



DESERT TORTOISE COUNCIL

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Via email only

3 June 2020

Melissa Jennings
Bureau of Land Management
Tonopah Field Office, Battle Mountain District
P.O. Box 911, 1553 South Main Street
Tonopah, Nevada 89049
mjennings@blm.gov

RE: Environmental Assessment for the AngloGold Ashanti North America Silicon Exploration Project, Nye County, Nevada (DOI-BLM-NV-B020-2020-0017-EA)

Dear Ms. Jennings,

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

We appreciate this opportunity to provide comments on the above-referenced project. Given the location of the proposed project in habitats likely occupied by Agassiz's desert tortoise (*Gopherus agassizii*) (synonymous with "Mojave desert tortoise"), our comments pertain to enhancing protection of this species during activities authorized by the Bureau of Land Management (BLM). Please accept, carefully review, and include in the relevant project file the Council's following comments on the Environmental Assessment (EA) for the AngloGold Ashanti North America Silicon Exploration Project, Nye County, Nevada.

Unless otherwise noted, page numbers refer to the EA dated April 2020. Page 1-1 states that AngloGold Ashanti North America (AGA) proposes to conduct mineral exploration activities at the Silicon Exploration Project (Project), located approximately seven miles northeast of Beatty, Nevada,

in Nye County. The Project is located on public lands administered by the Bureau of Land Management (BLM), Tonopah Field Office. AGA proposes to conduct phased exploration activities and surface disturbing activities for data collection to assess mineral development potential within a 3,630-acre Project Area. The proposed disturbance under Phase I would create approximately 50 acres of surface disturbance in addition to the maximum five acres of Notice-level surface disturbance for a total of approximately 55 acres. The remaining 100 acres of disturbance identified under subsequent phases (155 acres total) would be conducted over approximately ten years; however, that may change due to economic conditions (page 1-5).

Although the first paragraph on page 1-5 states that "...surface disturbing activities would consist of utilizing the existing road network for Project access," Table 2.1-1 on that page reveals that 90 of the 155 acres of disturbance would be associated with construction of new roads, and the proponent intends to create "93,343 linear feet [17.7 linear miles] of new exploration roads under Phase I of the Project," which already seems excessive to us. But then, as reported on page 2-3, "Up to 186,685 linear feet [35 linear miles] of exploration roads would be constructed under subsequent phases of the Project. The standard running width would be approximately 12 feet with an additional two feet for a safety berm as required by the Mine Safety and Health Administration, for a total width of 14 feet."

Given that the Project is reportedly exploratory in nature, can we assume that the proponent may not find sufficient gold deposits to pursue mining? Given that possibility, we are concerned that construction of new roads will result in initial direct impacts and eventual indirect impacts to tortoises and occupied habitats. We therefore, ask that BLM substantially restrict the number of new roads created by this exploratory activity; that most exploratory activities be confined to areas adjacent to existing roads; and that if the mine is not pursued, the proponent be obligated by the BLM to reclaim and effectively eliminate all newly created routes so that none is used for future vehicle travel.

Page 2-5 indicates that geotechnical test pits or trenches (i.e., bulk sample excavations) may be initiated under subsequent phases with each pit excavation estimated to have the approximate dimensions of 30 feet long by 15 feet wide by 10 feet deep. Given the potential for entrapment of tortoises and other animals, it is important that each pit be surrounded by tortoise-proof fences as described by the U.S. Fish and Wildlife Service field manual (USFWS 2009).

As reported on page 2-6, we are concerned that exploratory activities may require use of up to 5,000 gallons of water per 12-hour shift, that dust control may require an additional 6,000 gallons per day, so that a total of up to 36,000 gallons of water per day may be introduced to the site. The introduction of this amount of water may result in the attraction of tortoise predators to the site, particularly common ravens and coyotes, and may also support the introduction and proliferation of weed species, particularly non-native annual mustard plant species. We are alarmed to read that this water could come from recycled sewerage ponds (page 2-7).

We feel strongly, for both human and wildlife welfare, that no untreated sewer pond water be introduced to the desert within the project area by these "exploratory" activities. We assume that no tests have been performed on this human waste, that the contents have not been assessed, and this EA in no way analyses the impacts that may result to both humans and wildlife, particularly tortoises, if sewer water is spread across the desert. In fact, if human sewer water is to be used,

we believe that this constitutes a significant enough impact that an Environmental Impact Statement (EIS), not an EA, is the appropriate level of analysis needed for this Project. With the exception of this statement on page 2-7, there is no other mention of using sewerage water, and therefore no real analysis of the potential impacts of using such substances.

The intent to create a reclamation plan is described on page 2-8, but in the absence of such a plan, we cannot determine if the intended plan has all the requisite parts. Nor is this description clear on what will happen if the site is developed as a mine, which we assume is the intent of the exploratory activities. If the mine is developed, would all these reclamation activities still be implemented? Also, we are not sure if the following statement is a proposal by the proponent or reflective of BLM's reclamation policies: "Yearly visits to the site would be conducted to monitor the success of the revegetation for a period of up to three years or until revegetation success has been achieved." In the absence of success criteria, which should be identified in the final EA, we cannot ascertain how BLM would judge that success has been achieved. To facilitate successful revegetation (Section 2.2.4, page 2-10), the Council has attached an appendix outlining best management practices for desert restoration (Abella and Berry 2016).

With regards to tortoise protective measures listed on page 2-15:

First bullet: At the initiation of exploratory activities, all mine personnel must be given a tortoise awareness program. Distributing a pamphlet or brochure is an appropriate reminder to all personnel of protective measures so long as they have had formal training, but it should not replace a formal presentation of those materials. We also recommend that one or more mine personnel knowledgeable of tortoise biology and protective measures, perhaps the supervisor, be given the responsibility to inform all new incoming personnel and miscellaneous visitors of protective measures once biologists have left the site.

Third bullet: All personnel should be required to sign a sheet indicating they are willing to abide by all protective measures, and the BLM should routinely, likely in the annual report, be provided with those signatures (this is in addition to the other measure identified in this bullet).

Fourth bullet: It is typical that an injured or dead tortoise be reported to the BLM within 24 hours of its finding, which should be added to this requirement. There should also be a statement that a qualified biologist will be called to the site to handle injured tortoises and that the proponent be responsible for all subsequent veterinary bills. We also suggest that the contact information for the nearest veterinarian be added to the pamphlet or brochure referenced in the first bullet.

Fifth bullet: Since the following sentence on page 2-15 is unclear and may be interpreted in different ways, "During the construction of new roads or any vegetation removal, the designated field representative would ensure no tortoise are in the potential path of heavy equipment," we recommend that it be clarified with the following wording: "BLM-approved Authorized Biologist(s) shall be present for all construction of new roads, widening of existing roads, vegetation removal, and any other authorized activities that may harm tortoises."

Sixth bullet: In order to avoid crushing very small tortoises, we recommend that the 15 mile per hour speed limit be observed on ALL roads, as "more improved main access roads" where 25

miles per hour would be allowed is subject to interpretation and could lead to speeding and tortoise mortality that would be avoided with slower speeds. We also recommend that the speed limit be posted and enforced, and that tortoise crossing signs be placed at strategic points throughout the Project area.

On page 2-16, we recommend that the BLM add the following requirements to this list of mandatory conservation measures:

1. No dust control measures or other use of water should result in puddles or ponding water that can be used by tortoise predators, particularly common ravens and coyotes.
2. Any animals found crushed on the access roads shall be removed promptly to avoid subsidizing tortoise predators.
3. All organic and inorganic waste shall be contained in predator-proof containers and removed on a daily basis, or as use levels demand. A litter-free workplace is to be maintained at all times.
4. The annual report briefly mentioned on page 2-3 should also include an accounting of tortoise sign found by Authorized Biologists during road construction monitoring. The BLM should use this information to adjust, as needed, the protection measures to ensure tortoises are not unduly harmed.

Although we understand the rationale for the following statement in Section 3.6.2.1 on page 3-8, “The Project would result in up to 155 acres of temporary surface disturbance, which would reduce opportunities for dispersed recreation within the Project Area,” we are concerned that the creation of up to 53 linear miles of new roads would have the opposite effect, and actually increase the likelihood of vehicle use and recreation in the area, particularly since the roads are to remain open (last paragraph on page 3-8). The BLM needs to be sure that these new roads are restricted to mine exploratory use and do not result in a proliferation of non-Project-related vehicle use on these roads and in adjacent areas.

With regards to impacts to desert tortoises in Section 3.8.2.6 on page 3-18 and elsewhere, the EA repetitively concludes that the USFWS has determined the project will not jeopardize the species; however, this is not an analysis. Nor do we agree with the following statement: “Impacts to desert tortoise are considered minor, long-term, and localized.” The BLM has not made a determination as to whether the project *may affect* the desert tortoise. It is our understanding that formal consultation resulting in a project-specific biological opinion or authorization under an existing programmatic biological opinion is required whenever a project *may affect* the desert tortoise, yet the EA fails to make or reject this determination. Hence, there are no “minor” impacts and *any* impacts must either be authorized or avoided.

There are no aerials in the EA to help explain why the main concentration area of proposed roads and drill sites (signified by red dots and lines in Figure 2.1.1 on page 2-2 of the EA) was not included in Southwest Environmental Consultants’ 2019 tortoise surveys shown as light blue areas in Figure 3 on page 13 of BLM’s “Special Status Species Supplemental Environmental Report.” Figure 3 indicates that the Project Area is 3,630 acres, that the tortoise survey area was

2,295 acres, so there were 1,335 acres that were not surveyed, and most of this appears to be where exploration would occur. Were these areas deemed unsuitable for tortoise occupation? Unless there is a plausible explanation for this apparent discrepancy, the Council contends that the concentration area for the drill sites and exploratory roads must be surveyed before this EA can accurately reflect tortoise distribution and occurrence in the Project Area. Nor should existing mined areas be assumed to be unoccupied, as many of our Board members have observed tortoises in such areas.

We appreciate this opportunity to provide input and trust that our comments will help protect tortoises during any authorized project activities. Herein, we ask that the Desert Tortoise Council be identified as an Affected Interest for this and all other BLM projects that may affect species of desert tortoises, and that any subsequent environmental documentation for this particular project is provided to us at the contact information listed above.

Regards,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

Literature Cited

U.S. Fish and Wildlife Service. 2009. Desert Tortoise (Mojave Population) Field Manual: (*Gopherus agassizii*). Region 8, Sacramento, California.

Attachments

Abella S.R. and K.H. Berry. 2016. Enhancing and restoring habitat for the desert tortoise (*Gopherus agassizii*). Journal of Fish and Wildlife Management 7(1):xx-xx; e1944-687X. doi: 10.3996/052015-JFWM-046.