

EXHIBIT 5

To

**PLAINTIFFS, WWP ET AL'S MOTION ON THE
ADMINISTRATIVE RECORD**

**BLM's SUMMARY of NEVADA DEPARTMENT OF
WILDLIFE COMMENTS ON BLM's PRELIMINARY
DRAFT EIS**

Comment #	Chapter	Page	Line	Resource	Comment	Commenter Initials	Commenter Agency	Response
237				NEPA Process	General comment # 1 - Process Related: Time allocated for review of this PDEIS is already limited due to revised NEPA timelines and further shortening of review due to delayed delivery makes our role as a Cooperating Agency difficult. While we appreciate the opportunity to provide comments, the limited timelines and fact that critical sections (e.g. hydrology) are missing makes our review far less effective. The absence of the hydrologic section is very concerning as the predicted impacts to ground and surface water resources may have the most significant implications for wildlife. We request sufficient time to review this section when it is ready for Cooperating Agency review. We also recommend the potential hydrologic impacts are discussed in relation to impacts on wildlife, particularly Greater Sage-grouse. We expect that our comments on the Piteau report will be incorporated and included in the next version of the DEIS.	MM/MF	NDOW	Comment noted. Review timelines are mandated by SO 3355. Revisions to the hydrology evaluation will be included as appropriate.
238				NEPA Process	General comment #2 - Process Related: We typically review wildlife baseline report prior to the PDEIS. The PDEIS consistently references a Wildlife Baseline Report (SWCA 2019), Wildlife Impacts Analysis (Cedar Creek 2019), and a Noise Impacts Analysis (Cedar Creek 2019), but NDOW has not been provided with either of these documents for review and comment. Additionally, the PDEIS references LNC's BBCS, which NDOW has also not had opportunity to review. We would like to highlight this as a significant concern relative to project communication and the process that BLM is implementing for this project. NDOW formally requests an opportunity to review these documents and be provided sufficient time to complete our review. Given that the PDEIS is based upon these un-reviewed reports, what is the BLM's anticipated process for resolving this issue?	MM/MF	NDOW	Comment noted. Coordination on baseline documents was completed in 2019 prior to the initiation of the NEPA process. All baseline documents were posted to the project SharePoint site accessible to cooperating agencies in October of 2019.
240				Recreation	General comment #4 - The PDEIS speaks to increased human disturbance relative to mine operations. We feel it prudent to also include discussion on disturbance resulting from a potential increase in recreation.	MF	NDOW	Text revised per comment.
241				Water Resources	General comment #5 - While we were unable to review or address the hydrologic impacts section, the Piteau report presented some very concerning realities on ground/surface water impacts and the subsequent effect on seeps, springs, streams, riparian areas and the diverse habitat that depends on these resources. Given the relative lack of surface water and riparian habitat in Nevada, and especially in Humboldt County, this is a high priority issue. We are unaware of potential mitigation strategies that could replace loss of surface water resources on the Montana Mountains at the spatial scale and duration indicate in the Piteau report. We are also unaware of how the long-term implications for Greater Sage-grouse, LCT, and other species could be addressed given the ground/surface water impacts. Once more information is known, we may consider recommending adding a modified alternative to minimize these anticipated effects.	MM/MF	NDOW	This comment was from the original ADEIS version and has been addressed between versions. Text has been added to indicate that effects are not anticipated based on model results; monitoring is proposed to be included for verification of modeling projections; and mitigation measures are provided to address any perceived effects.
242	3	3-23	Table 3.3	CESA - Noise	How was a 3.1 mile buffer around the project area selected for the Noise CESA boundary? This seems to be mixing different pieces of the NDOW Noise Protocol and 2019 ARMPA. LNC's <i>Predicted Project Noise Level Report</i> (September 13, 2019) indicates project-specific noise will be present well outside a 3.1 mile buffer around the project boundary so establishing a CESA boundary that doesn't even capture project impacts seems incorrect. The 3.1 mile reference from NDOW's Protocol recommends that "project noise be limited to 10 dBA over ambient ...within 3.1 miles of active and pending leks to account for all habitats critical to successful reproduction and recruitment of Greater sage-grouse." We previously used a 1, 3.1, and 5 mile buffer around the Project Area to help prioritize baseline noise monitoring. It is inappropriate to apply this buffer (3.1 mi) as a CESA. We recommend the CESA boundary include any areas that would include a noise input from the project (e.g. where the noise model indicates project noise is 0 dBA). As this is an analysis boundary and not an 'effects' boundary, the area of analysis should be expanded to any area potentially affected by mine noise, regardless of how small the increase in dB.	MM/MF	NDOW	The noise CESA has been expanded to the PoO boundary plus a 10-mile buffer.

243	3	3-23	Table 3.3	CESA	For wildfire and fuels, how was the CESA identified? What justification was used to determine the CESA boundary would be the Quinn and Kings River hydrographic basin. When mapped, the NDWR Hydrobasin dataset indicates the Quinn River Valley and Kings River Valley includes approximately 968,277 acres, not 596,480 acres as noted in the document. Which hydrographic dataset was used to arrive at the stated value?	MM	NDOW	Wildfire and fuels has been eliminated from detailed analysis. Federal and state fire safety requirements and applicant emergency response plans are in place.
244	3	3-24	Table 3.4	Wildfire	How was 22,459 acres calculated? Does this include the Holloway, Long Canyon and other fires that have converted sagebrush habitats to cheatgrass monocultures?	MF	NDOW	Fire acreages were calculated from existing GIS data.
245	4	4-56	15-35	Wildfire	This appears to be a description of the Proposed Action and not an effects analysis.	MM	NDOW	Wildfire and fuels has been eliminated from detailed
246	4	4-71	13-14	Noise	The document states, "The study area and CESA for noise resources includes the proposed Project Area and a 10-mile buffer area." This appears to conflict with the CESA boundary of a 3.1 mile buffer as stated in Table 3.3? We would recommend the analysis area cover any areas subject to potential project noise (e.g. where the noise model indicates project noise is 0 dBA).	MM	NDOW	The noise CESA has been expanded to the PoO boundary plus a 10-mile buffer.
247	4	4-71	26	Noise	Is this referenceing the "Thacker Pass Project - Predicted Project Noise Levels" prepared by Saxelby and dated September 13, 2019? If not, it is unclear if NDOW was provided a copy of this report for review and it does not appear to be included in the Appendices. We request this document as well as adequate time for review and comment.	MM	NDOW	Comment noted. All project baseline documents were made available to cooperators in October of 2019. Subsequent revisions to baseline documents have also been posted to the project SharePoint as they become available and notice of this was given at bi-weekly meetings and via email.
248	4	4_71	29	Noise	The document states, "Based on the noise assessment, the overall effects to wildlife from noise and human activity are expected to be short-term, localized, and minor." We question this conclusion based upon our review of the <i>Thacker Pass Project - Predicted Project Noise Levels</i> (Saxelby 2019). Our comments dated 1/31/2020 reflect our current concerns with the predicted noise levels, including calculation methods, and we initially disagree that effects to wildlife are expected to be short-term and localized. We will reserve final comments until we see a response to our 1/31/2020 comments and also have the opportunity to review the Wildlife Noise Impact Assessment by Cedar Creek (2019).	MM/MF	NDOW	Text has been revised to incude the NDOW calculations of noise levels based on the Saxelby collected data.
249	4	4_72	22	Noise/Greater Sage-grouse	The Montana-10 Greater Sage-grouse lek is located less than one mile from the project boundary. Please correct this statement.	MM/MF	NDOW	Revised text.
250	4	4-72	29	Noise/Greater Sage-grouse	We have reviewed and provided comments on the <i>Thacker Pass Project - Predicted Project Noise Levels</i> (Saxelby 2019), but have not seen or had reivew opportunity on the Wildlife Noise Impact Assessment (Cedar Creek 2019).	MM	NDOW	The Wildlife Noise Impact Assessment restates and adds context to the findings of the Saxelby report.

251	4	4-72	33	Noise/Greater Sage-grouse	We provided comment on the calculation methods used in the Saxelby 2019 and would continue to offer that the methods used do not reflect or follow the intent of the NDOW Guidance. When calculated in accordance with NDOW Guidance, modeled noise increases range between 8.0 - 11.4 (hours 0400-0900), 6.3 -10.9 (hours 1800-1000), and 6.8 - 10.1 (hours 0000-2400). In each of the time periods, there is between one and two exceedences of the <=10dBA standard. This indicates there is potential for negative impacts to Greater Sage-grouse leks. Further, the BLM 2019 ARMPA uses a compliance point of 0.25 miles from the lek (between the project boundary and the lek) as the point to compare modeled data and the 10dBA limit. Impacts to Greater Sage-grouse from noise could also create impacts for adjacent breeding, nesting, and brood-rearing habitats (e.g. in some cases between the lek and the project boundary). NDOW Guidance also recommends to "set a noise disturbance threshold of 10dBA over ambient for all hours of the day from March 1 to June 30 within 5km (3.1 mi) of active and pending leks to account for all habitats critical to successful reproduction and recruitment of Greater Sage-grouse (Patricelli and Blickley 2013)." Based on these statements, we disagree with the PDEIS's conclusion.	MM	NDOW	Text was revised as suggested.
252	4	4-83	9-Jul	Vegetation	Given the preliminary results of the hydrology model which demonstrate groundwater drawdown across a significant area and a resulting equilibrium that includes permanent vertical reduction in groundwater, and impacts to surface waters as a result, we question the analysis area proposed for indirect and direct effects to vegetation, wetlands, and riparian areas. During the groundwater presentation, data were presented that indicate potential for groundwater and surface water effects well outside the project area, including springs, seeps, and wet meadows. Reduced surface water at these sites will likely affect vegetation resources. We strongly recommend a revised analysis area that includes all areas potentially affected by mining the geologic feature and subsequent dewatering (e.g. provide analysis for areas beyond the 10-foot isopleth). Loss of riparian vegetation from ground/surface water losses would be a potential impact that is far more widespread than the current analysis area will cover.	MM/MF	NDOW	Text revised per comment.
253	4	4-89	4-5	Vegetation	The document states, "Alterations of riparian areas and wetlands would occur when surface water has been diverted from riparian areas and wetlands because of culvert placement." Where in the projects will water be diverted from existing riparian and wetland areas?	MM	NDOW	Proposed Action Section 2.2.7.4. Stormwater Management, states "Stormwater would be diverted away from the Project facilities through construction
254	4	4-89	7-9	Vegetation	Please include that, based on the hydrologic model, springs located outside the Project area could also be affected.	MM	NDOW	Section 4.3 Water Quality and Quantity addresses springs outside the Project area. (KW)
255	4	4-89		Vegetation	It would be helpful if the EIS described the number of acres of affected habitat, particularly for wetland and riparian areas. Given the mine will be constructed on existing springs, this will be an impact and should be quantified in the EIS.	MM	NDOW	Text revised per comment.
256	4	4-106	12-13	Water Resources	Please adjust Issue #30 to capture the long-term ground/surface water effects from mining through the geologic structure that controls groundwater elevation. This was noted in the hydrologic model and is an important piece of information to include here.	MM	NDOW	This comment was from the original ADEIS version and has been addressed between versions. Text has been added to discuss long-term ground/surface
257	4			Wildlife	General comment on wildlife resource analysis: The analysis (and project) should not rely on species to re-distribute to other habitats outside the project area and then conclude there will be no impacts on that species. Nearby habitats may be at or near carrying capacity for certain species and individuals currently using the project area may not be able to re-distribute to these areas. A conclusion that this occurs without impacts to the species is inaccurate. Additionally, many species do not avoid or adapt/acclimate to human disturbance and conclusions relying on acclimation may be incorrect for certain species.	JVG	NDOW	Text was revised as suggested.
258	4	4-106	31	Wildlife	We would like to highlight our concern here with using a buffer of 3.1 miles for GRSg. Please see our previous comments on this topic.	MM	NDOW	revised to be consistent with SETT analysis.
259	4	4-107	25	Wildlife	Based on the Project Area figures, it appears cliff and canyon habitat also occurs within the project area (specifically the NW corner).	MM	NDOW	Revised as recommended.

260	4	4-107	26	Wildlife	Since the Project Area include the Mine PoO and the Exploration PoO areas, it appear the project area also includes perennial streams (Thacker Creek).	MM	NDOW	Revised as recommended.
261	4	4_108	15	Big Game	Mule deer use is concentrated along the western, northern, and northwestern portions of the Project Area, and outside the project area to the west, northwest, and north. While mule deer may be found in the eastern portion the project area, it is not the highest use area.	EP	NDOW	change was incorporated as suggested
262	4	4-108	21	Big Game	There is high pronghorn use along the eastern portion of the project area and outside the project area. Moderate pronghorn use occurs throughout the project area.	EP	NDOW	change was incorporated as suggested
263	4	4_108	37	Wildlife	Year-round bighorn sheep habitat occurs in the northern and northwestern portion of the Project Area. Year-round bighorn sheep habitat also occurs along the western portion of the Project Area (Thacker Pass), and towards the SW corner of the Project Area in the Double H Mountains. It is true that the bighorn sheep population in the Montana Mountains was depopulated and this portion of the range is not considered occupied. However, efforts are underway to address disease risks and NDOW may re-populate the Montana Mountains in the future.	MF	NDOW	change was incorporated as suggested
264	4	4-108	10-12	Big Game	We are unclear what source the document is referencing on the "genetically distinct population of transient mountain lions." Please clarify the source of this information.	EP	NDOW	change was incorporated as suggested
265	4	4-108	13-14	Big Game	The reference to mountain goat seems like an odd inclusion for this document given the project's location. Recommend removal.	MM	NDOW	change was incorporated as suggested
266	4	4-107	11-17	Wildlife	Please include or reference a list of species found within or adjacent to the project area.	JVG	NDOW	Species table is included in Appendix H
267	4	4-110	2-12	Wildlife	Given the number of baseline surveys across multiple years for this project, we recommend a table that articulates summary findings for all potential sensitive species. Please include a brief synopsis of whether species distribution is predicted, whether the species was surveyed for and found, and how they will be treated in the EIS (confirmed, likely, unlikely, absent, etc). Table H1/H2 presents some of this information, but a summary of survey efforts and findings for all sensitive species would help clarify the affected environment to the reader.	JVG	NDOW	table will be developed to include survey findings.
268	4	4-110	21-21	Wildlife	Many of the raptor species are also associated with cliff and canyon resources, not just sagebrush and grassland.	JVG	NDOW	Text was revised as suggested.
269	4	4-111	25-26	Wildlife	Individuals may not successfully displace into adjacent habitats because they are more mobile than others. The is more complexity to dispersal that is not discussed in the EIS, especially for specialist species. For habitat alteration and loss, it is more reasonable to assume that a portion of the displaced population will be lost. This should be more clearly acknowledged in the document.	JVG	NDOW	Text was revised as suggested.
270	4	4-111	33-34	Wildlife	We question the conclusion that habitat loss for most species would be short-term because reclamation efforts begin at year 5. Reclamation processes may take many years, especially to develop to the point where habitat is usable by wildlife species. We would offer that reclamation standards for NDEP and BLM are useful for stabilizing a site and establishing desirable vegetation, but this does not necessarily mean that habitat loss for most species would be short-term. We also question the potential habitat loss to seeps and springs outside of the project based upon our understanding of the hydrologic model.	JVG	NDOW	Text was revised as suggested.
271	4	4-112	5-13	Wildlife	We recommend greater use of published literature (specific to the potentially affected species) to guide this section on possible responses of species due to added project noise. The statement that noise may cause short-term and minor effects is not necessarily correct for all species.	JVG	NDOW	Text was revised as suggested.
272	4	4-113	Table 4.28	Wildlife	We disagree that all 3,561 acres are unoccupied as surveys documented burrows and pellets. Lines 18-19 indicate that effects are possible and evidence suggests occurrence and suitable habitat exists, so the table is misleading. Further, if occupied or potentially occupied areas are within the disturbance footprint, there is the potential for local extirpation. Please align statements here in baseline reports as necessary.	JVG	NDOW	Text was revised as suggested.
273	4	4-114	1	Eagles	Figure 4.18-4 appears to contradict the statement that no GOEA nests or substrate occurs in the Project Area. It is difficult to identify precise locations due to the map's scale, but Figure 4.18-4 appears to show unoccupied GOEA nests in the NW corner of the Project Area. This should be confirmed and text revised if necessary. Even if the GOEA nests are inactive, that suggests that suitable nesting substrate does occur within the Project Area.	MM	NDOW	Text was revised as suggested.

274	4	4-114	20	Eagles	GOEA populations, territories, and foraging behavior are not related to NDOW's Hunt Unit boundaries and thus the comparison of 0.6 percent of Hunt Unit 31 and the conclusion that interference with GOEA foraging behavior will be minor is a confusing statement and should be removed or revised.	MM	NDOW	Text was revised as suggested.
275	4	4-115	7	Wildlife	NDOW was not provided a copy of the BBCS to review prior to our review of the PDEIS. We would appreciate the opportunity to review and comment as necessary. The lack of general communication on document availability and review opportunities is of concern, and the BBCS provides another example.	MM	NDOW	BBCS is available on the project Sharepoint for review.
276	4	4-115	30	Wildlife	Please include a description/table of burrowing owls/complexes within the area proposed for mine disturbance, not just the Project Area.	JVG	NDOW	Please see Figure in Appendix A for burrowing owl nest locations.
277	4	4-116	3-4	Wildlife	We disagree that a 40+ year mine life with reclamation starting (but not complete) at year 5 will result in short-term effects to burrowing owls. This conclusion also assumes that soil conditions will still be conducive after mine processing and reclamation.	JVG	NDOW	Text was revised as suggested.
278	4	4-116	7-8	Wildlife	We recommend clearance survey requirements take effect on March 15 to account for earlier breeding times in northern Nevada.	JVG	NDOW	Text was revised as suggested.
279	4	4-116	12-14	Wildlife	There is no data presented to conclude that availability of suitable adjacent habitats would allow for successful displacement of burrowing owls. Please see previous comments relative to the EIS's assumptions on successful displacement.	JVG	NDOW	Text was revised as suggested.
280	4	4_116	18	GRSG	We recomend including a discussion on crossing a habitat trigger threshold and future implications if this project is permitted. The State of Nevada's sage grouse conservation plan includes an adaptive management process which includes both warnings and triggers associated with sage grouse habitat and populations. The Lone Willow PMU was identified as having crossed a habitat trigger threshold.	MF	NDOW	Need to further work with NDOW and develop text for this comment.
281	4	4-116	25	GRSG	There is one active lek (Montana-10) that is 0.75 miles of the northern project boundary (for the Project Area GIS Shapefile we have).	MM	NDOW	Lek distance was revised to 0.96 miles from project area.
282	4	4-116	26	GRSG	Is the Cedar Creek Noise Impact Report (2019) the correct citation for NDOW's GRSG tracking collar locations? We have not been provided this document for review, but this seems like an inaccurate citation.	MM	NDOW	Nevada Department of Wildlife (NDOW). 2018b. Response to Sensitive Wildlife Data Request, Thacker Pass Mining Project. July 13 to M.
283	4	4_116	29	GRSG	The document states, "No direct effects to greater sage-grouse breeding behavior would be expected from the proposed project." We disagree with this conclusion and expect the potential for noise impacts to occur on the Montana-10 lek, and perhaps on the Pole Creek 01 lek as well. Please see NDOW's comments on the <i>Thacker Pass Project - Predicted Project Noise Levels (Saxelby 2019)</i> , dated January 31, 2020. As previously noted, we do not have record of reviewing a Noise Impact Report by Cedar Creek (2019), unless this is the same as the Saxelby 2019 Report referenced above.	MM/MF	NDOW	change was incorporated as suggested
284	4	4-117	8-10	GRSG	The Project Area also provides suitable winter habitat for GRSG.	EP	NDOW	Text was revised as suggested.
285	4	4-117	7	GRSG	Correction, the northern portion of the analysis area has been impacted by wildfire E.g. Holloway Fire in 2012. Please clarify the definition of analysis area.	MF	NDOW	text corrected to indicate that the northern portion of the project area has been impacted by wildfire.

286	4	4_118	7	GRSG	The document states that overall impacts to sage-grouse are expected to be minor. We disagree with this conclusion. We estimate that there could be major impacts to GRSG from the hydrologic impacts presented in the hydrologic model. Loss or degradation of wet meadows, springs, seeps, and associated habitat could result in significant and long-term impacts to GRSG within the Project Area and well outside the Project Area. This is based on the potential for mining and dewatering to impact ground and surface waters a significant distance north of the Project Area. The Lone Willow population has crossed a habitat trigger threshold and is at risk of further decline. At the same time, the Montana Mountains are one of the highest breeding densities of GRSG in Nevada and continued impacts to this population could threaten one of Nevada's stronghold populations. Additionally, the EIS lacks adequate consideration of increased raven abundance, noise, and human activity associated with the proposed project. We understand that NV Lithium will be working with the SETT to offset impacts through the CCS; however, the CCS does factor in hydrologic or noise impacts on GRSG. The indirect effects buffer used in the CCS will not adequately address the scale of the hydrologic impacts as these are expected to occur well beyond the CCS's indirect effect analysis areas.	MF	NDOW	BLM will coordinate with NDOW and LNC to determine if additional noise modelling would be required.
287	4	4-119	25-27	Wildlife	Please see previous comments on assumptions relating to successful displacement. The EIS relies heavily on this concept without firm evidence the adjacent habitat could support additional individuals.	MM	NDOW	Text was revised as suggested.
288	4	4_120	1	LCT	The document states that no direct effects to LCT are expected, yet the preliminary hydrologic report shows a modeled decline in the primary spring that feeds Pole Creek. Without having the hydrologic section completed, it maybe premature to state that "no effects" will occur.	MF	NDOW	Hydrological modelling and proposed monitoring and mitigation plan details were received on 5/26/20. Details are under review and will be included in the
289	4	4-120	29-31	Wildlife	Please see previous comments on assumptions relating to successful displacement. The EIS relies heavily on this concept without firm evidence the adjacent habitat could support additional individuals.	JVD	NDOW	Text was revised as suggested.
290		4-123		Wildlife	Please consider adding more quantifiable information to this section. If distance estimates were conducted in the baseline surveys, these could be extrapolated to arrive an a better estimate of impacts	JVD	NDOW	Text was revised as suggested.
291	4	4-124	1-3	Wildlife	We again disagree on the short-term nature of the anticipated impacts given a 40+ year mine life and slow nature of reclamation towards re-establishing usable habitat.	JVD	NDOW	Text was revised as suggested.
292	4	4-124	6-7	Wildlife	As stated above, we have not had adequate opportunity to review the BBCS (Cedar Creek 2019), but we question how the document concludes that vehicle/wildlife (specifically birds) collisions are low.	JVD	NDOW	based on NDOW collision data. Text removed from document
293	4	4-124	16-18	Wildlife	Please see previous comments on assumptions relating to successful displacement. The EIS relies heavily on this concept without firm evidence the adjacent habitat could support additional individuals.	JVG	NDOW	Text was revised as suggested.
294	4	4-124	30	Wildlife	This section is difficult to address without greater clarification and alignment. We have not had opportunity to adequately review the revised Wildlife Baseline (Cedar Creek 2019). Greater analysis of baseline survey information is warranted. We would also add that the document should include a statement clarifying the degree to which baseline surveys looked for bat roosts. Current language suggests that surveys were completed and no bat roosts exist.	JVG	NDOW	Text was revised based on feedback from NDOW (email 5.5.20).
295	4	4-125	11	Wildlife	We question the conclusion that roosting habitat is limited within the project area. Please clarify this statement.	JVG	NDOW	Text was revised based on feedback from NDOW (email 5.5.20).
296	4	4-126	14-15	Big Game	Loss of 4,960 acres of pronghorn winter range is significant. It would be good to indicate the percent of winter range within the Project Area and disturbed in relation to winter range available in Hunt Unit 031. This only represents direct loss of habitat, not indirect loss from human disturbance, noise, activity, etc.	MM	NDOW	Text was revised as suggested.
297	4	4-127	3-11	Wildlife	It is unclear which species this paragraph is referencing. Does this apply for all non-game species? There is more uncertainty on potential impacts to sensitive small mammal species that this paragraph describes.	JVD	NDOW	please refer to appendix H table H.1 for a list of non game species likely present in the project area.

298	4	4-128	21	LCT	The document states that no effects to LCT is expected, yet the document also states that impacts to Crowley Creek flow could occur. We find these to be conflicting statements and would offer that any reduction in flow to Crowley Creek could negatively impact LCT, especially during drought years. Given the relatively low discharge of Crowley Creek and generally restricted range of LCT in this system (outside spring flows and fish movement), any additional reductions in water quantity could lead to extirpation of this population. The same would be true for Pole Creek.	MF	NDOW	As discussed in the Water Resources analysis, the model simulations predict that drawdown would have a negligible effect on baseflow (i.e., approximately 1 percent or less reduction) in Thacker Creek, Crowley Creek and Pole Creek. Therefore, mine related drawdown is not expected to result in a measurable effect to flows in Thacker Creek (or flows into Thacker Pond), Crowley Creek and Pole Creek. monitoring and adaptive management measures are proposed to detect and avoid any significant drawdown that
299	4	4-129	24	Mineral Processing	Any ponds constructed for the project containing toxic chemicals, or chemicallys potentially lethal to wildlife would also require an Industrial Artificial Pond Permit issued by NDOW.	MM	NDOW	Comment noted. This permit is listed under required permits in Appendix O.
300	4	4-132	27	Residual Effects	It is probably appropriate to include a statement on the pit backfill and anticipated, long-term change in topography and vegetation. Previous drawing of the pit backfill seemed indicate the permanent presence a partially-filled pit from permanent removal of ore. Since backfill of remaining waste is occuring, would the entire pit be considered 'reclaimed' despite permanent changes in ground elevations? It may also be helpful to describe the anticipated slope of the remaining pit highwalls and whether wildlife will be	MM	NDOW	Comment fragmented. Text has been added to note: "The Proposed Action would directly affect 5,695 acres through construction and operation of the mine and exploration activity. These effects would reduce the long-term productivity of soils and change the vegetation communities after reclamation is complete. The altered vegetation communities would
301	4	4-133	22	Irreversible Resources	Based on information and findings of the hydrologic model, we encourage inclusion of ground and surface water resources in this section. Permanent changes to the groundwater equilibrium as well as impacts to surface waters represent an irreversible and irretrievable commitment of resources with potentially significant effects on wildlife and habitat resources.	MM	NDOW	Text added for clarification.
302	4	4-134	6	Short-term and Long-term	Many of the effects described on wildlife previously in the document indicate short-term effects; however, since these effects will persist at least as long as the project (~40 years), should they be considered long-term?	MM	NDOW	Revised to state "The Proposed Action would directly affect 5,695 acres through construction and operation of the mine and exploration activity. These effects
303	Appendix			Editorial	Please include a Table of Contents for the Appendix.	MF	NDOW	A TOC has been added to the Appendix.
304	Appendix A	22		LCT	Figure 4.18-10 is an inaccurate depiction of LCT occupied stream reaches. Please work with NDOW biologists to revise this map.	CB	NDOW	Discuss with NDOW to develop revised LCT maps.
305	Appendix A	Figure 4.18-2		Big Game	This figure appears to show mule deer distribution data, not pronghorn distribution as labeled.	MM	NDOW	figure was revised
306	Appendix A	Figure 4.18-8		GRSG	This figure should be displayed using consistent symbology with the habitat categories accepted by the SETT.	JK	NDOW	Data was received from NDOW
307	Appendix A	Figure 3-W.6		GRSG	This figure should be displayed using consistent symbology with the habitat categories accepted by the SETT.	JK	NDOW	Data was received from NDOW
308	Appendix	479	3	GRSG	We recomend discussing the limitations of the CCS and that this process does not account for hydrologic impacts or noise impacts.	MF	NDOW	Text was revised as suggested.
309	Appendix C	23		Wildlife	Environmental Specialists used for migratory nest clearance surveys should have previous experience with bird and nest ID, and prefereably be a Certified Wildlife Biologist under The Wildlife Society's certification program. Additionally, at least 300 ft buffer around located nests should be avoided in coordination with BLM.	JK	NDOW	change was incorporated as suggested
310	Appendix D	MB-01		Wildlife	We recommend at least a 300 ft buffer around located nests to be avoided in coordination with BLM.	JK	NDOW	see Section 4.5.4
311	Appendix D	MB-03		Wildlife	We recommend that the Bird & Bat Conservation Strategy development should occur in coordination with NDOW Diversity Biologists to ensure the plan is sufficient to protect avian and bat species and consistency with other BBCSs in place throughout the state.	JK	NDOW	Follow up with NDOW.
312	Appendix D	WR-01		Wildlife	Will there be dedicated monitoring for roadkill to ensure carcasses are removed in timely manner to avoid attracting ravens or other predators?	JK	NDOW	Work with LNC to revise BBSC to include appropriate monitoring

313	Appendix H	13		LCT	Potential for Occurrence table states low-out of species range which is incorrect. This entire project area is within LCT historic habitat and Pole and Crowley Creeks are occupied LCT streams. We also continue to question the conclusion that water depletions will not impact occupied streams or springs that contribute flow to these streams.	CB	NDOW	Revised table in appendix H to reflect potential for LCT presence.
314	Appendix N	SSS 2E		GRSG	As previously communicated in our 1/31/2020 comments on Saxelby 2019 report, NDOW questions the finding that noise levels will not exceed 10 dBA at sage grouse leks.	MM	NDOW	Text was revised as suggested.
415				General comment	General Comment: NDOW has not received any "response to comments" from the BLM or EIS contractor for comments and questions submitted during our review of the ADEIS (version 1), Wildlife Impact Assessment, Wildlife Noise Impact Assessment, or Predicted Project Noise Levels. Without any indication of if the BLM considered or incorporated these comments, conducting a subsequent review of Version 2 is challenging and less effective. We submitted these past comments in good faith that BLM would consider them for incorporation, but have recieved no communication on the status of these comments to date. As a result, where it is clear that comments from Version 1 were not incorporated, we have resubmitted them with our comments on Version 2.	MM	NDOW	Comment noted. NDOW comments on the ADEIS version 1 have been received, reviewed, and addressed in the current version of the DEIS. These original NDOW comments were inadvertently not included in the master set of comments provided to the NEPA contractor. BLM continues to appreciate NDOW participation and input through the EIS process.
416				General comment	General Comment: We did not have sufficient time to thoroughly review Appendix G or many of the other Appedices at this time. A brief reivew of Appendix G indicates comments and suggestions provided during our review of Version 1 were not incorportated, including recommendations to correct basic facts or where NDOW data were misrepresented or misinterpreted. We strongly recommend revisiting our previous comments and reconsider those that were not initially incorporated into the document. As stated above, this secondary review is much more challenging without a response to comment table as we are unable to determine if previous suggestions were considered, but not incorporated, or if additional clarification from NDOW is needed.	MM	NDOW	See response to Comment #415.
417	2			Alternatives	We are unconvinced that loss of spring/seep systems can be adequately mitigated, especially in the long term (100-300+ years) with the proposed mitigation approaches (artificial supplementation with pumps). Given the potential for severe consequences on LCT and GRSG related to potential loss of spring, seep, stream, and meadow habitats, we would recommend the BLM consider and analyze an alternative that does not include mining through the geologic control structure. We are particularly interested if potential long-term effects to ground and surface waters can be avoided by leaving this control structure intact.	MM	NDOW	Discussion of an altenative that would not mine through the geological control structure occurred early on with applicant and this was determined to be economiclly infeasible.
418	4	4-8	35	Water Resources	There is no mention or analysis of Pole Creek in this section. Why is this stream left out of the analysis? Pole Creek should be included and it's absence in this section implies that it is not a perennial stream, which is false. It is not only a perennial stream, but is considered occupied with LCT.	MM	NDOW	Text (and relevant water resource figures) revised to include perennial reaches of Pole Creek.
419	4	4-9	18	Water Resources	We recommend inclusion of ephemeral, intermittent and developed springs in this section. These water sources are important to wildlife and other resources and should be included as well. The loss or reduced output of ephemeral or previously developed spring sources woudl also generate impacts.	MM	NDOW	This comment was from the original ADEIS version and has been addressed between versions. The effects to ephemeral springs and man-made stock ponds was described in the first paragraph under the
420	4	4-10 and 4-11	9-11 and 1-3	Water Resources	These statements indicate impacts to wildlife using springs and seeps. This risk should be carried through the document when discussing impacts to species or taxa, such as bats, that depend on these crucial resources.	JVG	NDOW	This comment was from the original ADEIS version and has been addressed between versions. Text revised as suggested.
421	4	4-15	5	Water Resources	There is no mention or analysis of Pole Creek in this section. Why is this stream left out of the analysis? Pole Creek should be included and it's absence in this section implies that it is not a perennial stream, which is false. It is not only a perennial stream, but is considered occupied with LCT.	MM	NDOW	Text (and relevant water resource figures) revised to include perennial reaches of Pole Creek.

422	4	4-15	18	Water Resources	We recommend inclusion of ephemeral and developed springs in this section. These water sources are important to wildlife and other resources and should be included as well. The loss or reduced output of ephemeral or previously developed spring sources would also generate impacts.	MM	NDOW	This comment was from the original ADEIS version and has been addressed between versions. Text revised as suggested.
423	4	4-18	14	Water Resources	Please check the 0.7 miles outside the pit perimeter measurement. Given Alternative C results is the largest drawdown extent, it seems unusual that the 0.7 mile buffer is the smallest referenced of the three alternatives.	MM	NDOW	The 0.7 miles outside the pit perimeter refers to the predicted conditions at the end of mining. The maximum extent of drawdown under Alternative C is summarized in the next paragraph with a reference to Figure 4.3-17. (No Change)
424	4	4-18	27	Water Resources	There is no mention or analysis of Pole Creek in this section. Why is this stream left out of the analysis? Pole Creek should be included and it's absence in this section implies that it is not a perennial stream, which is false. It is not only a perennial stream, but is considered occupied with LCT.	MM	NDOW	The full text of BLM's recommended monitoring and mitigation measures are provided in Section 4.3.3. LNC's proposed water resources monitoring and mitigation measures are summarized and
425	4	4-19	7	Water Resources	We recommend inclusion of ephemeral and developed springs in this section. These water sources are important to wildlife and other resources and should be included as well. The loss or reduced output of ephemeral or previously developed spring sources would also generate impacts.	MM	NDOW	This comment was from the original ADEIS version and has been addressed between versions. Text revised as suggested.
426	4	4-19	28	Water Resources	While we appreciate the benefit of artificial guzzlers to wildlife, it should be clearly stated that artificial guzzlers will not provide the same suite of benefits as natural seeps and springs. Drawdown will impact nearby vegetation communities (which includes reductions in vegetation quality and quantity and may promote invasive vegetation) that provide shelter and food resources to small mammal, avian, and bat communities. As proposed, this does not seem to fit the description of mitigation.	MM/KP/JVG	NDOW	Text modified for clarification (to exclude specific measures since the LNC monitoring and mitigation measures are summarized in Section 4.3.3 referenced in the same paragraph.)
427	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	We recommend any monitoring and mitigation be presented and cited in the body of the document as opposed to only being included as an appendix that is 636 pages long. This does not convey a serious commitment to completing these, and other, actions. To that end, are all the monitoring and mitigation efforts proposed in the Appendix also intended for inclusion in the DEIS? There is no mention of groundwater monitoring with piezometers in the DEIS text. There is also no mention of monitoring on Pole, Crowley, or Thacker Creeks. In general, this monitoring and mitigation section lacks essential details and commitments to determine if it is an adequate plan. Presenting information contained in this section of the document as well as within the Appendix is very confusing and disjointed. There is little information on how sites were selected, what the quarterly monitoring will include, how/who/when decisions be made on if surface water changes are attributable to mining, natural variation, climate-related shifts or other variables. There is insufficient detail included on how/when/who would decide to trigger mitigation actions. There is a lack of adequate commitment towards ensuring availability of funding and personnel in 100-300+ years to fund installation and maintenance of mitigation actions. We've previously raised these questions and continue to recommend a thorough and robust plan to confirm and guarantee this monitoring and mitigation plan. As written, this section does not convey any confidence that the monitoring and mitigation plan is adequate and can be implemented.	MM/KP	NDOW	The full text of BLM's recommended monitoring and mitigation measures are provided in Section 4.3.3. LNC's proposed water resources monitoring and mitigation measures are summarized and incorporated by reference. Details regarding LNC's proposed monitoring and mitigation measures are provided in Appendix P. (No Change)
428	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	We strongly recommend mitigation occur before impacts are realized for any springs that are within the 10' drawdown contour or the 1-mile buffer placed around the 10' drawdown contour (e.g. those listed in Table 4.2) to ensure resource availability to wildlife. We strongly recommend adding in seasonal, ephemeral, and intermittent springs to Table 4.2 and mitigating for the loss of these systems as well. Non-perennial springs/seeps are still very valuable for wildlife at certain times of year and loss of these springs/seeps should be fully mitigated.	KP	NDOW	Impacts to ephemeral springs are identified and described in the text for each alternative. Springs characterized as ephemeral would not be impacted by groundwater drawdown. (No Change)
429	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	What mitigation will be completed to compensate for the direct loss of mining through springs?	KP	NDOW	Impacts to man-made ephemeral stock ponds (SP-001 under the Alternative A and B; and SP-001 and SP-059 under Alternative C are considered unavoidable

430	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	As previously noted, we have not received any feedback or response on previously submitted comments. To that end, and to demonstrate the importance of hydrologic concerns, we are including some of our previous comments on Addendum 1 of the Hydrology Report (below).	MM	NDOW	Comment noted. (No change)
431	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	Comment Carried Forward from our review of Hydrology Report Addendum 1: Is a piezometer and surface water monitoring plan for Crowley Creek system included somewhere else? The model indicates a loss of surface water discharge in Crowley Creek, and given the importance of this system to LCT, we recommend a robust monitoring plan on this stream as well.	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultatnt for addressing in the updated report and supplemental documents.
432	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	Comment Carried Forward from our review of Hydrology Report Addendum 1: How were the piezometer and surface water DP monitoring locations selected and what information was used to make these determinations? Was data on gaining/losing reaches or extent of perennial flow in Pole Creek considered? Are there any control locations for comparison and how will we know if future changes are mine related versus natural variation? We recommend additional information and coordination occur before piezometer and surface monitoring locations are finalized.	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultatnt for addressing in the updated report and supplemental documents.
433	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	Comment Carried Forward from our Review of Hydrology Report Addendum 1: What is proposed for the surface water monitoring systems and protocol – does this include installation of a gauging system and what is the accuracy of the proposed system? What parameters will be measured? Will you measure the extent of the riparian/meadow zone (e.g. vegetation attributes)?	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultatnt for addressing in the updated report and supplemental documents.
434	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	Comment Carried Forward from our Review of Hydrology Report Addendum 1: We support use of an accurate system but are also cognizant of potential streambed alterations and would recommend against an installation process that could create a head cut or barrier to fish passage. Again, we request additional details on what the proposed system includes and recommend additional coordination occur before the plan is finalized.	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultatnt for addressing in the updated report and supplemental documents.
435	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	<p>Comment Carried Forward from our Review of Hydrology Report Addendum 1: While we appreciate the intent to mitigate for potential loss of surface waters, we question the efficacy of the proposed action and see this as a potentially unviable and difficult solution to implement effectively. A mitigation plan such as this, if included in the final plan, should include a guaranteed assurance for resources (financial and personnel) to implement and manage it for perpetuity.</p> <p>Please clarify “delivered through a guzzler to the riparian zone.” Guzzlers are artificial structures that collect rainwater/snow, store that water in tanks, and then provide that water to wildlife in drinkers. Please clarify the proposed process (complete with enough detail to determine if it is viable) for implementing this proposed mitigation strategy. Guzzlers do not release any water to the ground, so they are unable to create or maintain riparian or meadow vegetation. The use of this term is likely confusing the intent of this strategy and should be clarified.</p> <p>How many proposed wells would be installed and how would the company ensure operation and maintenance in perpetuity was completed?</p> <p>In the Pole Creek example (or other streams such as Crowley Creek), this mitigation approach appears unrealistic and NDOW would have difficulty supporting these options. Release of water at a single point would not account for any other sources of gain to streamflow. There is insufficient information to understand the potential benefits and impacts of this action. For example, where would water be acquired and where/how would it be discharged back into the stream? Most of the perennial flow and fish habitat is in the upper reaches. Long term (>100yrs) dependency on artificial pumping has risks to fisheries as even a short term loss of pumping could dry the stream channel and result in losing the fish population (e.g. pump failure, pump freezing during winter, loss of funding for operations and maintenance, continued reduction of groundwater elevation and future need to deepen the well, etc.). We question the sustainability and reliability of this proposed strategy. A single interruption of water delivery would quickly jeopardize the fish population.</p>	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultatnt for addressing in the updated report and supplemental documents.

436	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	Comment Carried Forward from our Review of Hydrology Report Addendum 1: What is the proposed trigger to initiate mitigation? How will 'meaningful drawdown' be measured and who will be responsible for determining when or if mitigation actions are initiated? We recommend additional information and coordination occur, so this section contains sufficient detail.	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultant for addressing in the updated report and supplemental documents.
437	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	<p>Comment Carried Forward from our Review of Hydrology Report Addendum 1: The surface water monitoring proposed on page 19 only indicates surface water measurements at one location in Pole Creek and one at Indian Springs. What about other spring/seep/stream locations? Table 3.1 only appears to indicate 3 piezometer locations related to springs/seeps. This seems to be a very low number of monitoring points for a significant area with many spring/seep systems, especially when considering that sufficient monitoring results will be needed to trigger mitigation actions.</p> <p>While the following concern may be better suited to the analysis phase, how will the company ensure monitoring and mitigation can be funded and implemented on the timescale (100-300+) years and beyond? Will a long-term trust be established and guaranteed in perpetuity?</p> <p>We are unconvinced that loss of spring/seep systems can be adequately mitigated, especially in the long term (100-300+ years) with the proposed means.</p>	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultant for addressing in the updated report and supplemental documents.
438	4.3.2	4-22	5	Water - Recommended Mitigation and Monitoring	<p>Comment Carried Forward from our Review of Hydrology Report Addendum 1: The CCS does not account for effects to GRSG from loss of surface water and we recommend this be revised in the report.</p> <p>The CCS only mitigates indirect impacts (excluding ground/surface water impacts) within 6km of the project boundary, so any effects outside that 6km boundary would not be captured in the credit calculations.</p> <p>Finally, the credit calculations are generally based on the length of time the mine is operating. Under the current structure, the credit calculation would not include impacts that extend beyond the 41-year mine life. Given that hydrologic impacts are still present at 300 years, there are significant and permanent impacts that would not be mitigated under the CCS. This should be addressed through other means such as an alternative that minimizes effects to groundwater and surface water resources.</p> <p>While the CCS mitigates impacts to GRSG, it would not provide mitigation for other species that depend upon springs, seeps, and streams. Most notably, CCS credits would not mitigate any impacts to LCT.</p>	MM	NDOW	Comment was forwarded to the applicant and their hydrology consultant for addressing in the updated report and supplemental documents.
439	4.3.3	4-23	19	Water - Residual Effects	While we appreciate many of the steps taken towards ensuring appropriate monitoring and mitigation, we do not agree that the proposed mitigation and monitoring would "eliminate" residual effects. The monitoring and mitigation section lacks essential details to ensure it can and will be implemented. These details (as stated above) are currently missing, but should be included in the public version of the DEIS as they are critical to ensuring a functional monitoring and mitigation plan. We are also unconvinced that artificial supplementation is a sustainable action and that it will provide the same suite of benefits as natural groundwater connection. The future sustainability is particularly important for Pole and Crowley Creeks, where LCT are dependent on streamflows and there is limited data to suggest artificial supplementation can replace natural surface expressions in water quantity, quality, and chemical/oxygen/temperature.	MM	NDOW	As described in Section 4.3, the results of the groundwater modeling indicate that measurable impact to the baseflow to Pole Creek and Crowley Creek are not anticipated. Groundwater and surface water monitoring are proposed to verify that impacts do not occur. In addition, mitigations measures are proposed as a safeguard to address unanticipated impacts. (No Change)

440	4	4-24	1-4	Vegetation	This is an important recognition that long-term effects on vegetation communities will persist post-reclamation. However, this contrasts with the consistent conclusion in the DEIS that reclamation will eliminate long-term impacts to many wildlife communities. We recommend adding some language to reduce these contradictory statements and reflect that the estimated long-term impacts to wildlife capture the likely reality that only after several decades post-reclamation will pre-disturbance vegetation communities potentially recover. We suggest clarifying language with a description of "long-term" to reflect reclamation timelines and their effects on wildlife.	JVG	NDOW	Language is included in Section 4.14.2.1.1. Vegetation that states "...long-term impacts on vegetation community composition and structure would likely persist after reclamation, especially in sagebrush communities where it would take up to several decades for pre-disturbance sagebrush vegetation community characteristics to return." Additional Section 4.21 states "long-term lasts beyond 5 years to the end of or beyond a 50-year project horizon." also "The Proposed Action would directly affect 5,695 acres through construction and operation of the mine and exploration activity. These effects would reduce the long-term productivity of soils and change the vegetation communities after reclamation is complete. The altered vegetation communities would affect wildlife movement and foraging habits, including migratory bird and special status species and livestock grazing patterns." Timing of reclamation activities should be referenced in the Thacker Pass Reclamation Plan. (KW)
441	4	4-26	27-29	Wetlands	Comment not resolved from version 1: The document states, "Alterations of riparian areas and wetlands would occur when surface water has been diverted from riparian areas and wetlands because of culvert placement." Where in the projects will water be diverted from existing riparian and wetland areas?	MM	NDOW	Proposed Action Section 2.2.7.4. Stormwater Management, states "Stormwater would be diverted away from the Project facilities through construction of drainage structures that convey water around and
442	4	4-26	27-29	Wetlands	Comment not resolved from version 1. There is insufficient analysis for effects on riparian vegetation from dewatering, mining through the geologic control structure, and overall loss of surface water at spring locations. Given the preliminary results of the hydrology model which demonstrate groundwater drawdown across a significant area, indications that effects could occur 1-mile outside this 10' drawdown area, and a resulting equilibrium that includes permanent vertical reduction in groundwater, we question the analysis area proposed for indirect and direct effects to vegetation, wetlands, and riparian areas. During the groundwater presentation, data were presented that indicate potential for groundwater and surface water effects well outside the project area, including springs, seeps, and wet meadows. Reduced surface water at these sites will likely affect vegetation resources. We strongly recommend a revised analysis area that includes all areas potentially affected by mining the geologic feature and subsequent dewatering (e.g. provide analysis for areas beyond the 10-foot isopleth). Loss of riparian vegetation from ground/surface water losses would be a potential impact that is far more widespread than the current analysis area will cover.	MM	NDOW	See my response to comment 252.
443	4	4-26	27-29	Wetlands	Comment not resolved from version 1: Please include that, based on the hydrologic model, springs located outside the Project area could also be affected.	MM	NDOW	Section 4.3 Water Quality and Quantity addresses springs outside the Project area. Table 4.2 Perennial

444	4	4-26	27-29	Wetlands	Comment not resolved from version 1: It would be helpful if the EIS described the number of acres of affected habitat, particularly for wetland and riparian areas within and outside the project area as well.	MM	NDOW	Affected environment information is presented in Appendix G.
445	4	4-27	32	Wetlands	There is no discussion on the increased loss of riparian vegetation association with the surface water model's description of Alternative C, where additional springs would be impacted. What is included here is more a description of the proposed action rather than an effects analysis. The entire discussion on impacts to wetlands/riparian vegetation, especially related to impacts from loss of ground/surface waters is inadequate and does not address or disclose potential impacts.	MM	NDOW	SEE RESPONSE TO COMMENT 252.
446	4	4-28	6-7	Vegetation	It would be helpful to specifically list where the best management practices are located. For the wildlife section, the applicant committed design features are listed at the beginning of the section. We recommend a similar approach for vegetation section.	MM	NDOW	BMPs are listed in Appendix D.
447	4	4-29	28-29, 34-35	Wildlife	What is the degree of success expected with reclamation efforts and how will these successfully recover habitat and reduce habitat fragmentation? There are some conflicting statements in the DEIS relative to reclamation success.	JVG	NDOW	text was revised to make more consistent throughout
448	4	4-30	2-3	Wildlife	We continue to disagree with the assumption and conclusion that wildlife will successfully move to new habitats as a result of mine construction/operation. Nearby habitats may be at or near carrying capacity, especially if habitat quality and quantity has been diminished in nearby areas due to other pressures (wildfire and spread of invasive vegetation as previously documented in this DEIS). Dispersal distances, animal behavior, reproductive cycles (e.g. noise during nesting) and many other factors play into habitat selection. It is inappropriate to conclude that all mobile animals will successfully move to habitats outside the project area.	JVG	NDOW	text was revised to better reflect impacts.
449	4	4-30	4-5	Wildlife	A more accurate statement would be that "generalist species that tolerate moderately-disturbed environments may be less impacted than habitat specialists." However, it should also be acknowledged that generalist species are not typically listed as special status or sensitive species (with the exception of avifauna like burrowing owls).	JVG	NDOW	text removed from document
450	4	4-30	27-28, 31-34	Wildlife	Again, please acknowledge that reclamation of pre-disturbance vegetation communities will be challenging. As written throughout, "successful reclamation" is presented with a degree of certainty and timeliness that is questionable and contradicts previous statements in the DEIS.	JVG	NDOW	text was revised to better reflect impacts.
451	4	4-30	31-33	Wildlife	Please adjust your restoration targets to a more meaningful descriptor of habitat quality. In this region, black tailed jackrabbits make up a large portion of golden eagle diets. If you are disturbing sagebrush habitat, it would be more appropriate to use sage-grouse habitat guidelines or goals or those for other sagebrush-obligate birds such as Brewer's sparrow, sage thrasher, or sagebrush sparrow to define your restoration goals.	JVG	NDOW	Follow up question for BLM
452	4	4-30	33	Wildlife	What does "LNC would maintain local vegetation outside the project footprint" mean? What maintenance action will occur? Does this simply mean they are not directly removing habitat outside their project boundary? This statement makes it seem like LNC is committing to actively doing something.	MM	NDOW	text was removed from document

453	4	4-30	11-12	Wildlife	The document states exploration drilling may occur at any time, day or night. Does this mean there will be no seasonal timing restrictions for Greater sage-grouse as required by the 2015 ARMPA? We also recommend appropriate precautions be used to prevent wildlife mortalities in drilling sumps.	KP	NDOW	Need to discuss additional details regarding exploration activities and any additional precautions for drilling sumps
454	4	4-30	4-8	Wildlife	We recommend all transmission structures be built to APLIC standards.	KP	NDOW	please see the BBCS for details regarding transmission
455	4	4-31	30	Wildlife	Please make sure all exlcusionary fencing for ponds use the fence standards provided in NDOW's IAP Permit and ensure LNC obtains an IAP Permit for all applicable ponds.	KP	NDOW	Document was revised to state that NDOW guidelines would applied as applicable.
456	4	4-31	34	Wildlife	Comment not resolved from version 1: Please consider adding more quantifiable information to this section. If distance estimates were conducted in the baseline surveys, these could be extrapolated to arrive an a better estimate of impacts	JVG	NDOW	change will be incorporated as suggested.
457	4	4-31	27-31	Wildlife	The discussions in this EIS document include concerning constituent concentrations in pit lakes. Please note that fencing will not prevent access by birds and bats, who may be attracted to these water sources. In particular, these lakes may be an attractant to species not currently common in the project area such as shorebirds, bald eagles, or osprey. While fish eating birds would not stay for an extended period, a new water body may attract them and there currently is no protection to prevent volant species to the pit lakes.	JVG	NDOW	changes was incorporated into document.
458	4	4-31	34	Wildlife	Comment not resolved from version 1: Please consider adding more quantifiable information to this section. If distance estimates were conducted in the baseline surveys, these could be extrapolated to arrive an a better estimate of impacts	JVG	NDOW	change was incorporated as suggested.
459	4	4-32	11-13	Wildlife	Comment not resolved from version 1: We recommend at least a 300 ft buffer around located nests to be avoided in coordination with BLM.	JVG	NDOW	see Section 4.5.4
460	4	4-32	4-8	Wildlife	Survey results indicated high avian diversity and previous NDOW bat surveys show a large number of species using these mesic habitats. Further, both open water resources and wetland type habitat exist in the area and provide additional benefit for a suite of species. In an arid environment, these resources are critical to a variety of wildlife, especially sensitive bat and bird species. It is important to state here that the wetland areas will be directly and indirectly affected (as earlier comments in the EIS state) and that, in an arid system, the importance of these areas is not offset because the relative spatial size is small. Based on the unique bird species found during baseline surveys and a high species richness within the bat community, we disagree the loss will be minor.	JVG	NDOW	Impacts to wetlands and surface water resources was revised to reflect the significance and importance of scarce water sources in the region.
461	4	4-32	10	Wildlife	Please refer to Winnemucca BLM seasonal use windows and adjust to an earlier, appropriate date.	JVG	NDOW	dates was revised in document.
462	4	4-33	10-16	Wildlife	Comment not resolved from version 1: The analysis (and project) should not rely on species to re-distribute to other habitats outside the project area and then conclude there will be no impacts on that species. Nearby habitats may be at or near carrying capacity for certain species and individuals currently using the project area may not be able to re-distribute to these areas. A conclusion that individuals will re-distribute and result in no impacts is questionable. Additionally, many species do not avoid or adapt/acclimate to human disturbance and conclusions relying on acclimation may be incorrect for certain species.	JVG	NDOW	change was incorporated as suggested.
463	4	4-33	27	Wildlife	Figure 4.5-3 apparently contradicts this statement as it shows a waypoint for "Large raptor-occupied" within the project boundary. Please clarify/double check this.	MM	NDOW	One red-tailed hawk nest was located in an unoccupied golden eagle nest within the project boundary. Text was revised.
464	4	4-33	29	Wildlife	Please refer to Winnemucca BLM seasonal use windows and adjust to an earlier, appropriate date. Great horned owls can start breeding in mid-January and golden eagles begin courtship in February.	JVG	NDOW	Changed text to require pre disturbance surveys for raptors. See section 4.5.4 for mitigation measures.
465	4	4-33	35-36	Wildlife	We recommend revising or removing this sentence. The document does not provide meaningful quantification of this and the citation does not provide adequate information. "Low" is a relative term and in this context does not provide any clarity. Please remove.	JVG	NDOW	text was removed from document
466	4	4-33	38	Wildlife	Please remove and dispose/bury any carcasses. Placement off of the road may still serve as an attractant and is not advised from a wildlife or human-health standpoint.	JVG	NDOW	change was incorporated as suggested.

467	4	4-34	23-27	Wildlife	This section discusses risks to avian species from reclamation ponds and emergency management ponds, but is lacking appropriate measures to prevent avian access to these areas. A fence will not exclude birds or bats. There are multiple exclusion techniques that work for volant species (bird balls, HDPE covers) that we would recommend.	JVG	NDOW	Revised text. See Section 4.5.4 for mitigation measures
468	4	4-34	34-37	Wildlife	Compared to the loss of natural habitat conditions, we question if rock-pile placement is adequate to foster recovery of prey species and request additional clarification or background on this.	JVG	NDOW	text was removed from document
469	4	4-35/Figure 4.5-5	11	Wildlife	Comment not resolved from version 1: Figure's legend specifies this is "pronghorn distribution" and figure title indicates mule deer distribution. The map reflects mule deer distribution and the legend and figure title should be fixed.	MM	NDOW	Text was revised as suggested.
470	4	4-35/Figure 4.5-6	16-21	Wildlife	The EIS's figure displays the project entirely bisecting a pronghorn migration corridor, but the text asserts the project will not prohibit or exclude pronghorn movement. This likely needs some additional explanation. As previously noted, we consider the loss of 4,960 acres of pronghorn habitat to be a significant loss.	MM	NDOW	Text was revised as suggested.
471	4	4-35/Figure 4.5-6	16-21	Wildlife	Comment not resolved or addressed from version 1: Loss of 4,960 acres of pronghorn winter range is significant. It would be good to indicate the <u>percent of winter range within the Project Area</u> and disturbed in relation to winter range available in Hunt Unit 031. This only represents direct loss of habitat, not indirect loss from human disturbance, noise, activity, etc.	MM	NDOW	Text was revised as suggested.
472	4	4-35	32-34	Wildlife	We appreciate the inclusion of citations demonstrating big game displacement from industrial development; however we still question why this likely effect is then discounted by including a reference to likely habituation. Please note that none of the human disturbances analyzed in Stankovich (2008) were industrial development. The responses were based on humans on foot, pets, airplanes/helicopters, cars, and bicycles, not large scale industrial development. Stankovich also classified the habituation response as "weak yet robust." We continue to be concerned with the EIS selecting small pieces of information from cited literature that align with a no-effects conclusion while largely ignoring research that indicates effects to certain species are likely to occur. We were unable to located the Ward (1976) citation in Appendix E so are unable to review that source for consistency with the information presented in the EIS.	MM	NDOW	Text was revised as suggested.
473	4	4-36	8-10	Wildlife	Please note that barb-wire fencing will not work as exclusionary fencing for wildlife and prevent entry to the Project Area. If not properly constructed using a combination of wildlife-friendly spacing and smooth wire, barb-wire fence may result in wildlife entanglement and mortality.	KP	NDOW	text was revised.
474	4	4-36	15	Wildlife	A more detailed description of the species included and discussed under the non-game heading would help the reader understand which species are involved.	JVG	NDOW	please refer to appendix H table H.1 for a list of non game species likely present in the project area.
475	4	4-36	26-28	Wildlife	We agree with lines 20-26 describing likely effects to non-game species; however, it is unclear how the analysis concludes that effects "are expected to be low." There is no data to support this given the text above.	MM	NDOW	text was removed from document
476	4	4-37	1-28	Wildlife	Lines 11 describes effects as moderate and line 24 describes effects at locally substantial. Can you please elaborate?	MM	NDOW	text was clarified.
477	4	4-37	2-3	Wildlife	We question the suitability of citing SWCA 2019 given the presence of other literature on home range estimates and core areas. Pygmy rabbits also use several core areas within the home range and will move relatively large distances between areas (Katzner and Parker 1997). We question the use of certain citations and loosely based claims as they tend to indicate an impetus to minimize discussion of impacts.	JVG	NDOW	Text was updated with references to Lee et al., 2020, and Sanches et al., 2009).
478	4	4-37	11-13	Wildlife	Figure 4.5-7 shows a relatively high amount of pygmy rabbit habitat, which is inconsistent with the text stating "limited availability."	MM	NDOW	There is a significant amount of pygmy rabbit habitat in the project area. Text was clarified to indicate that

479	4	4-37	25-28	Wildlife	"effects to pygmy rabbits are avoided or minimized to extent practicable." We recommend this statement also clarify the clearance surveys will only reduce direct mortality from construction activities. Clearance surveys will not reduce impacts from habitat loss or degradation. Without a commitment to avoid pygmy rabbit-use areas, this isn't mitigation. We recommend clearly stating impacts are likely to occur because habitat, including use areas, will be removed or degraded. These losses may result in decline or extirpation of the local population. Literature demonstrates sagebrush fragmentation for this species is a significant issue (Pierce et al. 2011). We recommend a more clear approach so that the reader can understand likely impacts to this species.	JVG	NDOW	follow up question for BLM
480	4	4-37	30	Wildlife	First sentence states "Direct effects to <u>bald eagles</u> would." Should be changed to <u>golden eagles</u> .	JVG	NDOW	change was incorporated as suggested.
481	4	4-37	34	Wildlife	We respectfully question the 1 percent of raptor survey area based off of the related figure and recommend re-checking this calculation. We also question the use of this comparison as it is simply comparing the project area to an larger survey area. We recommend better discussion on the impacts of removing approximately 5,000 acres of habitat and developing a mine adjacent to golden eagle nesting habitat.	JVG	NDOW	change was incorporated as suggested.
482	4	4-37	37	Wildlife	Lack of nest use in 2019 does not mean they will be or would have remained unoccupied in future years. An important piece here is that the project is being constructed adjacent to nesting habitat that has been used in the past.	JVG	NDOW	change was incorporated as suggested.
483	4	4-38	17-19	Wildlife	Lines 18-20 state "no in-use nests are currently associated with the breeding territories..." Figure 4.5-8 and the text above seem to indicate this is not true. The text above notes occupied territories overlap the project area and the figure displays this. How is a territory or nest considered occupied, but not in-use? The text references numbered territories to identify them, but the figure does not show corresponding numbers.		NDOW	text will be revised,
484	4	4-38	27	Wildlife	This section describes that fencing will be a primary protection measure for golden eagles. It is unclear how fencing to restrict wildlife access would prevent access by birds.	JVG	NDOW	suggested mitigation measure was included to require bird balls or other appropriate exclusionary devices
485	4	4-39	29	Wildlife	Comment not resolved from version 1: We recommend clearance survey requirements take effect on March 15 to account for earlier breeding times in northern Nevada. Please refer to Winnemucca BLM seasonal use windows and adjust to an appropriate window. Burrowing owls initiate courtship around March 15 and the fledgling period extends until mid-August.	JVG	NDOW	Text was revised as suggested.
486	4	4-39	32-36	Wildlife	Burrowing owls are ground-dwelling owls that do not usually spend time soaring near or perching on powerlines. We are unfamiliar with how APLIC standards can offer protection measures for burrowing owls. Additionally, APLIC does not prevent mortalities due to vehicle collisions.	JVG	NDOW	Text was revised as suggested.
487	4	4-40	1-4	Wildlife	"minimize effects to burrowing owls" should be changed to reflect that only direct mortality during construction would be minimized. Temporarily limiting disturbance and performing clearance surveys will not minimize effects from displacement and loss/degradation of habitat, only direct mortality.	MM	NDOW	Text was revised as suggested.
488	4	4-40	6-10	Wildlife	Comment not resolved from version 1: We continue to believe the Montana-10 Greater Sage-grouse lek is located less than one mile from the project boundary. We have made this same comment many times in many different locations. Has the northern extent of the project boundary changed since NDOW was last provided a copy?	MM	NDOW	change was incorporated as suggested.

489	4	4-40 and Figure 4.5-10	6-10	Figure	This is a confusing figure that appears to contains some innacuracies. The text (see above comment) states there are no sage grouse leks within 1 mile of the project boundary, but NDOW data and the figure contained in the ADEIS indicate Montana-10 is approximatly 0.75 miles from the project boundary. Additionally, this figure seems to represent that the Montana-10 lek is Active or Pending because of the hash marks. Montana-10 is an active lek - the other lek within that section is inactive, not pending. The figure also seems to indicate that Pole Creek 01 lek is active or pending. It is also an active lek. Futher, the figure indicates the Crowley 1 lek is of unknown status. This lek is active. The figure also appears to exclude several other leks that are present north of the boundary and buffer, but within the extent of the Figure (Crowley Creek 2, Disaster Peak 01). We recommend incorporating current NDOW data to capture the missing leks and ensure you have the correct lek status. We are confused at the continued discrepancy regarding the distance from the Project Boundary to the Montana-10 lek, and are happy to assist in rectifying this.	MM	NDOW	Comment noted. The exact locations of leks are purposefully not shown on Figure 4.5-10 per BLM guidance. We will reconfirm the distance of the Montana 10 lek to the propsoed project boundary. GIS provided by BLM indicated the distance to the Montana 10 lek is 0.96 miles. Other leks farther than 3.1 miles from the project area are not displayed per BLM guidance.
490	4	4-40	15-16	GRSG	We continue to question the conclusion that noise will not affect the Montana-10 lek as the conclusions used in the Wildlife Noise Impact Assessment are inadequate and confusing. We've previously submitted comments to BLM on this Impact Assessment and have not recieved any response.	MM	NDOW	comments was incorporated into document.
491	4	4-42	21-28	GRSG	We appreciate and support the development of a raven control plan for this project and we look forward to coordinating with the BLM/Contractor/Proponent on the development and implementation of this plan.	MM	NDOW	Follow up question for BLM
492	4	4-43	5-6	GRSG	We recommend a discussion with the SETT to determine if this project still qualifies for zero permanent debits. Figures of the pit backfill indicate there will still be a depression and pit highwalls present after reclamation. We request more information on the extent of highwall remaining after backfill and if this will generate any permanent debits.	KP	NDOW	Follow up question for BLM
493	4	4-43	15	Wildlife	We recommend considering some organizational changes to clarify why raptors were discussed earlier in the doc and again here. Was the earlier discussion not specific to Special Status Species? We also recommend defining SSS (Special Status Species) for the benefit of the reader.	JVG	NDOW	section is referring to special status species raptors and migratory birds
494	4	4-43	16-18	Wildlife	Recommend adding grasshopper sparrow (USFWS Listed) to this list.	JVG	NDOW	change was incorporated as suggested.
495	4	4-43	18	Wildlife	As stated during our review of Version 1 of the ADEIS, we disagree that anticipated impacts to breeding and foraging habitat are short-term given a 40+ year mine life and slow nature of reclamation efforts resulting in usable wildlife habitat. In addition, although this specific NEPA is for a 41 year mine life, the extent of the exploration boundary further suggests that mining is likely to occur in this area beyond the 41 years of current known mine life. Thus, to call the loss of habitat short-term is misleading to a reader.	MM	NDOW	change was incorporated as suggested.
496	4	4-43	19-20	Wildlife	Is reclamation likely to be successful in restoring available habitat and reducing habitat fragmentation?	JVG	NDOW	change was incorporated as suggested.
497	4	4-43	21	Wildlife	Please refer to Winnemucca BLM seasonal use windows and adjust to an appropriate window.	JVG	NDOW	change was incorporated as suggested.
498	4	4-43	27-29	Wildlife	As stated during our review of Version 1 of the ADEIS, we disagree that impacts to migratory birds (and other species) will be minor because of "overall availability of suitable habitat in the areas surrounding the Project." Individuals may not successfully displace into adjacent habitats and loss of habitat will inherently decrease carrying capacity of the project area and thus, surrounding areas. Complexity regarding dispersal and carrying capacity is not discussed in the EIS, especially for specialist species. For habitat alteration and loss, it is reasonable to assume that a portion of the displaced population will be lost and this will create an impact. We understand the baseline data collection may not be detailed enough to generate actual estimates of lost birds, but the EIS should either make an attempt based off your count data or simply state that there will be reduction, but we are unable to calculate the extent of loss. This should be more clearly acknowledged in the document.	JVG	NDOW	change was incorporated as suggested.

499	4	4-43	16-29	Wildlife	In version 1 of the ADEIS and baseline report, results of point counts for birds was included, but they no longer appear here in the document. Have these data and analysis been moved elsewhere in the document? We previously identified potential issues with the analysis that could be addressed by using these point count data and improving the quality and accuracy of the impacts sections. These types of qualitative and quantitative information can be useful to outline the magnitude of impacts to each potentially affected species. We question why the point count data has been removed from Version 2. We recommend using survey information to feed informatioon into the DEIS so that the analysis can estimate and disclose potential impacts. Existing data collected for this project exceeds a species list and should be used in this analysis. Similar to what is occuring with the bat data, it appear that instead of resolving comments and issues with the analysis, that the data are being removed from the document.	JVG	NDOW	Data was moved to Appendix G, affected environment, due to page limit constraints for the document. Additional information was added to text to incorporate population densities to bolster environmental affects analysis.
500	4	4-43	31-37	Wildlife	We disagree that these acreages equate to insignificance. In an arid system, any surface water that is within a dispersal distance of intact habitat is valuable to bats. Thacker pond, Thacker Creek, Crowley Creek, and springs/seeps provide essential foraging habitat for bats. Close proximity to water is important for maternity roosts. We continue to offer that changes to water quality or quantity may impact these populations. In two nights at Thacker Pond, we recorded over 1500 bat calls, including multiple Winnemucca BLM sensitive species as well as the spotted bat which is protected by the State. We recommend outlining the presence and potential impacts to these species in the document.	JVG	NDOW	Impacts to wetlands and surface water resources was revised to reflect the significance and importance of scarce water sources in the region.
501	4	4-43	31-32	Wildlife	Recommend changing "if disturbance occurs..." to "since disturbance would occur." The EIS and baseline data collection has identified the habitat types that would be lost so these are known. This is a misleading statement.	MM	NDOW	change was incorporated as suggested.
502	4	4-44	1-4	Wildlife	Comment not resolved from Version 1: We question the conclusion that roosting habitat is limited within the project area. Please clarify this statement. NDOW is under the impression that no surveys were completed to look for bat roosts so this statement is highly subjective.	JVG	NDOW	Text from NDOW Email on 5.5.20 was incorporated into document.
503	4	4-44	21-22	Wildlife	We question how fencing will protect bats and recommend removing this reference.	JVG	NDOW	reference was removed.
504	4	4-44	31-34	Wildlife	Please provide more clarification on if reclamation efforts can realistically return vegetation to "pre-disturbance or better" within 3 years. This seems optimistic. An explanation of what is meant by "better" would also be helpful.	JVG	NDOW	Text was revised as suggested.
505	4	4-45	17-21	LCT	Can you please direct us to the portion of the Hydrology Report that demonstrates Pole Creek is not hydrologically connected to the ground water, but Crowley Creek is connected? This is a confusing assumption and one we were not previously aware of. Given the minimal baseline data collected in Pole Creek, we question if there is adequate data to support this conclusion. Earlier versions of the EIS and Hydrology Report indicated that Pole Creek was intermittent or ephemeral. While sections of Pole Creek may be intermittent, there are sections that are definitively perennial. This system supports fish populations and this is further demonstrates that specific reaches always contain sufficient water. Section 4.3.1.1.1 Alternative A (Proposed Action), Surface Waters (Line 28) states "...whereas flows observed during the low-flow period are sustained entirely by discharge from the groundwater system." Based on this information, we would be lead to believe that Pole Creek does have a groundwater connection since we have observed flows during low-flow periods in Pole Creek. We strongly recommed all sections of the DEIS concerning Pole Creek be re-assessed. The was very little baseline data collection done in general for the Hydrologic Model, but in particular for Pole Creek and this is clear when reading analysis. There are contradictions and missing information throughout the document with regards to Pole Creek. For example, Pole Creek is not mentioned in the Effects to Perennial Streams section of the EIS (Page 4-8 and 4-9), yet it is clearly a perennial stream. It should also be noted that similar to Crowley Creek, Pole Creek is considered occupied by LCT.	MM	NDOW	Discuss with BLM

506	4	4-45	23-29	Wildlife	As stated during our review of Version 1 of the ADEIS, we disagree that impacts will be minor because of "availability of suitable habitat in the areas surrounding the Project." Individuals may not successfully displace into adjacent habitats and loss of habitat will inherently decrease carrying capacity of the project area and surrounding areas. The is more complexity to dispersal and carrying capacity that is not discussed in the EIS, especially for specialist species. For habitat alteration and loss, it is reasonable to assume that a portion of the displaced population will be lost and this will be an impact. We understand the baseline data collection may not be detailed enough to generate actual estimates of lost reptiles, but to state that impacts are minor and short term because there are other habitats available is not a well-founded conclusion.	MM	NDOW	Text was revised as suggested.
507	4	4-46	9-12	Wildlife	In this section, the EIS states "Construction and operation of the proposed Project would affect only two springs (SP-003 and SP-001), which would be mined through (Figure 4.5-14, Appendix A). These springs were determined to be ephemeral, or seasonal, and no springsnails occur in these springs." However, on page 4-9 (Section 4.3.1.1.1), the EIS states three springs (SP-001, SP-003, and SP-058) will either be mined through or are located within the 10' drawdown extent. Most importantly, Table 4.2 Perennial Springs Located Within Drawdown Area lists 5 <i>additional</i> springs that are within 1-mile of the drawdown contour and "may be affected as a result of drawdowns of less than 10 feet" (Page 4-9, Line 31-32) and a "reduction in baseflow could result in drying up of the spring" (Page 4-11, Line 1). We recommending revisiting this section and accounting for all potentially impacted streams.	MM	NDOW	Text revised to reference water quality and quantity section for analysis of seeps and springs affected. Also See Section 4.5.3 for additional detail on springs affected.
508	4	4-46 & 4-47	36, 1-27	Wildlife	Alternative B includes "larger long-term disturbance footprints for the WRSF and gangue stockpile as less waste rock and coarse gangue material would be backfilled into the pit" (Page 2-17). It is unclear if additional impacts to wildlife and wildlife habitat would occur and should be discussed in this section given the larger, and longer-term footprints for additional facilities.	MM	NDOW	Need to further develop impacts under Alternative B.
509	4	4-46	8-11	Wildlife	We recommend a discussion with the SETT and debit calculation to determine accurate term and permanent debits under Alternative B, since pit backfill will be reduced compared to Alternative A	MM	NDOW	Applicant will work with SETT to develop analysis
510	4	4-47	19-24	Wildlife	We recommend additional discussion on the species potentially impacted under the additional 482 acres of disturbance under Alternative C. Does this mean all species considered under Alternative A will be impacted within this 482 acres? What about special status species?	MM	NDOW	Additional details have been included.
511	4	4-47	25-27	Wildlife	We disagree that the effect of losing a spring would only create minor effects to wildlife. Give the importance of these habitats in Nevada, each spring offers critical habitat and water to wildlife.	MM	NDOW	Text was revised as suggested.
512	4	4-47	25-27	Wildlife	The discussion on wildlife impacts under Alternative C should specifically include the potential increases in impacts to springs that are within the 1-mile buffer of the 10' drawdown. Table 4.2 indicates 12 springs could potentially be impacted under Alternative C vs Alternative A; this is a significant increase with potentially significant impacts to wildlife.	MM	NDOW	Text was revised as suggested.
513	4	4-47	34-38	Wildlife	We recommend a discussion with the SETT and debit calculation to determine accurate term and permanent debits under Alternative C, since pit backfill will be reduced compared to Alternative A and B.	MM	NDOW	Discuss with BLM
514	4	4-48	30-31	Wildlife	As with other portions of this EIS, we continue to disagree that mobile wildlife species will simply re-locate and use adjacent habitat, thus resulting in minor impacts. Individuals may not successfully displace into adjacent habitats because they are more mobile than others. The is more complexity to dispersal and carrying capacity that is not discussed in the EIS, especially with regards to specialist species. For habitat alteration and loss, it is more reasonable to assume that a portion of the displaced population will be lost. This should be more clearly acknowledged in the document.	MM	NDOW	changes was incorporated into document.

515	4	4-48	33-35	Wildlife	What special status small mammal surveys were completed to determine if these species exist in the project area? We are under the impression that no surveys were completed. Thus, it is misleading to state that "no special status small mammal species were identified." If the statement is based on existing data gathered through NDOW or NNHP data requests, please indicate that "existing data has not identified the presence or absence of the species" to more appropriately describe.	JVG	NDOW	text was revised
516	4	4-49	10-11	Wildlife	Please see previous comments on the proximity of Montana-10 lek to the project area. Please clarify the project boundary or method of calculation, as there continues to be discrepancy with what is stated in the document.	MM	NDOW	Calculations were checked and revised.
517	4	4-49	16-24	Wildlife	Please see NDOW comments on Version 1 of the ADEIS and the Cedar Creek (2019) Wildlife Noise Impact Assessment. The use of these select sound level metrics (.changes between 0.3 and 1.2 a-weighted dBA by comparing only L50 values) is unacceptable and confuses the analysis. This is non-standard reporting for addressing noise impacts on wildlife, is not supported by existing literature, NDOW Protocols, or past-precedent within BLM EIS documents. Our concern with presenting this data was clearly articulated multiple times and NDOW has not recieved any response justifying this approach. The continued inclusion of these values is inappropriate and downplays impacts as a result of noise. This is confusing and ultimately results in a minrepresentation of the impacts.	MM	NDOW	was revised.
518	4	4-49	16-24	Wildlife	We provided comment on the calculation methods used in the Saxelby 2019 and would continue to offer that the methods used do not reflect or follow the intent of the NDOW Guidance. In addition, some of the approaches used by Cedar Creek (2019) in the Wildlife Noise Impact Assessment does not follow any established protocols. It also contradicts and fails to follow standard protocols used in other BLM NEPA documents. When calculated in accordance with NDOW Guidance, modeled noise increases range between 8.0 - 11.4 (hours 0400-0900), 6.3 -10.9 (hours 1800-1000), and 6.8 - 10.1 (hours 0000-2400). In each of the time periods, there is between one and two exceedences of the <=10dBA standard. This indicates there is potential for negative impacts to Greater Sage-grouse leks. Further, the BLM 2019 ARMPA uses a compliance point of 0.25 miles from the lek (between the project boundary and the lek) as the point to compare modeled data and the 10dBA limit. Impacts to Greater Sage-grouse from noise could also create impacts for adjacent breeding, nesting, and brood-rearing habitats (e.g. in some cases between the lek and the project boundary). NDOW Guidance also recommends to "set a noise disturbance threshold of 10dBA over ambient for all hours of the day from March 1 to June 30 within 5km (3.1 mi) of active and pending leks to account for all habitats critical to successful reproduction and recruitment of Greater Sage-grouse (Patricelli and Blickley 2013)." Based on these statements, we disagree with the ADEIS's conclusion.	MM	NDOW	Follow up question for BLM
519	4	4-49	16-24	Wildlife	We have reviewed and provided comments on the Thacker Pass Project - Predicted Project Noise Levels (Saxelby 2019) as well as the Wildlife Noise Impact Assessment (Cedar Creek 2019). We questioned various methods and conclusions in both of these documents and continue to be highly concerned that we have recieved no response from BLM on our comments, as well as that many of the aspects we question appear to continue to be used in the DEIS.	MM	NDOW	Incorporated as suggested.
520	4	4-49	16-24	Wildlife	As with the GRSG discussion on noise, this section confuses many standard terms used in noise analysis. We observed this with the Cedar Creek (2019) Noise Assessment and continue to offer that the Wildlife Noise Assessment and the language pulled from that report into the DEIS needs to be modified. The current use of baseline to describe L50 is generally confusing. We recommend clearling stating L50 and L90.	MM	NDOW	ok
521	4	4-50	18-29	LCT	As we've previously stated, the lower section of Crowley Creek does support fish at certain times of year. We have extensively discussed the metapopulation concept between Pole Creek and Crowley Creek and how fish are likely to occupy the lower reaches of each stream as water conditions allow. The continued lack of understanding of these systems in the DEIS is very concerning and results in an inaccurate and misleading document.	MM	NDOW	Discuss with BLM

522	4	4-50	19-22	LCT	Please provide additional explanation and detail when the document states "Exploration activities would avoid stream reaches..." What buffer distances are proposed for avoiding Pole and Crowley Creek? Since the document states, "avoid stream reaches," does this mean in all cases or would exemptions be granted? What would be the process for getting an exemption?	MM	NDOW	question for LNC
523	4	4-51	6-8	LCT	We remain unconvinced that effects to wildlife from loss or degradation of aquatic and riparian habitats would be minor. The potential loss of multiple springs from mining through them, located within the 10' drawdown, and located within 1-mile of the 10' drawdown is not a minor impact. We continue to see this DEIS downplay the potential impacts to springs and seeps as well as the impacts on wildlife that use these springs.	MM	NDOW	Discuss with BLM
524	4	4-51	6-8	GRSG	We estimate that there could be major impacts to GRSG from the hydrologic impacts presented in the hydrologic model. Loss or degradation of wet meadows, springs, seeps, and associated habitat could result in significant and long-term impacts to GRSG within and well outside the Project Area. This is based on the potential for mining and dewatering to impact ground and surface waters a significant distance north of the Project Area. The Lone Willow population has crossed a habitat trigger threshold and is at risk of further decline. At the same time, the Montana Mountains are one of the highest breeding densities of GRSG in Nevada and continued impacts to this population could threaten one of Nevada's stronghold populations. We understand that NV Lithium will be working with the SETT to offset impacts through the CCS; however, the CCS does not factor in hydrologic impacts on GRSG or impacts outside the CCS buffer. The indirect effects buffer used in the CCS will not adequately address the scale of the hydrologic impacts as these are expected to occur well beyond the CCS's indirect effect analysis areas. Avoiding the discussion on potential impacts to sage grouse in this section represents a major limitation and flaw in the DEIS.	MM	NDOW	Hydrological impacts would be prevented through water monitoring and mitigation measures presented in section 4.2
525	4	4-52	4-14	Wildlife	The discussion on wildlife impacts under Alternative C should specifically include the potential increase in impacts to springs that are within the 1-mile buffer of the 10' drawdown. Table 4.2 indicates 12 springs could potentially be impacted under Alternative C vs Alternative A; this is a significant increase with potentially significant impacts to wildlife.	MM	NDOW	text was included
526	4	4-52		Wildlife	What about mitigation measures to avoid disturbance during nesting season? This was mentioned elsewhere in the document, but not here. We also recommend additional monitoring (and mitigation if necessary) to determine compliance with noise impacts at GRSG leks. Project monitoring to demonstrate the accuracy of the noise model and compliance with keeping noise below the 10dBA threshold is recommended.	MM	NDOW	Further information needed.
527	4	4-52		Water - Recommended Mitigation and Monitoring	We recommend mitigation for the known loss of springs and seeps that will be removed or covered by mining activity.	MM	NDOW	See response to comment 429.
528	4	4-52	24-25	Wildlife	How will you find a natal burrow? Before, the text documented that pygmy rabbit burrows will be avoided "where practicable." and this section discusses a 200' buffer around these areas. Can you please offer additional detail and clarification? How long will these buffers be in place?	JVG	NDOW	further information needed.
529	4	4-52	24-25	Wildlife	Is there any mitigation or monitoring planned for any additional species?	MM/KP/JVG	NDOW	additional proposed mitigation has been included for
530	4	4-53	16-29	LCT	We again question why Pole Creek is excluded from this discussion. Pole Creek has perennial sections and is considered occupied with LCT. The continued lack of discussion on Pole Creek is a significant issue for this DEIS. Despite repeated evidence that demonstrate Pole Creek is perennial in the upper reaches, we continue to see this ignored in the document and have not received any justification to support an alternative position.	MM	NDOW	Text regarding Pole Creek has been added. The analysis acknowledges that upper sections of Pole Creek are perennial and occupied by LCT.
531	4	4-53	31	LCT	We again question why Pole Creek is excluded from this discussion. Pole Creek has perennial sections and is considered occupied with LCT by the FWS. The continued lack of discussion on Pole Creek is a significant issue for this EIS. Despite repeated evidence that demonstrate Pole Creek is perennial in the upper reaches, we continue to see this ignored in the document and have not received any justification to support an alternative position.	MM	NDOW	Text regarding Pole Creek has been added. The analysis acknowledges that upper sections of Pole Creek are perennial and occupied by LCT.

532	4	4-54	4-9	LCT	We again question why Pole Creek is excluded from this discussion. Pole Creek has perennial sections and is considered occupied with LCT by the FWS. The continued lack of discussion on Pole Creek is a significant issue for this EIS. Despite repeated evidence that demonstrate Pole Creek is perennial in the upper reaches, we continue to see this ignored in the document and have not recieved any justification to support an alternative position.	MM	NDOW	Text regarding Pole Creek has been added. The analysis acknowledges that upper sections of Pole Creek are perrenial and occpied by LCT.
533	4	4-53	11-19	LCT	Should this disucssion of impacts be moved above to Section 4.6.1.1.4 No Backfill Alternative instead of here, in the No Action Alternative? This seems to be misplaced.	MM	NDOW	Text revised per comment.
534	4	4-53	21	Water - Recommended Mitigation and Monitoring	We recommend monitoring (and potential mitigation) for LCT be tied into the water resource monitoring and mitigation.	MM	NDOW	As described in Section 4.3, the results of the groundwater modeling indicate that measurable impact to the baseflow to Pole Creek and Crowley
535	4	4-81	16+	Fire	As with Version 1, this appears to be more of a description of the Proposed Action rather than an impacts or effects analysis.	MM	NDOW	This section has been deleted.
536	4	4-85	18-38	Noise	Please see previous comments noise from the Wildlife Section, as well as past comments on Version 1 of the ADEIS and Thacker Pass Wildlife Noise Assessment.	MM	NDOW	Text regarding NDOW noise calculations using the Saxelby collected data has been added to the DEIS.
537	4	4-87	19-27	Noise	What equipment will be powered by electric motors instead of gasoline or diesel-powered engines? Can this section be more specific? There is insufficient detail to actually monitor or ensure compliance with any of these recommendations.	MM	NDOW	LNC has indicated an interest in using electric powered mine vehicles and equipment as those vehicles become available for industry use with the
538	4	4-87	29-30	Noise	Are these recommended mitigation measures reflected in the Predicted Noise Report (Saxelby 2019)? That report indicates that noise levels will exceed ambient levels and to what degree. We recommend including quantifiable data in this section since it is available.	MM	NDOW	Text revised per comment.
539	4	4-87	19-27	Noise	We strongly recommend noise monitoring be developed in conjunction with the BLM, NDOW, and project proponent for this project. Monitoring during project construction and operation is essential to determine the accuracy of the noise model and ensure objectives and standards for limiting noise impacts are achieved. Without monitoring, there is no way to determine if the data presented in the EIS is accurate or if the company is complying with the assumptions used in the noise model. As the model is the basis for this EIS determiniting there are no impacts to GRSG, this should be monitored. Project monitoring is also recommended in NDOW's Noise Protocol document.	MM	NDOW	Developing a noise monitoring plan has been included as recommended monitoring and mitigation.
540	4	4-102	14-28	Irreversible Resources	Comment not resolved from Version 1: Based on information and findings of the hydrologic model, we encourage inclusion of ground and surface water resources in this section. Permanent changes to the groundwater equilibrium as well as impacts to surface waters represent an irreversible and irretrievable commitment of resources with potentially significant effects on wildlife and habitat resources. Additionally, since mining through the geologic control structure will have effects on ground and surface water this is an irreresible commitment.	MM	NDOW	Text revised per comment.
541	4	4-103	1-7	Relationship of short-term uses and long-term productivity	Comment not resolved from Version 1: Many of the effects described on wildlife previously in the document indicate short-term effects; however, since these effects will persist at least as long as the project (~40 years), should they be considered long-term? This appears to be a conflict in defining and using terms in the DEIS.	MM	NDOW	Revised to state "The Proposed Action would directly affect 5,695 acres through construction and operation of the mine and exploration activity. These effects would reduce the long-term productivity of soils and

542	6	6-2	1	Cumulative effects	Comment not resolved from Version 1: How was a 3.1 mile buffer around the project area selected for the Noise CESA boundary? This seems to be mixing different pieces of the NDOW Noise Protocol and 2019 ARMPA. LNC's Predicted Project Noise Level Report (September 13, 2019) indicates project-specific noise will be present well outside a 3.1 mile buffer around the project boundary so establishing a CESA boundary that doesn't even capture project impacts seems incorrect. The 3.1 mile reference from NDOW's Protocol recommends that "project noise be limited to 10 dBA over ambient ...within 3.1 miles of active and pending leks to account for all habitats critical to successful reproduction and recruitment of Greater sage-grouse." We previously used a 1, 3.1, and 5 mile buffer around the Project Area to help prioritize baseline noise monitoring. It is inappropriate to apply this buffer (3.1 mi) as a CESA. We recommend the CESA boundary include any areas that would include a noise input from the project (e.g. where the noise model indicates project noise is 0 dBA). As this is an analysis boundary and not an 'effects' boundary, the area of analysis should be expanded to any area potentially affected by mine noise, regardless of how small the increase in dB.	MM	NDOW	The noise CESA has been expanded to the PoO boundary plus a 10-mile buffer.
543	6	6-2	1	Cumulative effects	Comment not resolved from Version 1 : For wildfire and fuels, how was the CESA identified? What justification was used to determine the CESA boundary would be the Quinn and Kings River hydrographic basin. When mapped, the NDWR Hydrobasin dataset indicates the Quinn River Valley and Kings River Valley includes approximately 968,277 acres, not 596,480 acres as noted in the document. Which hydrographic dataset was used to arrive at the stated value?	MM	NDOW	Wildfire and fuels has been eliminated from detailed analysis. Federal and state fire safety requirements and applicant emergency response plans are in place.
544	6	6-8	1-22	Cumulative effects	What cumulative effects are expected as a result of the Proposed Actions and past/present/reasonably foreseeable actions? There is no information or detail provided on potential cumulative effects in this section. It only re-states the acres of disturbance under the Proposed Action.	MM	NDOW	Text revised per comment.
545	6	6-8	24	Cumulative effects	What cumulative effects are expected as a result of the Proposed Actions and past/present/reasonably foreseeable actions? There is no information or detail provided on potential cumulative effects in this section. It only re-states the acres of disturbance under the Proposed Action.	MM	NDOW	Text revised per comment.
546	6	6-6	14-23	Cumulative effects	We disagree that the effect of losing 12 springs (text appears to incorrectly state 11) would only create minor effects to water resources. The text states than springs would not recover, but there is no concluding statement on extent of impacts. We've observed this pattern several times in the EIS - when impacts are minimal, that is stated. When it is more difficult to conclude that impacts are minimal, there is no concluding statement provided.	MM	NDOW	Determinations of effect severity are difficult to quantify and therefore have been removed where appropriate. A concluding statement has been included.
547	6	6-9	33	Cumulative effects	There is no discussion on effect of scale or severity pertaining to cumulative effects in this section. Would all past, present, and reasoably foreseeable projects have no effect on non-native and invasive plants?	MM	NDOW	Text revised per comment.
548	Appendix C	4		Appendix D	We recommend using NDOW's "Design Features and Tools to Reduce Wildlife Mortalities Associated with Sumps"	KP	NDOW	This recommendation has been passed on to the applicant for consideration as an applicant committed
549	Appendix G			Wildlife	Under Big Game, the Summary sheet states "Mountain goats have also been reported by NDOW in the study area, though there are no known distributions of mountain goat in the study area." We are unsure where this came from, but it should be deleted. There are no known records of mountain goats in Area 031 and this sentence should be removed.	MM	NDOW	text was removed from document

550	Appendix H			Wildlife	Version 1 of the ADEIS and the baseline report included frequency groups for bats. The acoustic surveys generally required by the BLM, and based on established protocol, require acoustic detectors and analysis to species, not to frequency groups. The lack of this level of detail for this project is concerning and should have been corrected before estimating impacts in order to determine species richness and the relative use at these sites by season. If the sound files are still available, the analysis could be redont inoder to satisfy these recommendations and established protocols. We recommend the use of survey data to confirm presence and current use of high probability or low probability of occurrence is not a recommended approach. Unless acoustic monitoring data is revisited and included, we recommend assuming presence in the project area, including spotted bats, a state protected species, that has been found in the project area, as well as red bats and little brown bats. NDOW data is available to bolster your analysis and we can provide that data to you upon your request. The use of frequency group does not allow for detection of BLM sensitive species.	JVG	NDOW	BLM is working with NDOW to bolster analysis for bats species. Provide bat frequency data to NDOW or assume bat presence in project area
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