Reading file

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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April 27, 2009

Kirk Laird
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Elko Field Office
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Elko, NV 89801-0611

Subject: Betze Pit Expansion Final Supplemental Environmental Impact Statement (SEIS), Elko and Eureka counties, Nevada [CEQ #20090084]

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

In our October 2, 2008 comment letter on the Draft SEIS, we expressed our concerns that, after dewatering ceases, formerly saturated lands below TS Ranch Reservoir will dry up, and up to 10,000 acres of irrigated agricultural lands could be taken out of production by the land owner, Newmont Mining Corporation (Newmont). The Draft SEIS states that, during the transition of these lands from wetland species or irrigated crops to upland salt-tolerant species, there may be a need to assist in the establishment of salt-tolerant species by seeding and the control of noxious/invasive species to control undesirable species and fugitive particulate emissions. The Final SEIS indicates that Barrick Goldstrike Mines, Inc. (BMGI) and Newmont have a contractual agreement that requires all lands be "reclaimed to conform to applicable standards and other reclamation standards ordinarily employed by BGMI and Newmont." This statement is extremely vague and does not appear to commit either company to activities to assist in a successful species transition on the affected lands. Therefore, we continue to have concerns regarding this issue.

We recommend that the Record of Decision include a specific plan to successfully transition these lands at the end of infiltration activities. An adaptive management approach with specific monitoring, seeding, and weed control measures and triggers may be appropriate. The plan should identify who would be responsible for conducting and funding these activities, the amount of funding needed, and how funding for these activities would be assured (e.g., included in the reclamation bond).

In our Draft SEIS comment letter, we also recommended that the Final SEIS describe the design, operation, and closure of evaporation or evapotranspiration cells that

would be used to dispose of drain down from the tailings facility. In addition, we recommended the Final SEIS address the potential ecological risks posed by the evapotranspiration cells (e.g., metals exposure and uptake, and effects of cations on plant growth). The Final SEIS does provide some additional information on these potential tailings closure methods. However, potential ecological risks have not been assessed, and Final SEIS Response F1-9 does not respond to our comment F1-9. Furthermore, the Final SEIS states that a closure plan has not been developed because the State of Nevada does not require a closure plan until two years before closure, and new technology may be developed by that time. Regardless of the timing of the State permit, however, BLM is responsible for describing, in the EIS, the alternatives in detail (40 CFR 1502.14) and discussing the direct and indirect effects of the alternatives considered and means to mitigate adverse environmental impacts (40 CFR 1502.16).

We recommend that the Record of Decision describe in more detail the evapotranspiration cell design, discuss the potential ecological risks and how they will be monitored and mitigated, and identify the evaporation or evapotranspiration activities upon which the bond will be calculated.

We have appreciated the opportunity to work closely with you during the preparation of this Final SEIS and request a copy of the Record of Decision when it becomes available. If you have any questions, please call me at (415) 972-3521, or Jeanne Geselbracht at (415) 972-3853.

Sincerely,

Kathleen M. Goforth

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Environmental Review Office

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Cc: David Gaskin, Nevada Division of Environmental Protection