UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

January 19, 2021

Tiera Arbogast
Bureau of Land Management
Bristlecone Field Office
702 N. Industrial Way
Ely, Nevada 89301

Subject: Draft Environmental Impact Statement for the Robinson Mine Plan of Operation Amendment, White Pine County, Nevada (EIS No. 20200245)

Dear Tiera Arbogast:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. The EPA has served as a cooperating agency during the development of the subject Draft Environmental Impact Statement. In this role, the EPA submitted scoping comments on June 29, 2020, provided comments on technical documents, and provided written feedback to the Bureau of Land Management on preliminary drafts of the Draft EIS.

The proposed project is an expansion of the existing KGHM Robinson Mine near Ruth, Nevada in White Pine County. The Draft EIS evaluates four alternatives, including the no action and proposed action, and does not identify a preferred alternative. Under the proposed action for the Robinson Mine, expansion of mining activities would disturb an additional 963 acres, of which 793 acres are managed by the BLM, and extend the active mine life by 4 years. The proposed action also includes reactivation and mining operations within the eastern area of the Liberty Open Pit, the development of borrow areas adjacent to the Giroux Wash Tailing Storage Facility, and the construction of the King Waste Rock Dump**.** Under the no action, the plan of operations amendment would not be approved and mining would continue on private lands until 2024.

The EPA appreciates the BLM's commitment to coordination and addressing many of the recommendations that we provided earlier in the process, including the detailed fluid management and monitoring plan and the air quality analysis in the Draft EIS. We have identified several recommendations, described below, as BLM is preparing the Final EIS and Record of Decision.

Alternatives

Under the Alternative A: No Action, the BLM would not approve the 2019 Mine Plan Amendment for the Robinson Mine. While mining would continue on private lands, no additional waste rock dump facilities would be constructed and the Giroux Wash TSF would only be expanded within previously authorized areas. The Draft EIS indicates that the under the proposed action, borrow pits and areas will be constructed and expanded around the Giroux Wash TSF to assist in previously authorized vertical raises of perimeter embankments. If mining is to continue under the No Action Alternative, it is unclear how the Giroux Wash TSF would be able to maintain capacity without additional borrow pits and areas

to facilitate the growth of perimeter embankments. Additionally, if borrow areas are still required under the No Action to gather material, additional disturbance may result in potential impacts that have not been analyzed in the Draft EIS.

> ***Recommendation for the Final EIS:*** Identify the location of additional borrow material sites to facilitate main and perimeter embankment raises at the Giroux Wash TSF under the No Action. Discuss how the capacity of the Giroux Wash TSF may change under the No Action and include potential impacts that may result from surface disturbance of additional borrow areas not currently analyzed in the Draft EIS.

<u>Water Resources</u>

Pit Lake Water Quality

Based on groundwater model simulations provided in the Draft EIS, pit lakes are predicted to develop as hydraulic sinks within the Liberty Open Pit Facilities (Main and East) for all action alternatives. Under the Proposed Action and Alternative C, groundwater quality would be improved in comparison to the No Action Alternative. Increased risks to groundwater quality are associated with Alternative D due to the creation of a flow-through system, but this risk would diminish over time through the process of attenuation and dilution (p. 3-11). The Draft EIS reaches these conclusions without providing sufficient documentation of water quality modeling results in the body of the document that may clearly define potential impacts between the proposed action and alternatives (40 CFR 1502.8). Without providing a quantitative summary of the water quality results in comparative form, or providing a reference or link to such results, the extent of potential groundwater quality improvement is unclear under action alternatives when compared to the No Action beyond reducing the number of exceedances.

> ***Recommendation for the Final EIS:*** Consider incorporating by reference or providing a table that quantitatively summarizes the water quality modeling results for the action alternatives in comparative form to the No Action Alternative.

Liberty Pit Mitigation

Appendix E describes mitigation options from the 2017 Robinson Mine Pit Lake Study which includes the Liberty pit lake mitigation options including backfilling, construction of berms or fencing, introducing slacked lime to the pit lake water, and performing additional mining within the Liberty Open Pit facility (p. E-16). The Draft EIS analyzes the impact of performing additional mining within the Liberty East Open Pit Facility, which corresponds to implementation of mitigation options presented in the 2017 Pit Lake Study. With successful implementation of this mitigation option, positive changes in water quality are predicted under action alternatives when compared to the No Action (Table 3.3-1, p. 3-12), however it is unclear if additional mitigation options, including those proposed in the 2017 Pit Lake Study, are needed.

> ***Recommendation for the Final EIS:*** Discuss whether the other proposed mitigation measures from the study will be implemented and the likelihood and efficacy of the mitigation for the Liberty Pit. Ensure that potential impact analyses are updated and reflect potential disturbance from backfilling or additional mining.

Movement of Modeled Seepage

Seepage from the King Waste Rock Dump (Proposed Action) and the North Tripp Waste Rock Dump (Alternative C) has been modeled to enter the unsaturated zone and seep through the 700-foot unsaturated zone before entering the groundwater system. Within this system, dilution and attenuation

may reduce constituents of concern to below Robinson Mine Water Pollution Control Permit levels, however it is unclear if there is any transport of contaminants outside permit boundaries. Understanding where water quality impacts may be expected (if any) is critical in order to sufficiently supplement proposed monitoring and mitigation.

> ***Recommendation for the Final EIS:*** Quantify the King WRD seepage movement in the subsurface. Identify where water quality impacts may be expected from contaminate seepage transport, quantify such impacts, and discuss the timing and extent of impacts, if necessary. Ensure the fluid management and monitoring plan reflect the duration of expected impacts from seepage and discuss potential mitigation measures that may be needed if monitoring indicates there are impacts from seepage.

Biological Resources

The Draft EIS states that three golden eagle nests have been identified within the Liberty Pit facility as early as 2019. The Proposed Action and Alternatives C and D could have both direct and indirect long-term major impacts to golden eagles and their nesting productivity. Potential impacts to eagles are expected to be minimized or addressed through annual monitoring of eagles and associated nests, in addition to the updated the Eagle Conservation Plan from 2019 (p. 3-87).

> ***Recommendation for the Final EIS:*** Include the updated Eagle Conservation Plan as an appendix. Discuss specific mitigation measures, best management practices, or guidelines within the Eagle Conservation Plan that will be implemented if monitoring identifies golden eagle nests within the Liberty Pit facility during operations.

NEPA Documentation

We recommend that the Final EIS ensure referenced documents are readily available to the public (40 CFR 1502.21), such as including them on the project website, or providing links in the citations. For example, there are currently no links to the Fugitive Dust Control Plan or the Eagle Conservation Plan. The Draft EIS also nests many monitoring plans as appendices to another appendix (i.e. the Fluid Management and Monitoring Plan, Appendix H of Appendix C). For public accessibility, consider including the monitoring or mitigation plans as separate appendices from the Plan of Operations.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please email one copy to dailey.hannah@epa.gov. If you have any questions, please contact me at (415) 947-4167, or Hannah Dailey, the lead reviewer for this project, at (415) 972-3832.

Sincerely,

JEAN PRIJATEL

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Date: 2021.01.19 10:57:14 -08'00'

Jean Prijatel
Manager, Environmental Review Branch

cc: Moira Kolada, Nevada Department of Wildlife