical as well as current and ongoing.

The EA also lacks data on the extent of mining-related water use and aquifer drawdown and ground or surface water loss or depletion; disturbance, fragmentation and loss of sensitive species habitat; and potential water and air and land pollution impacts.

An older BLM document on-line refers to the Manhattan District:

“The Manhattan district has historically been comprised of placer gold operations. Today, two active mining operations are in this district, the Manhattan Gulch Project (NVN 087759) and the Manhattan Mine (NVN072269). The Manhattan Mine Project consists of open pits, dumps, cyanide operations, and post-closure pit lakes. It has an authorized disturbance area of 320 acres. The Manhattan Gulch Project includes approximately 553 acres of surface disturbance primarily occurring on BLM lands. Most of the proposed surface disturbance would occur on previously disturbed areas that were

mined between 1938 and 1946. Recovery of gold would be accomplished with mechanical physical gravity separation processes (no cyanide or other chemicals would be used to recover gold”.

https://eplanning.blm.gov/public_projects/nepa/88065/123412/150478/PhaseW_EA_ch_4_5.pdf. Round Mountain Phase 1 expansion.

Various Kinross mega-mine documents on-line refer to aquifer recharge attempts, which appear to indicate problems with the status of groundwater and likely with linked surface water flows too:

“Managed aquifer recharge (MAR) ... through infiltration basins or bore injection to manage surplus water, or try to reduce aquifer depletion. Groundwater mounding, well clogging, and interaction between adjacent mines are common challenges.

Also: “Aquifer re-injection is the process of re-injecting water into subsurface aquifers via boreholes and has commonly been used as a wastewater and brine disposal option that minimizes environmental risks associated with surface discharge (Knape [1984](#); Drury [1998](#); Waterhouse et al. [2017](#)). This practice is used in the energy sector, where produced water from coal seam gas (CSG) extraction, geothermal production, as well as onshore oil and gas wells is injected deep below potable aquifers (Ferguson [2015](#); Kamila et al. [2021](#); Robertson [2018](#)). Other potential uses for aquifer re-injection include replenishing depleted aquifers, maintaining oil reservoir pressures, as well as reducing subsidence associated with overexploitation of oil reservoirs and groundwater (Laird et al. [2001](#); Myers [2009](#))”.

*Effective groundwater management strategies are essential for open pit mines operating below the water table. Dewatering of open-pit or underground mine workings is implemented to create dry conditions for mining operations (Rozkowski et al. [2021](#); Cook et al. [2022](#)). This process creates a cone of depression, where water levels decrease around the mine, resembling the shape of an inverted cone. Depending on hydrogeological properties, this drawdown may extend hundreds of meters **to several kilometers from the pit.***

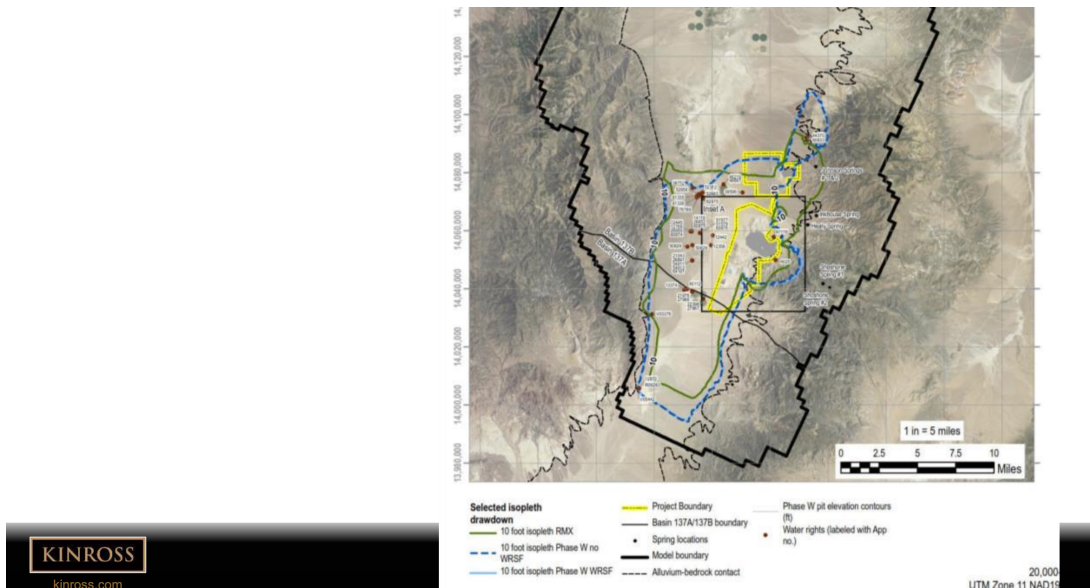
Lowering of the water table itself from dewatering activities may also negatively affect sensitive ecosystems, communities, or other users reliant on that groundwater (Drury [1998](#); Rubio and Fernandez [2010](#); Baquero et al. [2016](#)). It is evident that mine site-specific groundwater management strategies are essential to mitigate water table drawdown impacts as well as properly store or dispose of surplus water produced by the dewatering process”.

Are there BLM, state of Nevada, or USFS records of existing reductions and/or loss of spring or perennial or intermittent drainage flows in or near the Pegasus explo project area? Or caused by the Round Mountain or other mining activity in this area?

A 2023 paper lists Round Mountain as having “RIBS” – Rapid Infiltration basins. It cites this 2019 presentation:

<https://www.nyecountynv.gov/DocumentCenter/View/34954/Item-12-Jay-Dixon-Round-Mountain-Gold-Presentation?bidId=>

This 2019 Powerpoint also shows “Dewatering wells.” “8 New Alluvial Dewatering Wells by 2020 (FS Study). 10 added between 2017 and 2018”.



<https://www.nyecountynv.gov/DocumentCenter/View/34954/Item-12-Jay-Dixon-Round-Mountain-Gold-Presentation?bidId=>

Please provide a revised Pegasus EA with readily understandable current NEPA analysis on the status and trends in the aquifer to be impacted by the Pegasus drilling; the status and trends of the groundwater basin affected by all this combined mining activity; and geological and hydrological information on how the Pegasus drilling, on top of all this other meddling with the underlying aquifer, could affect sustainability of water flows in the project area and HIA, and the municipal watershed.

Pegasus BE/Wildlife Report

The EA Wildlife report contains the following Table:

Table 1: Special Status Wildlife Species with Potential to Occur in the Project Area

Species	Status and Protection ¹	Potential to Occur in the Project Area ²	Effects ³
Pinyon jay (<i>Gymnorhinus cyanocephalus</i>)	ESA-Proposed MBTA	Present	NE
American goshawk (<i>Astur atricapillus</i>)	FS-S	Possible	NI
Greater sage-grouse (<i>Centrocercus urophasianus</i>)	FS-S	Possible	NI
Peregrine falcon (<i>Falco peregrinus</i>)	FS-S MBTA	Possible	NI
Monarch butterfly (<i>Danaus plexippus plexippus</i>)	FS-S ESA-PT	Possible	NI NE
Pygmy rabbit (<i>Brachylagus idahoensis</i>)	FS-S	Possible	NI
Townsend's big-eared bat (<i>Corynorhinus townsendii</i>)	FS-S	Present	MINT
Spotted bat (<i>Euderma maculatum</i>)	FS-S	Possible	MINT
Bighorn sheep (<i>Ovis canadensis</i> spp.)	FS-S	Possible	NI
Golden eagle (<i>Aquila chrysaetos</i>)	BGEPA MBTA	Possible	MINT
Migratory birds	MBTA	Present	MINT

¹Status and Protection: **BGEPA** = Bald & Golden Eagle Protection Act; **ESA-C** = Endangered Species Act Candidate; **ESA-E** = Endangered Species Act Endangered; **ESA-T** = Endangered Species Act Threatened; **ESA-PT** = Endangered Species Act Proposed Threatened; **FS-S** = U.S. Forest Service Sensitive; **MBTA** = Migratory Bird Treaty Act;

²Potential to Occur: **Present** = the species has been observed in the Project Area or the Project Area is within the known geographic and elevational distribution of the species and suitable habitat is present; **Possible** = it is possible the species could occur in the Project Area, but there are no known observations – suitable habitat is present and the Project Area is within the known geographic and elevational distribution of the species.

³Determination of Effects: (Federally listed Species) **NE** = No Effect. **NLAA** = May Effect, Not Likely to Adversely Affect. (Regional Forester Sensitive Species) **NI** = No impacts. **MINT** = May impact individuals but is not likely to cause a trend to federal listing or loss of viability.

The BE claims “no effect” for Pinyon Jay. Yet the project area contains over 4000 acres of Pinyon-Juniper forest habitat. The EA admits that 700 trees may be destroyed and habitat significantly fragmented and degraded. There is no environmental context provided for the significance of the PJ forest in the 7600-acre site vs. other areas in the surroundings. It appears there’s already been significant historic deforestation. And how can the USFS provide this estimate if there is only a “conceptual” plan for Phase 1, and no drilling. Do the 700 trees only include the forest removal for Phase 1? What is the age class and stand density of these trees? How many are mature or old growth, and how is this defined?

The FS has not provided necessary data to determine project effects – because the baseline surveys necessary to determine Pinyon Jay nesting areas and other vital avian habitats used by the birds in and adjacent to the project area haven’t been conducted. There is no data provided on the status of the local and regional Pinyon Jay population and the degree of threats to this bird and native forests on which it depends - including the majority of the land in the project area itself. Nor is there adequate information on the other species in the above Table.

In fact, a very significant looming threat to the Pinyon Jay across this region on USFS lands is the HTNF’s recent “Fire EA” decision. This EA (and the recently signed ROD) allow large-scale burning and other deforestation across the Austin-Tonopah Ranger District – where vast areas of maturing, mature and old growth PJ forest, as well as sagebrush, are deemed to be “uncharacteristic” or “decadent”.

See **Humboldt-Toiyabe National Forest: Forestwide Prescribed Fire Restoration Project EA**. Map Appendix, P. 35. Manhattan “initial treatment” acres, and Tables:

Manhattan Treatment Area

Total acres are 8,237 for all **Manhattan** treatment types.

Treatment Vegetation Type I	Pinyon juniper woodland
Project selection criteria	Wildland urban interface, high value resource areas, infrastructure
Total acres	1,899
Current condition	Even-aged overstory with an increase in ladder fuels and closed canopy
Desired condition	Uneven-aged overstory with emphasis on defensible space. Reduce fuel loading and crown continuity. Provide openings to generate native grass, forbs and brush growth.
Objectives	Wildland urban interface defensibility between National Forest System land and private land
Treatment tools	Hand thin and pile, mastication, line production minimal, pile burn, fuel wood
Entry sequence	Hand thin and pile or mastication, pile burn, line production, understory burn
Years to implement	Approximately 1 to 3 years
Maintenance cycle	Approximately 10 to 15 years

Treatments Vegetation Type II	Sage steppe
Project selection criteria	Wildland urban interface, high value resource areas, infrastructure
Total acres	6,018
Current condition	Decadent and dense and dying brush
Desired condition	Mixed with other shrubs, perennial grasses and forbs
Objectives	Thin
Treatment tools	Hand thin and pile or masticate, pile burn, broadcast burn
Entry sequence	Hand thin and pile or masticate, pile burn, broadcast burn
Years to implement	Approximately 1 to 3 years
Maintenance cycle	Approximately 7 to 10 years

Humboldt-Toiyabe National Forest
80

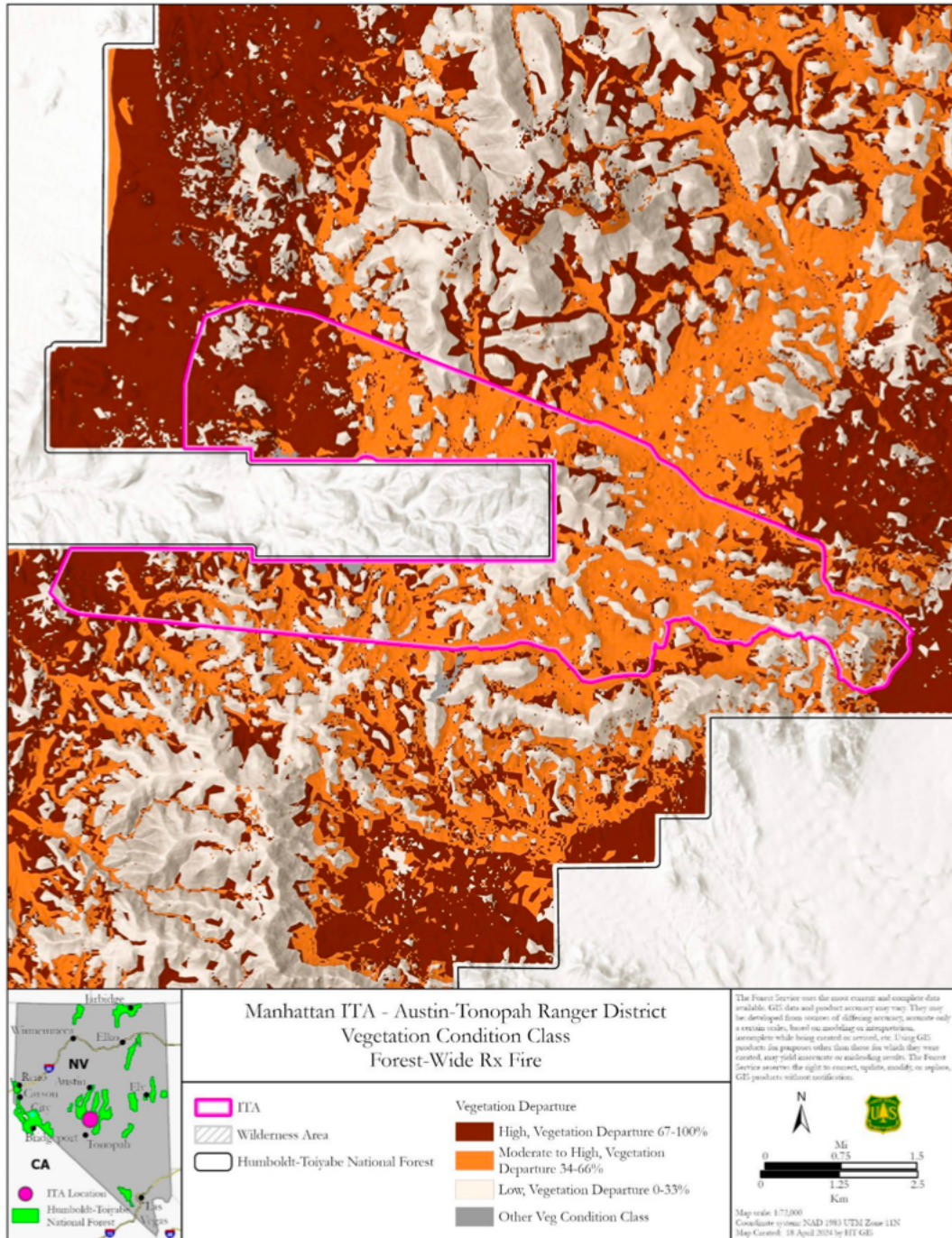
This is just the HTNF's "initial treatment". Vast additional acres may be targeted under this large-scale deforestation and "thinning" – all making it easier for things like mining exploration to take place.

Various appendices with the Fire EA cite Manhattan projects. How many hundreds, thousands, 10,000s of trees may be "thinned" in this very same area – impacting and/or destabilizing watersheds that are also to suffer new bulldozing of mining roads and drill pads? And destroying and fragmenting Pinyon Jay habitat?

This all poses a threat to the local Pinyon Jay population, and other Forest biota including many migratory birds, as well as big game, that use forest areas for habitat.

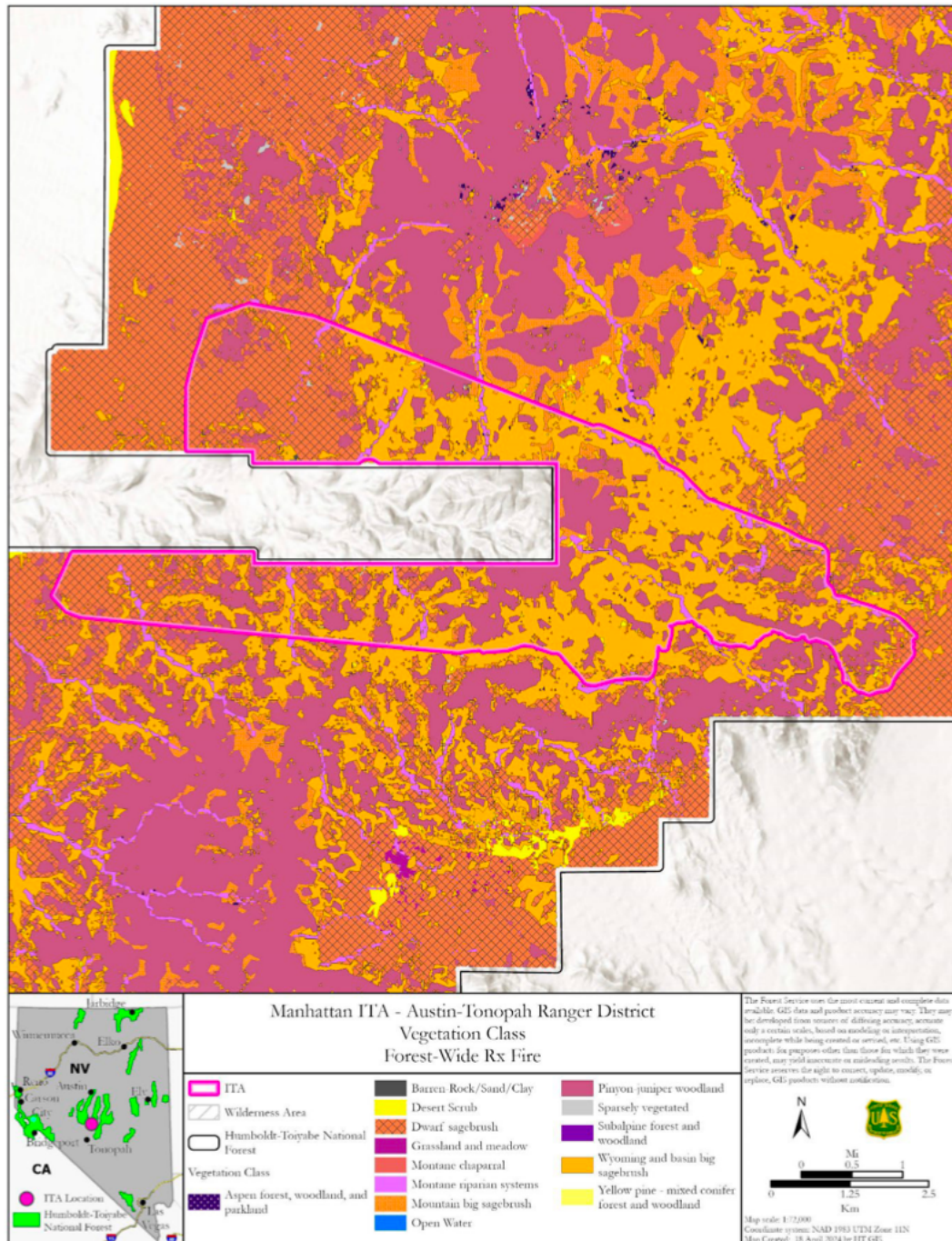
Under the HTNF Fire EA, any PJ forest or sagebrush or other woody veg community that is modeled to be "uncharacteristic" or "decadent" under the USFS's highly questionable Landfire vegetation modeling, could also be "thinned", masticated or burned.

This impending initial “treatment” will result in a hotter, drier, windier, weedier site - adding to the weed expansion risk from the Kinross Pegasus mining activity. Hereare the HTNF Fire EA’s psychedelic Manhattan project maps:

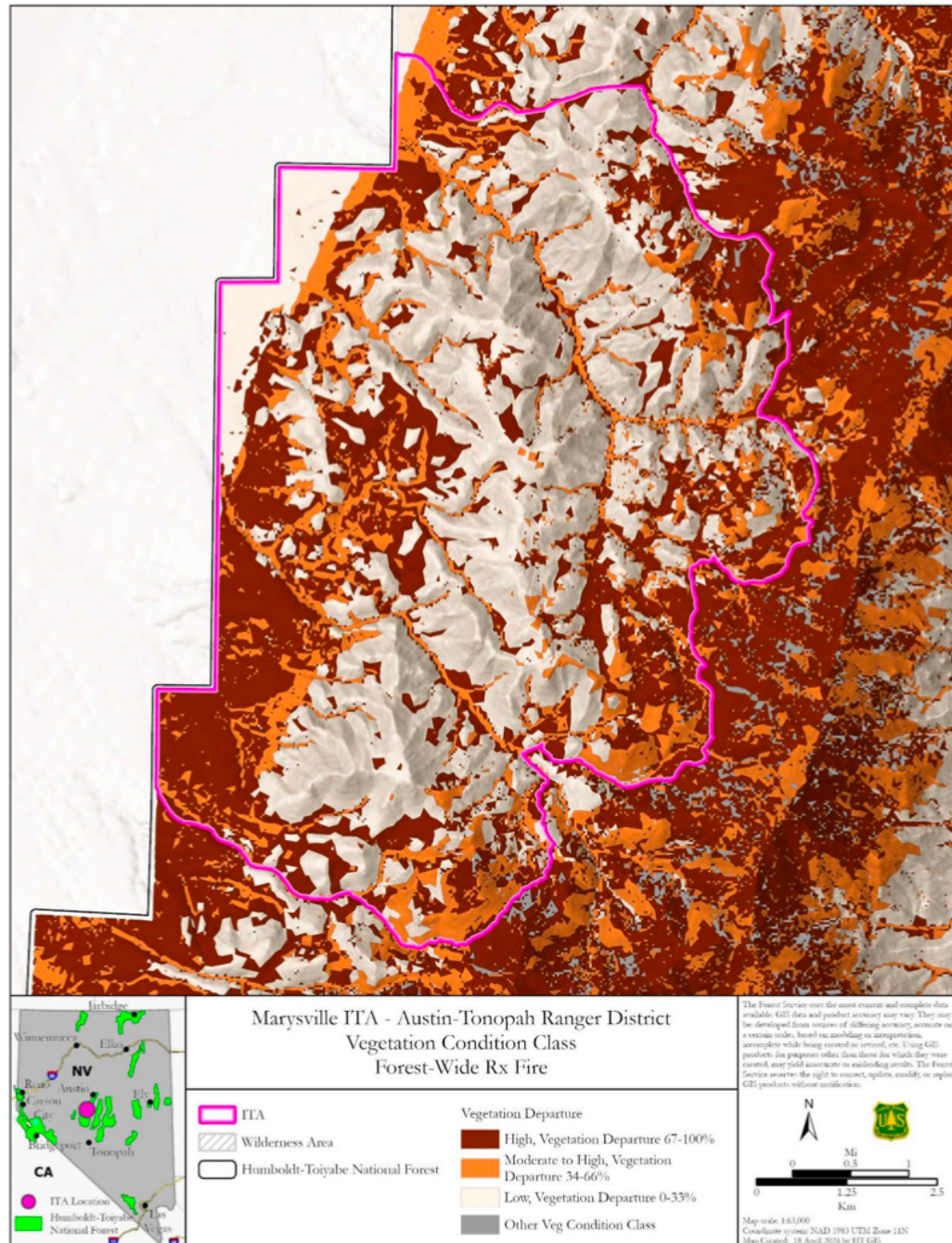


Map 35. Manhattan initial treatment area and vegetation condition class departures

Forestwide Prescribed Fire Restoration Project
Draft Environmental Assessment, Appendix G: Maps



Map 5. Manhattan initial treatment area and vegetation classes



Map 36. Marysville initial treatment area and vegetation condition class departures

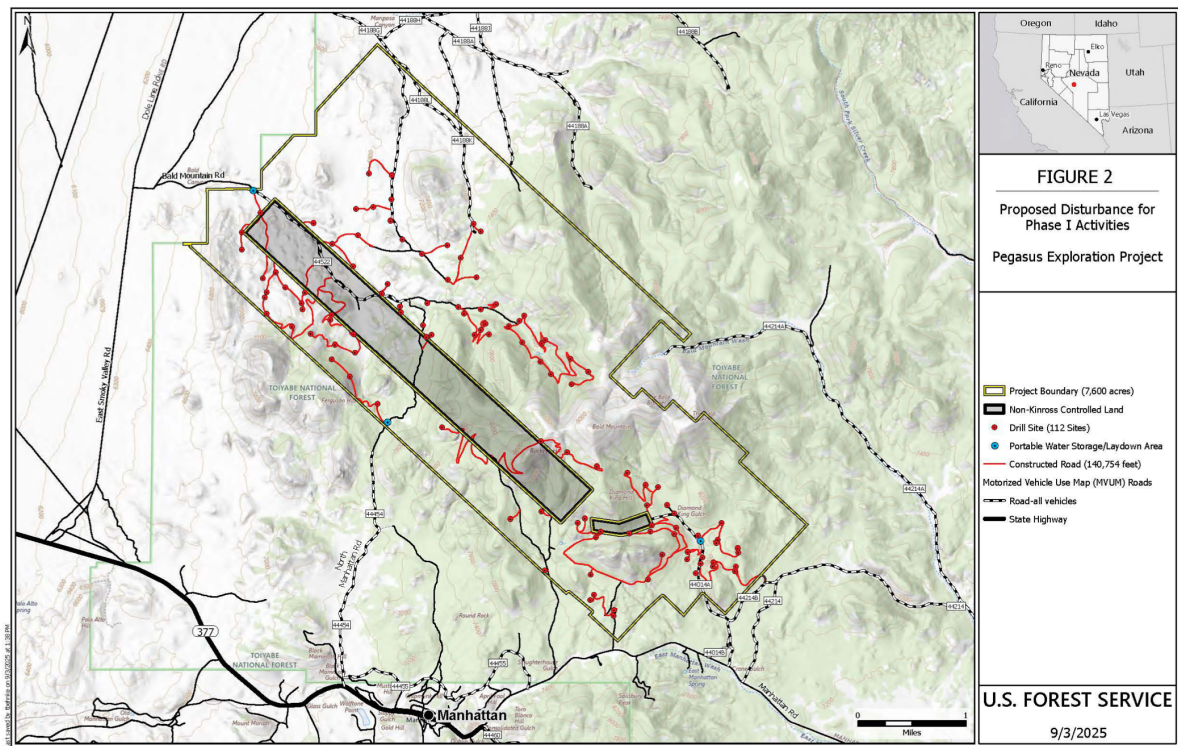
Note that the type of veg modeling the HTNF used in the EA may map areas of extensive PJ forest as sagebrush- because the mapping is based on what is modeled to be there – based on the USFS use of very short fire return interval inputs to the models, and how fire risk is determined.

It's not clear if the white narrow rectangle in the Fire EA is the private land in the EA mapping, or not. Is it?

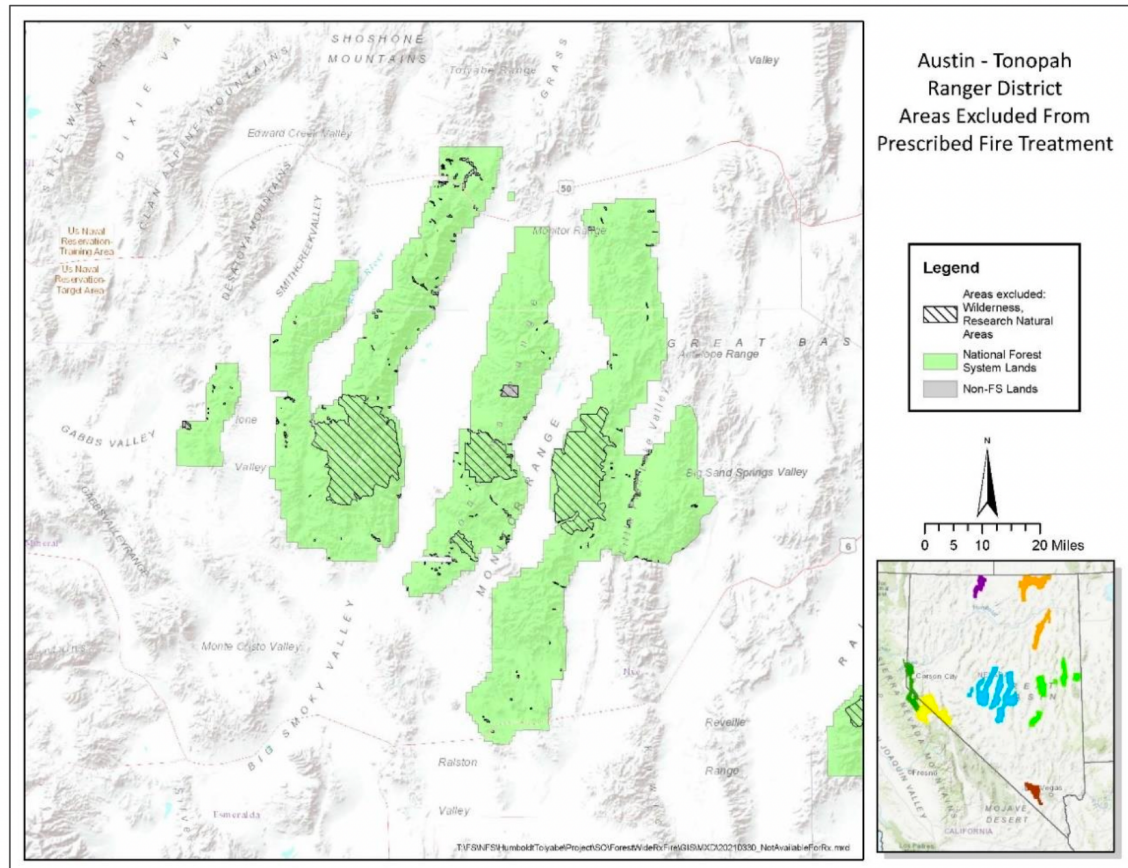
Please clarify where this Manhattan project and any other Fire EA treatments are located in relation to the Pegasus project land area.

Pegasus DRAFT EA 508.pdf
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And haven't there already been various BLM and/or USFS fuels and other "treatments" around the Manhattan area?



The HTNF Fire EA map shows it is open season on all lands outside Wilderness and a few other areas for the next 15-20 years across the Austin-Tonopah RD.

Many Avian and Golden Eagle Habitat and Population Concerns

What are the results of avian surveys for migratory birds, such as Brewer's Sparrow, Sagebrush Sparrow, Sage Thrasher? These are all declining sagebrush-dependent migratory birds, and the FS says it has done some surveys? How abundant are these birds? How much habitat across the project areas is occupied?

BE p. 7 states: "*Pinyon-Juniper Woodland is a NDOW key habitat (SWAP, 2022), which corresponds to the LANDFIRE layer Great Basin Pinyon-Juniper Woodland and occurs on approximately 4,917 acres in the Project Area (65 percent)*".

There other species of concern besides Pinyon Jays inhabiting PJ forest – Ferruginous Hawk, Juniper Titmouse, Gray Vireo, Black-throated Gray Warbler. Yet the EA fails to provide adequate information on the occurrence, abundance and currently occupied

habitat areas so project effects and significance can be understood and a hard look NEPA analysis conducted, and NFMA sustainability requirements be met.

The FS proposes to let this drilling occur over a decade. In a decade, there may be far more serious and significant declines in habitats and populations for all the current species of concern and many more. We request that the USFS provide information on the current status and trends of the migratory birds whose habitat will be destroyed and/or fragmented in the project area.

Regarding the USFS “MINT” determination for several species, (*Might Impact Individuals - No Trend towards listing*): What is the specific basis for this? What is the status of local and regional populations of these species? When and where have population inventories been conducted?

Is this a migration route or corridor?

There are no findings for “migratory birds” and there are sensitive bats (Spotted and Townsend’s Big-Eared). Are there known bat roosts in this landscape? Given the historical mining are there old adits used by bats? We are concerned that Bats and migratory and other birds may drown in the vile open wastewater sumps, including as a result of insects being attracted by bright time drilling lights or by becoming disoriented with the lighting, and the USFS considers no alternatives to these sites. There also appear to be no adequate limitations to reduce lighting harms.



Photo above depicts a drilling wastewater sump at the Jindalee mining drilling exploration site in SE Oregon. Mine wastewater is repeatedly discharged into steep sided unlined earth pits. There is no analysis of what is in this water – including potential contamination from drilling materials that may contain PFAS or other chemicals; “exclusion” fences that easily fall down or don’t get adequately maintained - allowing small mammals and big game to access and become mired in clay muck or drown in the sites. With uncovered sumps, migratory and other birds, bats and insects may drown in them. The project’s night-time drilling would attract insects to these vile wastewater areas, and potentially increase drowning of volant species like bats pursuing insect prey (note we have often found bats drowned in cattle water troughs).

Use of these pits is drilling on the cheap– rather than requiring water to be stored in a tank and hauled to a disposal site. This, and many other elements of the EA do not effectively ensure that disturbance, degradation and “take” will be minimized. Excavating sump pits also means there will be greater soil layer disturbance and mixing of soil layers potentially increasing weed risk and/or making any reclamation more difficult. Use of sumps like this is basically the USFS allowing the driller to conduct operations in the most slipshod manner with the least environmental protections.

The USFS fails to require use of tanks, and hauling the water off-site to a disposal facility - to protect wildlife from drowning or exposure to harmful substances, reduce soil disturbance, and limit potential contamination.

There also appear to be no noise shield requirements for drilling operations, or limits on night lighting that may disorient or draw in insects, birds, or bats.

There really appear to be no mandatory and solid limits on Pegasus activity, as the following shows the USFS has inserted a giant waiver loophole into both raptor, eagle and migratory bird avoidance measures

The US FS refers to: *“Employing raptor and eagle surveys if any disturbances is to occur during the raptor nesting season between December 15 and July 31; and employing migratory bird nest surveys if any disturbance is to occur during the migratory bird nesting season of April 1 through July 15.* This means promises of “avoidance” during nesting season are completely hollow.

Note that April 1 is not the nesting season for Pinyon Jay, which may commence as early as February.

The USFS has not taken a hard look at simply not allowing drilling waivers during the migratory bird nesting period. How much “take” would be foreseeable if drilling occurs during nesting season? Will this USFS apply this to all migratory birds? How will the USFS ensure detection of nests, especially nests in trees or hidden deep in sagebrush? It is very hard to detect nests of many species. How large a buffer would be placed around nests of all species – including migratory songbirds? How many surveys would be required to detect nests as drilling activity unfolds? How would the USFS ensure the surveys are timely? How might the fragmentation and habitat loss outside that buffer affect nest success and nestling survival? Or make the nest and/or nestlings more vulnerable to predation?

The FS claims it will be “protecting other special status plant or wildlife species identified within the Project Area”. There are minimal and/or uncertain “protection” measures for other elements of the environment in this slippery EA, and with all the waivers and exceptions, there is no certainty of protection.

The USFS does not use mandatory “shall” and other binding language to ensure compliance and prevent UUD. How, specifically, will species habitat be protected, and “take” minimized? Will the FS bend its vague timing, seasonal, survey and other promises later, behind closed doors? Will rare Bats and migratory birds drown in vile open pit sumps? A clear alternative exists to place wastewater in tanks and transport waste water off-site, and properly dispose of it. The FS has failed to develop a range of mandatory protective minimization and mitigation actions to prevent UUD for wildlife and their habitats, and has failed to consider any alternatives to the very lax oversight of the EA. Since the USFS has failed to conduct necessary pre-decisional surveys, and there aren’t mandatory solid protections, the USFS cannot determine the significance of this uncertain project’s impacts and sign a FONSI

The USFS says it may be *“modifying exploration construction and drilling activities within the species’ habitat as necessary to avoid or minimize any potential impacts”*.

How, specifically, will these activities (what are they?) avoid and/or minimize effects?

What sideboards, limits, and habitat destruction or species decline triggers will there be? The project's "adaptive" management plan is that there is no clear plan.

The USFS EA scheme for in-front-of-the bulldozer avian and other wildlife "surveys" won't cut it. And with the waivers and in front of the bulldozer surveys, how will the FS ensure that a "modification" for one species won't end up ricocheting and harm another species – unless it has conducted full systematic surveys and analyses so that an integrated NEPA analysis can actually be conducted?

The FS tries to have it both ways, touting supposed seasonal avoidance, while not ensuring seasonal avoidance, stating:

Direct and Indirect Effects

Direct and indirect impacts may include disturbances that lead to area avoidance, dispersal (flushing), abandonment of nest sites, mortality from collision or trampling, or altering or removing suitable habitat. These impacts and the likelihood of "take" would be reduced by the seasonal restriction of no disturbance during the breeding/nesting period (February 15 to July 15), by surveying the areas of proposed roads and drill pads prior to disturbance, buffering active nests should any disturbance occur prior to July 15 (GBBO, 2010), and avoiding tree and shrub removal where possible to minimize habitat loss with reclamation offsetting the loss in the long-term. Outside of the nesting season, birds displaced as a result of Project activities have alternative foraging habitats available to them adjacent to the Project Area. Therefore, direct and indirect impacts to individuals would be minimal for Phase I. Direct and indirect impacts from subsequent phases would be similar.

And again, what are the buffers, and what is the basis for determining it will be adequate? Will this be applied to roads? Will it be able to be waived?

But what are the specifics of all this? How much certainty is associated with in front of the bulldozer surveys? Access roads, drilling noise, night lights – all will impact a significant area.

The above FS claims also shirk any real look at impacts by using the "promised land" theory of wildlife management. The USFS uses the "promised land" excuse for habitat disturbance, destruction and fragmentation – by claiming birds can just move away and find somewhere else to forage, inhabit or nest in - as there's plenty of other habitat. See additional discussion of this gross agency biological negligence and violation of both NEPA and FLPMA in regards to Golden Eagle as we discuss below.

Pinyon Jay Concerns

The Pinyon Jay has been petitioned for ESA listing by Defenders of Wildlife. See attached petition. This bird has undergone a precipitous population decline in recent decades. This decline is driven by habitat loss stemming from destruction of maturing, mature and old growth Pinyon- Juniper forest and the essential food source that pinyon pine seeds provide. Just like with Pygmy Rabbit, USFWS issued a positive 90-day finding for the Pinyon Jay petition, stating:

"Based on our review of the petition and readily available information regarding adverse habitat treatments in pin~on-juniper woodlands (Factor A), increased wildfire frequency (Factor A), invasive species (Factor A), inadequacy of existing regulatory mechanisms

(Factor D), and climate change (Factor E), we find that the petition presents substantial scientific or commercial information indicating that the petitioned action to list the pinyon jay as an endangered or threatened species may be warranted”.

As we previously described, the HTNF has plans to destroy PJ forest in the vicinity of Manhattan, with vast additional areas, including within the project area itself, foreseeably to be burned, thinned, masticated, and otherwise highly fragmented and destroyed – representing new additional and cumulative habitat loss right in this area. The EA fails to address the added stress that climate change places on native vegetation forest and sage communities, and their ability to recover from disturbance. This means that loss of mature vegetation under the EA may be very long-lasting or permanent. Hotter temperatures with ongoing climate stress also provide an advantage to cheatgrass and other flammable weeds, making project site recovery even more uncertain, if cheatgrass invades and chokes the soil surface.

The EA fails to reveal how much deforestation, mining development and other habitat loss and fragmentation already impacts the local population of Pinyon Jays and other sensitive and important biota skimmed over in the EA. It also fails to explain the quality of the existing habitat (as it takes several decades for a pinyon pine to begin producing seeds that the Jays, Clark’s Nutcrackers and may other wildlife species rely on) , where it is found, and how all the proposed disturbances here will impact the amount and ,location of available habitat.

Thus, the impact of the Pegasus project will be long-lasting and potentially permanent if the forest does not recover. Federal agency mining “reclamation” measures are very, very minimal and do not require re-establishment of trees and sage.

We also don’t understand how the FS can claim that 700 trees will be destroyed, when the FS has failed to provide a concrete POO, and the EA leaves the door wide open to destroy PJ forest anywhere within the 7600-acre project, and the bulk of the project area is PJ forest. Further, the potential nesting season waivers the USFS might allow the miner to have to make it even more difficult to understand the severity of impacts.

Yet despite the serious decline of this species, and the Forest Service planning, large-scale deforestation projects including in this very landscape by Manhattan, the EA makes the questionable claim that:

Determination of Effects: Based on the potential direct and indirect effects and recommended design features, the Determination of Effects of the proposed action is **No Effect** for the pinyon jay”.

American Goshawk

The BE refers to nesting:

“Within 100 yards of water mature aspen trees are preferred for nesting, with white bark pine and limber pine mixed conifer stands providing alternative nesting substrate (Herron et al., 1985). The current population abundance in Nevada is unknown. In 1985, the number of known nesting territories was 152, with approximately 300 nesting pairs (Herron et al., 1985). Local and regional population trends for American goshawks are unknown, but suspected to be declining (USFWS, 1998)”.

Aren't there numerous studies that show this species uses a wider range of habitats, including potentially areas of PJ forest if there are small inclusions of aspen? We can find one mention of riparian areas in the EA, but there is no adequate mapping or identification of these areas area, and how the project may impact them. Once again, the USFS did not conduct systematic surveys, and did not identify potential nesting and foraging habitats, and merely plans piecemeal post-decisional surveys. "Nest clearance surveys would be conducted by a qualified biologist prior to any surface August 31. If nests are located or other evidence of nesting were observed, the USFS specialist will determine appropriate mitigation measures. Direct and indirect impacts from subsequent phases would be similar. BE pp. 10-11. The significance of the actin can't be properly assessed – and this is a particular concern – given the USFS claims it has no current info on the status of the American Goshawk population. Is this foraging habitat - including for juvenile birds? Where is the closest known Goshawk nest site, and when and why (for what projects?) were inventories done in that area? Are there any systematic Goshawk surveys conducted annually anywhere in this region?

Pygmy Rabbits

Who actually prepared this rubberstamp drilling BE? It claims Pygmy Rabbits are native to the Midwest.

"The pygmy rabbit's historical range includes parts of the northwestern and midwestern United States, including central and northern Nevada. The species is found from the state border in the north to the northern end of Nye and Lincoln Counties in the south, and from the state border in the east to Vya, Nevada in the west. It is still found in most of the higher intermountain regions in the Great Basin Desert of Nevada (SWAP, 2022; Nevada Fish and Wildlife Office, 2015). The pygmy rabbit is a sagebrush-dependent species that typically occupies patches of tall, dense sagebrush (Artemisia spp.) that provide shelter and food throughout the year. It requires deep, friable, loamy soils for burrow construction and occurs in patches correlating positively to the density of sagebrush (SWAP, 2022; Nevada Fish and Wildlife Office, 2015)".

The FS fails to use current information on significant Pygmy Rabbit declines, as summarized in in the Pygmy Rabbit ESA petition (attached).

In response, USFWS issued a positive 90-day Finding.

"Based on our review of the petition and readily available information regarding the compound effects of fire, cheatgrass, and climate change (Factors A and E), we find that the petition presents substantial scientific or commercial information indicating that listing the pygmy rabbit range-wide, as a threatened species or an endangered species, may be warranted. The petitioners also presented information suggesting livestock grazing, oil and gas development, and disease may be threats to the pygmy rabbit. We will fully evaluate these potential threats during our 12-month status review, pursuant to the Act's requirement to review the best scientific and commercial information available when making that finding".

The petition describes: “*Nevada was the last state that allowed pygmy rabbits to be hunted, but in 2021, Nevada terminated its hunting season, due to concerns for the viability of the species in the state (personal communication, Shawn Espinosa, Nevada Department of Wildlife, July 21 2022)*”.

In addition, the first confirmed detection of Rabbit Hemorrhagic Disease Virus Serotype 2 in pygmy rabbits in North America was documented in winter of 2022 in Elko County, Nevada (Crowell et al. in press) ...”.

See summary of population declines where surveys have occurred range-wide in the PR Petition pp. 29-31.

The FS ignores both the declines occurring prior to RHD, a deadly calcivirus that is very readily spread potentially by mud/soil on vehicles, and the even greater threat to the species now that RHD has spread.

Instead of relying on stale, or inadequate information, please fully address the current status of habitats and populations of Pygmy Rabbit. Where are the closest documented occurrences of Pygmy Rabbits to the Pegasus site? Does the site provide habitat connectivity? Backcountry roads and jeep trails often run near drainages or flatter deep soil areas that may provide the densest sagebrush big sagebrush cover – required by Pygmy Rabbits. The project blading new roads, and “improving” existing minor routes may destroy, fragment and spread irreversible cheatgrass and other flammable weeds in potential Pygmy Rabbit habitat. The species here is near the southern margin of its range, and loss of populations and connectivity between populations may result in range contraction.

This species has been petitioned for ESA listing, and USFWS issued a positive 90-day funding and is under serious threat in Nevada not only from extensive development of sagebrush habitats, but also from a new extremely lethal calcivirus – RHD (Rabbit Hemorrhagic Disease). This disease has now been documented in Nevada. It is very easily spread – including potentially by soil on equipment.

The USFS states: “All potential pygmy habitat within Phase I disturbance plus a 30-meter buffer was surveyed (Figure 2a)”. Why wasn’t all the sage, and sage-PJ ecotone are surveyed? How dense is the canopy cover of sagebrush in the project site?

Where are the closest documented occurrences of the Pygmy Rabbits to the project area?

Bighorn Sheep

The Bighorn Sheep potential to occur in the Project Area was assessed as “Possible.”

USFS states that NDOW identified an occupied bighorn sheep distribution within four miles of the Project Area (NDOW, 2024). The project also contains “NDOW Key Habitat, Cliffs and Canyons, exists within the Project Area and may provide requisite refuge habitat”. Where is mapping and other identified habitat for this Bighorn Sheep herd? What is the current population status and population trend of this population over time?

Golden Eagles

Golden Eagles are present in the project area. The BE states:

“The golden eagle occurs throughout North America. It has always been relatively rare, but its population appears stable (NatureServe, 2023). Declines are suspected in the west, but have not been confirmed (SWAP, 2022)”.

... suitable habitat is present in the form of sagebrush shrublands, salt desert scrub, and pinyon-juniper woodlands. Cliff nesting substrate is also available within and around the Project Area. Golden eagle nests were found with the Project Area, and within a 10-mile buffer around the Project Area, during the raptor/eagle baseline survey in March and April 2022. The raptor/eagle baseline survey area is shown on Figure 2b. Continuous golden eagle and raptor nest surveys would occur.

Measures to reduce “take” are: “Seasonal restriction of no disturbance during the breeding/nesting period (December 15 to July 31). Should any disturbance occur prior to July 31, a 1-mile activity buffer would be placed around active nests. Outside of the nesting season, birds that are displaced as a result of Project activities have alternative foraging habitat available to them adjacent to the Project Area. Therefore, direct impacts to individuals should be minimal”.

There are concerns with the BE.

It fails to address the recent research showing significant concern for the Nevada population of Golden Eagles.

The USFS must consider the significant population concerns raised by a long-term research project has shown that Nevada Golden Eagles are in significant trouble, regions of Nevada are a population sink, and birds are starving.

Golden Eagles in the West Appear stable, but Nevada tells a different story,

<https://phys.org/news/2025-12-golden-eagles-west-stable-nevada.html>

The Raptor Research article describes:

“Although Barnes suspected Golden Eagles were declining in Nevada, he was surprised to learn just how unsustainable the population might be.

At least 30 of the 43 tracked eagles died during this study, from causes including electrocution, collisions with structures and vehicles, and starvation. This is a relatively high death rate across all ages. However, territories were consistently occupied through the state during the study period.

This could mean that birds from out of state are the ones filling nests, which is concerning because they may encounter the same fates as local eagles, yet all appears stable by typical monitoring methods. Additionally, Golden Eagle populations are well known to include nonbreeding adults, called “floaters,” which are exceedingly difficult to quantify and track.

So, the declining populations that his team has identified is almost certainly drawing from elsewhere, in addition to the floater population, to sustain high territory occupancy rates statewide. Hence, a dangerous loop is born”.

Also: *"Population sinks can be particularly detrimental because they draw individuals in from an area far larger than the area of concern," says Barnes, "and persistent local sink conditions can impact the*

Golden Eagles in the West appear stable, but Nevada tells a different story
<https://phys.org/news/2025-12-golden-eagles-west-stable-nevada.html>

greater regional population." It's important to note that high death rates are not the only cause of sinks. Sometimes they are caused by issues in the breeding success of the species as well.

Barnes and his colleagues declare habitat conservation as the number one management action that could benefit Golden Eagles in Nevada. Drought, wildfire, RHDV2, and development of hard rock mining and solar energy will challenge this goal. Barnes, however, remains optimistic."

This has major implications – biologists just can't go out and count occupied Eagle (or other species nests if birds aren't marked) annually and assume all is well – if there's large-scale turnover.

The scientific paper is: "Estimating Survival and Population Trajectories of Golden Eagles in Nevada". *J. of Raptor Research*, 59(4):1-15(2025).
<https://doi.org/10.3356/jrr2521> , James E. Golden, Joseph G. Barnes, Perry J. Williams.

"Golden Eagle (Aquila chrysaetos) populations in western North America have recently been reported as stable. Vital rates, however, can vary geographically and across life stages to the extent that local population sources and sinks may form. The little-studied population in Nevada is of particular interest in this regard based on its large contribution to the species' breeding population in the western USA. Our investigation in Nevada focused on additive and synergistic factors that may set local populations on a different course than regional or range-wide estimates."

Also: *"We found strong evidence that the Golden Eagle population in Nevada is declining, which is likely related to low survival estimates across age classes. Investigations at the time of transmitter recovery indicated a minimum of 6 of 18 attributable mortalities likely resulted from anthropogenic causes. Additive mortality related to drought, reduced prey base, and habitat loss experienced by Golden Eagles in Nevada suggests the potential for the existence of a population sink within the state, and we highlight the need for closer management of Golden Eagle populations in this rapidly changing landscape".*

How might the ever-expanding Kinross mega-mine just to the West of the Pegasus site have been contributing to Golden Eagle mortality and "take"? How much "take" has been authorized throughout the duration of the Kinross (and prior to that Barrick) mining operation under a series of BLM NEPA analyses? How much "take" been authorized for other mining activity within ten miles of the project site? How much "take" has been authorized for mining and other development activity within a 109-mile radius of the

Pegasus site? A 109-mile radius is the distance USFWS has been using to estimate resident juvenile Eagle dispersal distance.

The USFWS EA assessing “take” for the Barrick Phoenix and Cortez mines LAP is excerpted below. It appears the Cortez area extends down to Round Mountain-Pegasus country.

The BE statement illustrates the stale information, uncertainty and contradictions that plague the entire EA mining scheme.

Things are not well with Nevada’s Eagle population. There is no certainty, as supposed protections apparently can be waived. The USFS does not use mandatory language and allows the seasonal restriction to be waived and bent post-decisionally behind closed doors out of the public eye.

The USFS fails to mandate actions to reduce potential vehicle or other mining vehicle/traffic exploration activity-caused Eagle mortality. USFS mapping shows many Golden Eagle nests within 10 miles.

The USFS uses the “promised land” excuse for habitat disturbance, destruction and fragmentation – by claiming Eagles can just move away and find somewhere else to forage, inhabit or nest in - as there’s plenty of other habitat. But never says just where this promised land is, and if it’s already occupied. Does the USFS not believe that Eagle’s and other birds have nesting territories? The specific quality, quantity and location of this claimed abundant nesting, foraging, wintering “promised land” habitat is not systematically examined. And of course, there’s a huge Kinross mining disturbance zone only a few miles from the project site, with major habitat disturbance and loss.

There is no info on blasting at the Kinross site, potential toxics all kinds of birds and wildlife might be exposed to near/in water or elsewhere, levels of vehicle-caused mortality. There is a main road in the center of the valley to the west – another source of wildlife – including certainly Eagle mortality. There is no information on the density and location of powerlines and other potential collision areas.

Just like with Pygmy Rabbit, American Goshawk, Pinyon Jay, migratory birds, the USFS does not take a current hard science-based look at habitats and populations of these sensitive species and species of concern both within the project area, and the local and regional threats to their populations.

This is combined with the fact that, as we’ve been describing, hardly anything in the EA is certain, the supposed “protections” are hollow and riddled with waivers and “outs” for the benefit of the miners – with actions to be decided later behind closed doors. Thus careful NEPA evaluation of the project harms, and its significance to species habitats and populations, and compliance with NFMA, can’t be determined.

The USFS EA Table 4 “Determination of Effects” for the proposed action is that it may impact individual Eagles and migratory birds but is not likely to cause a trend to federal listing or loss of viability.

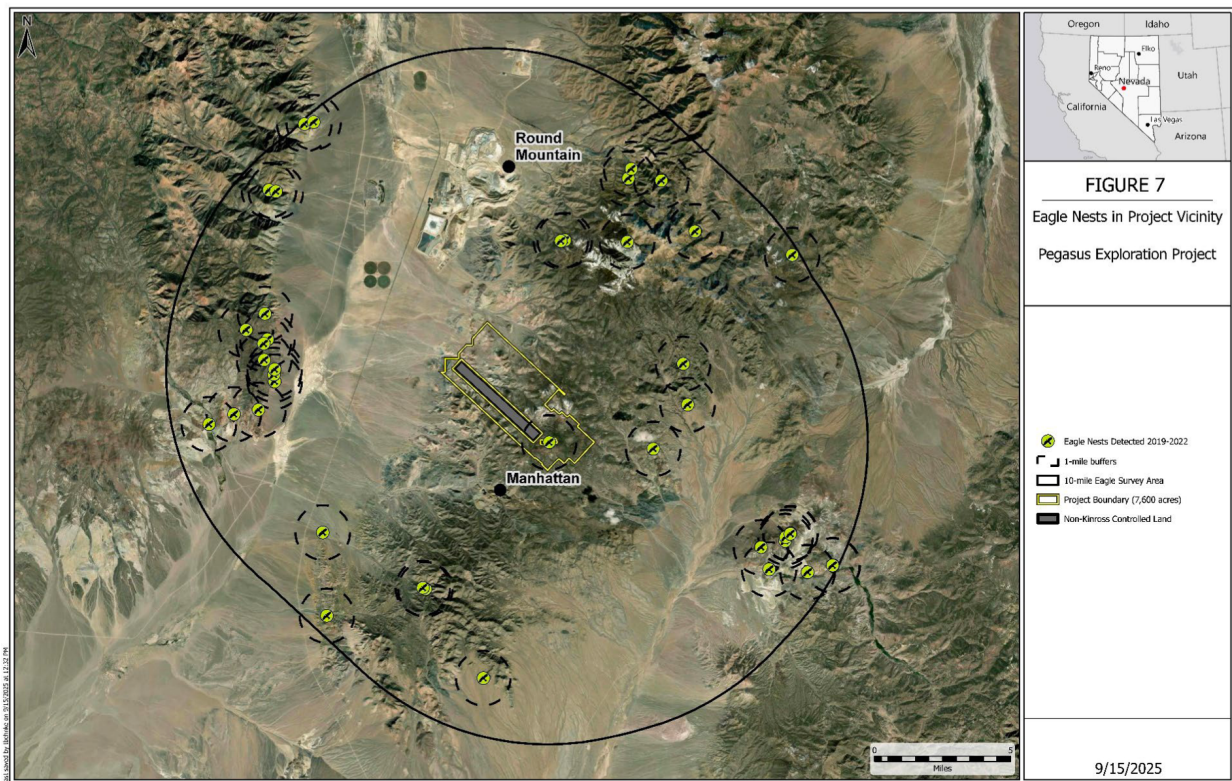
These direct impacts and the likelihood of “take” would be reduced by the seasonal restriction of no disturbance during the breeding/nesting period (April 1 to July 15), and by surveying the areas of proposed roads and drill pads prior to disturbance, buffering active nests should any disturbance occur prior to July 15 (GBBO, 2010). Outside of the nesting season, birds that are displaced as a result of Project activities have alternative

foraging habitat available to them adjacent to the Project Area. Therefore, direct impacts to individuals should be minimal.

WHY will there be disturbances during this period? Activity should be prohibited, and elsewhere the EA describes that will be the case, but instead the BE states: *“Raptor and eagle surveys will be required within the Project Area for any disturbances that will occur between March 1 and August 31. The Project proponent will notify the USFS at least two weeks prior to proposed work and raptor/eagle surveys will be conducted by a qualified biologist within potential habitat prior to any surface-disturbing activities (which includes, but is not limited to, vegetation trimming or clearing, road maintenance or construction, overland or cross-country vehicle travel, drill pad clearing or construction, and drilling). Active nests, if found, will be buffered depending on species (1one mile for golden eagles). No active raptor/eagle nests will be disturbed or removed as a result of any Project activities unless approved by the USFS or other appropriate agency. Clearance surveys will follow approved USFS protocols”.*

For migratory birds, it’s the same loose language where veg destruction and disturbance could occur during nesting seasons, with the USFS stating:

“If Project activities are to occur during this time, migratory bird nest surveys will be necessary. The Project proponent will notify the USFS at least two weeks prior to proposed work, and nest clearance surveys will be conducted by a qualified biologist within potential habitat prior to any surface disturbing activities (which include, but are not limited to, vegetation trimming or clearing, road maintenance or construction, overland or cross-country vehicle travel, drill pad clearing or construction, and drilling).



This map of Eagle nests shows that major Round Mountain mining disturbance is less than 5 miles from the Pegasus site.

The BE states re: Big Game - Occupied mule deer and pronghorn antelope distributions exist within portions of the Project Area and four-mile buffer area. Occupied bighorn sheep and elk distributions exist outside of the Project within portions of the four-mile buffer area. What are the goals and objectives for these populations, and are they being met? Are there movement or migration corridors present? Is there fawning/kidding habitat present? If so, where? Is there wintering habitat at lower elevations? Given the extent of past historical and later mining by various parties, and ongoing Kinross and other activity mining in close proximity, how altered and fragmented is the habitat already? What are the Forest plan requirements, and Forest and NDOW goals and objectives for big game species? Are they being met? Is there a movement or migration corridor here that will be disturbed and sage and tree cover removed in? Is this winter habitat?

The BE states: “Greater sage-grouse habitat ... has primarily been classified as “Other” habitat by the Nevada Sagebrush Ecosystem Program. As stipulated by Nevada State Regulation NAC 232.400 –232.480, direct and indirect impacts to greater sage-grouse habitat must be mitigated using the Nevada Conservation Credit System. There are no known radio-marked greater Sage- grouse tracking locations in the vicinity of the Project Area. Where are the closest sites where birds have been radio-collared? The USFS states that there are no known greater sage-grouse lek sites in the vicinity of the Project Area.

Where are the closest leks? Are there leks to the south of here? This project is near the southern edge of the species range. Will this drilling project fragment important connecting habitat? Where is winter habitat for the local Sage-grouse population, and what is its status? What is the Sage-grouse PMU and what is its current status and population trends? Have leks been impacted or blinked out due to the activities of Kinross and the Round Mountain mine?

The FS states: “*Raptors - Various species of raptors, which use diverse habitat types, may reside in the vicinity of the Project Area. American kestrel, Cooper's hawk, Swainson's hawk, bald eagle, barn owl, burrowing owl, ferruginous hawk, flammulated owl, golden eagle, great horned owl, long-eared owl, merlin, northern goshawk, northern harrier, northern saw whet owl, osprey, peregrine falcon, red-tailed hawk, rough-legged hawk, sharp-shinned hawk, short-eared owl, turkey vulture, and western screech owl have distribution ranges that include the Project Area and/or surrounding 10-mile buffer ... There are 59 known raptor nests within the Project Area and/or surrounding 10-mile buffer*”. Have surveys for Flammulated Owls been conducted? How thorough have surveys been surveys?

The USFS also states that Lahontan Cutthroat Trout - Lahontan cutthroat trout (LCT) watershed(s) are present within the Project Area. Is this indeed correct? Or is this an error or excerpt from another document?

We request that USFS provide comprehensive current baseline mapping and documentation of areas of cheatgrass, bulbous bluegrass, or other flammable weeds and the percent of cover as a baseline, and identify sites and soil types that are at risk of flammable invasive grass expansion with the project disturbance - basically conduct a weed risk analysis.

Protective Alternative Mitigation and Minimization Actions to Prevent UUD Ignored in NEPA Analysis

The EA fails to consider reasonable less destructive alternative actions and controls over this mining exploration activity. These include many more protective actions, that need to be analyzed in a hard look analysis in a revised EA or potentially an EIS. These actions would help protect sustainability of forest soil, wildlife, watershed, public recreation and other values under NFMA and the Toiyabe Forest plan.

Please alternatives that examine helicopter drilling rather than new road construction for sites where new roads would be constructed; require drilling wastewater be placed in water tanks and removed to an off-site disposal facility; no night time drilling to protect wildlife from disorienting night lights and insects drawn to lights right by vile sumps; require mandatory avoidance of avian (including migratory birds, Golden Eagle and Pinyon Jay) nesting season drilling with no waivers allowed; require drilling company removal of road-killed animals from access routes to reduce potential mining activity “take” of Golden Eagles and other raptors that may be attracted to road kills. Also, consider reducing the number of drill sites to limit loss of mature PJ forest or areas of contiguous denser mature sagebrush which would be nesting habitat for Brewer’s Sparrow, potential Pygmy Rabbit habitat, connectivity habitat for Sage-grouse, or other vegetation communities or areas of concern.

Past Notice-Level or Other Drilling

The USFS fails to provide an adequate environmental baseline of the footprint of past drilling and mining activity within the project area site, including any historical activity. Has there been past Notice-level drilling here/drilling under 5 acres of disturbance? If so, where has it taken place, and what is the current conditions of those areas? Has there been past NEPA authorized drilling at the site? If so, where has it taken place, and what is the current condition of the sites?

The EA mentions private land where the driller has access to cross – what is on that private land, and has it been heavily disturbed by past mining activity?

Are there sites covered by the NHPA here? Are there sites of cultural significance here?

Are there indigenous food plants on the site?

Are drillers required to give the USFS access to information in drill logs? If so, what do any past drill logs from the local area show about site hydrology, strata, etc.?

Is there any information from past drilling or other activity here about what the predicted depths to the water table are, and how likely it is that the proposed drilling will intercept the water table?

Are there records of flow rates on springs and drainages in and near the project area, and how they may have changed over time? Why is there no information provided in the EA on current baseline flow rates on these waters as a baseline, and under the No Action alternative?

Adequacy of Reclamation Standards and Bonding

We are concerned about the adequacy of both reclamation methods and standards, and bonding. This is especially the case, given the many uncertainties of climate change stress, potential flammable weed and other invasion, potential damage to shallow aquifers that support spring and areas of drainage flows, and the overall uncertainty with the EA. The driller has plenty of time to collect seeds from local native ecotypes, and re-seed those in any reclamation activity. We request that the driller be required to plant sagebrush seedlings and pinyon-juniper seedlings grown from locally collected seed sources in all disturbed areas as part of reclamation.

There is also no adequate mapping and analysis information on the current status of flammable annual grasses and other weeds in this landscape, and risks of weed expansion due to the project – making reclamation and bonding more risky.

Livestock Grazing Concerns

The EA does not reveal any specific information about livestock grazing here, other than: *“Range Resources: The Project Area is located within two allotments: the Round Mountain Allotment (active winter grazing) and the Silver Creek Allotment, which is a Forage Reserve Allotment (not yet available for authorizations). Kinross would not restrict the movement of livestock with Project activities and would coordinate with permittees during cattle moving periods (if required) to minimize any impacts from the Project”*.

Are there any current land health evaluations for the Round Mountain allotment? Is it grazed by cows or sheep? What is permitted vs. actual use? What use standards are

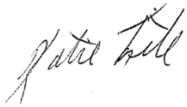
applied? What has riparian and upland vegetation monitoring shown about the severity of livestock impacts? Will livestock be manipulated and impacts shifted to other areas to try to speed “reclamation”?

When was the Silver Creek allotment designated a “Forage Reserve”? This appears to be related to the HTNF’s “Monitor-Toquima (M-T) Range Vacant Allotment EA and Decision Notice (DDN) to authorize livestock grazing on the McKinney, Meadow Canyon, Monitor Valley East, Monitor Valley West, Silver Creek, and Table Mountain allotments”. Basically – is Silver Peak actually supposed to be Silver Creek, and one of the old Wayne Hage allotments?

The Silver Creek allotment is an area of special concern, as it was part of designation of sacrifice allotments for bringing in livestock from unidentified other areas – whole “treatments” or other actions take place on currently allocated allotments. This seriously increases the risk of weed infestations, as the FS Monitor-Toquima EA lacked adequate weed prevention measures such as quarantining livestock for weeds from potentially weed-infested lands near Elko or elsewhere before they get turned out on the “reserve”. There are many other significant problems with any “reserve” here, such as the capability of the land for grazing, the potential for expanded water hauling or livestock facilities that intensify grazing in previously less disturbed habitats.

We request that a revised NEPA analysis be conducted at the level of supplemental Draft EA or an EIS, that examines a range of alternative minimization and mitigation actions to prevent unnecessary and undue degradation to these lands, waters and habitats.

Sincerely,

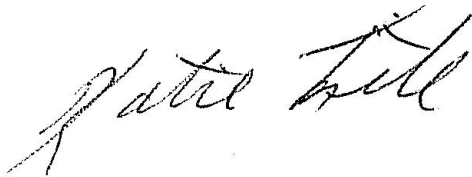


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/PD
Patrick Donnelly
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Sincerely,

A handwritten signature in black ink, appearing to read "Katie Fite". The signature is fluid and cursive, with the first name "Katie" written in a larger, more prominent script than the last name "Fite".

Katie Fite
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