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USDA Forest Service

Attn: Susan Elliott, Project Lead

660 South 12th Street

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Re: Ruby Oil and Gas

Ms. Elliott,

Thank you for accepting these comments from the Elko Band Council of the Te-Moak Tribe of Western Shoshone in Nevada, on the Ruby Mountains Oil and Gas Leasing Availability Analysis. The Elko Band Council is entrusted to prevent the disposing of the Traditional Cultural Properties (TCP) of the Western Shoshone in Nevada, and especially in the area of the Duka-doya (Ruby Mountains), which is sacred to us. We are entrusted to protect the health and welfare of the members of the Elko Band and in that stead, we are providing you this letter and urge the NSF to not make it possible to lease this 54,000 acres in the Ruby Mountains for oil and gas projects.

It is our understanding that the Humboldt-Toiyabe National Forest, Mountain City/Ruby Mountains-Jarbridge Ranger District Office of the USDA Forest Service is preparing an Environmental Assessment for a Ruby Mountains Oil and Gas Leasing Availability Analysis for approximately 54,000 acres of National Forest Service System (NFS) land. Furthermore, the Forest Service proposes to determine which NFS lands will be made administratively available to the Bureau of Land Management (BLM) for oil and gas leasing and what stipulations to include to protect natural resources. The 54,000 acres is located within areas covered by the 1986 Humboldt Land and Resource Management Plan (LRMP), and NSF's position is that all 54,000 acres are open to leasing.

Based on an information gathering meeting between the Forest Service, and the Elko Band and Te-Moak Tribe Environmental Departments on October 23, 2017, this Analysis, which will be in the form of an Environmental

Assessment (EA), is scheduled to be completed by February 2018 and the 54,000 acres will be made available to BLM for future oil and gas lease sales shortly after that deadline. It is the opinion of the Elko Band Environmental Coordinator, that no matter what identification of traditional/cultural areas and TCP are identified by Tribal representatives, whether they be significant or not, NFS will complete their respective EA by the February 2018 date, which is less than four months away from the date of this letter.

In the NFS letter to the Elko Band Chairman, David Decker, dated September 27, 2017, and stamped received by the Elko Band Administrative Office on October 2, 2017, NFS states that if, "traditional/cultural use areas and associated activities within or near the proposed lands that may experience impacts," that, "if such areas are identified, the Forest Service will work with the local Tribes and Bands to reduce or mitigate these impacts through the consultation process." These activities pertain to the NFS Ruby Mountain EA, not a later NEPA process with BLM.

The deadline for comments on the EA, is November 2, 2017. Rain and snow are due to fall soon on the 54,000 acres, and that will severely impede our ability to identify traditional/cultural use areas, etc. To adequately identify these areas and resources such as locations of do-za, wild berries, animal habitat, gravesites, camping grounds, and more; to help the NSF with their EA, we need more time. We do not have the resources of the NFS and the BLM to conduct many of these activities within such a short time frame.

We are concerned that if some vital information is omitted from the "necessary stipulation" that would be attached to each BLM lease, the lessee may contend that there are no environmental impacts to avoid or mitigate. Also, No Surface Occupancy (NSO) stipulations do not adequately protect resources on or adjacent to the parcels, and NSO does not prevent hydrologic degradation.

The legal notice in the Elko Daily Free Press, dated October 3, 2017, states that the 54,000 acres are located within areas covered by the 1986 Humboldt Land and Resource Management Plan (LRMP). In our opinion, the 1986 Forest Plan does not adequately address environmental impacts of proposed actions, and the NFS may not have the management tools necessary to protect the vital resources located in the area of the 54,000 acres for gas and oil projects on this sacred land, you need to do an amendment to the current Forest Service plan that outlines a better procedure to address environmental impacts of proposed actions.

The SWCA and Julian Steward studies identified some Newe (Shoshone) locations of TCP and other significant cultural items in the area of concern. Although those studies were published and are accepted by government agencies, many Newe consider the studies to be incomplete. We hope that NFS does not take information in those studies and use them as fact, without first consulting with the Elko Band Council and our tribal technical specialists.

No matter what decision NFS and BLM make, an Environmental Impact Statement (EIS) is necessary, given the potentially significant impacts on the area, and the public controversy that will arise when oil and gas companies start their projects.

There are many hard questions we need to ask the Forest Service and BLM about allowing oil and gas projects in the Ruby Mountains.

What will be the impact on the Duka-doya area due to hydraulic fracturing and/or oil & gas drilling? Will these corporations reinject wastewater on that land? That reinjection process has been identified by the Environmental Protection Agency (EPA) as the cause of earthquakes in Oklahoma and other states.

What will be the impact on the air and water from emissions and waste generated from the oil and gas machines? Our children and elders drink the sacred water from the Ruby's and breathe the air the Great Father has provided us all. Will our children get sick; will our plants get poisoned? Will the animals die from toxic

poisoning?

Many of the people in the area of the 54,000 acres rely on well water for sustenance. Will the people entrusted to protect the health and welfare of human beings in Nevada let the people know what chemicals are being put out into the water we drink?

The Ruby Mountains are home to eagles, hawks, crane, and migratory birds that rely on the existing environment. There are insects and pollinators that live up there, and how will all the flying creatures be impacted?

At the peak of the 54,000 acres lie sacred rocks that have significant and irreplaceable value to the Newe.

Han-nii (beaver) live smack in the middle of the 54,000 acres. They have a key role in that ecosystem and are interesting creatures to observe. In fact, all the wonderful and beautiful creatures that live in the ecosystem in and surrounding the 54,000 acres are here for a reason, and they have as much right to this land as the Newe. We must speak for them.

After these oil and gas companies use up the land, the Newe will be here to clean up the mess that was left us; and, our grand-children, and their children, and their children's children, will rely on the land, water, and air that was left to them by us.

The Elko Band Council insists that the Forest Service not make available these 54,000 acres to the Bureau of Land Management for oil and gas leasing in the names of environmental justice and human rights.

Thank you for considering these comments.

David Decker,

Chairman, Elko Band Council of the Te-Moak Tribe of Western Shoshone