

## **Appendix B**

### **Native American Tribes Public Meeting Summary Notes**

**Hollister Underground Mine Project  
Draft Environmental Impact Statement (DEIS)  
Public Meeting Summary  
July 11, 2012  
2:00 – 5:00 PM MT  
Human Development Center, Owyhee, Nevada**

**Project Participants:**

BLM:

Janice Stadelman  
Deb McFarlane  
Dave Overcast  
Victoria Anne

Rodeo Creek Gold (RCG):

Teresa Conner  
Doug Crawford

AECOM:

Scott Duncan  
Anne Doud

Davis, Graham, and Stubbs:

Janette Ferguson

**Introduction:**

**Dave Overcast**

Mr. Dave Overcast (Tuscarora Field Office Manager) began the meeting by asking the project participants (listed above) to introduce themselves. He also reviewed the National Environmental Policy Act (NEPA) process and relative schedule for the Hollister Underground Mine Project Environmental Impact Statement (EIS) and defined where the Hollister Project is currently and what the next steps will be. Mr. Overcast clarified that there is a 30-day review period after the Final EIS is published. Mr. Overcast explained that the BLM is now collecting comments on the Draft EIS (DEIS). The comment period ends July 16<sup>th</sup>, and the BLM welcomes comments from all interested parties but needs them postmarked by July 16<sup>th</sup>.

The Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, Tribal Chairman Terry Gibson, stated that he would like to have government-to-government meetings for the Tribes to give input to the Hollister Project EIS process. Mr. Overcast agreed and stated that if the Tribes would like to provide Ken Miller (BLM Elko District Manager) or himself a date for the meeting, then the BLM would schedule the date and organize a meeting for government-to-government consultation to occur.

Chairman Terry Gibson asked when the BLM plans to issue the decision on this project. Ms. Stadelman stated that the BLM tentatively hopes to issue a decision by the end of the calendar year. The process depends on what the comments are that the BLM has to respond to. The comment period for the DEIS ends at close of business on July 16, 2012. To date, the BLM has not received comments for the project, but people wait to the last moment to submit comments.

Chairman Terry Gibson and Mr. Overcast clearly stated for the people/participants that this meeting was a public meeting for the NEPA process; it is not a government-to-government consultation meeting.

Chairman Terry Gibson asked if the BLM was recording this “hearing”. The BLM representatives, Rodeo Creek Gold (RCG) representatives, and AECOM (consulting firm writing EIS) representatives stated the public meeting was not being recorded. Instead it was pointed out which people (AECOM representatives, the BLM representatives, and RCG representatives) would be taking notes at this “public meeting”.

### **Teresa Conner**

Ms. Teresa Conner summarized the Proposed Action for the Hollister Project EIS. She explained that the project would entail the following:

- Continued exploration (surface and underground);
- Bulk sampling and underground exploration would be transitioned to full-scale production of gold and silver mining (underground mining operation);
- Construction of a production shaft, ramp, or raise on existing disturbance;
- Continued maintenance on Little Antelope Creek and the Ivanhoe Road;
- Construction of 11.6 miles of electric power transmission line (120 kV transmission line paralleling Antelope Creek and a 24.9 kV transmission line paralleling Little Antelope Creek. Rodeo Creek Gold would own the substations;
- Acquisition of a National Pollutant Discharge Elimination System (NPDES) permit to discharge water pumped from underground to the surface to flow into Little Antelope Creek;
- Waste rock would be placed in the existing waste rock storage facility (WRSF) or in a new facility located in the West Pit;
- Ancillary support facilities such as a new office and maintenance shops that would be constructed on previously disturbed areas and removed from their current East Pit location;
- No mill, leach pad, or processing facilities would be constructed on the Hollister site. All ore would be processed off-site.

### **Janice Stadelman**

Ms. Janice Stadelman summarized the Alternatives to the Proposed Action:

1. The Mud Springs Waste Rock Facility Alternative – a new waste rock storage facility (WRSF) could be constructed on undisturbed land located east of the existing reclaimed heap leach pad.
2. The Mud Springs Road Transmission Line Alternative – a newly constructed transmission line could be located along Mud Springs Road to the Hollister Underground Mine from the Coyote Substation located near the Rossi Mine.
3. The Backfill Alternative - all shafts and portals could be backfilled after mine closure.

Ms. Stadelman stated the BLM-preferred alternative at this time is the Proposed Action and Backfill Alternative combined. Ms. Stadelman presented the posters describing the Proposed Action and alternatives as well as some of the key resources analyzed: Native American Traditional Values/Cultural Resources Study Area, Surface Water Potential Impacts due to Groundwater Pumping; and Sage-Grouse Special Designation Areas. The figures for these resources were chosen due to issues usually surrounding these topics.

MS. Stadelman also stated the BLM brought copies of the DEIS for reference to discuss other figures and if needed to answer questions. The BLM also brought some extra copies both in paper and digital format if people needed copies.

**Terry Gibson, Tribal Chairman for the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation**

Chairman Terry Gibson said that he and the Tribes have concerns about the project and project area. The EIS discusses cultural resources impacts and the loss of cultural properties. Section 106 of the National Historic Preservation Act (NHPA) is a piecemeal process that leads to the development of a Programmatic Agreement (PA) to ensure BLM's responsibility under NHPA is followed. This cuts the Tribes short because other applicable federal mandates were not considered. The PA defines specific guidelines for BLM and Rodeo Creek Gold (RCG), but Chairman Gibson is concerned that the Tribes were not invited to participate in the PA development. They were only invited to concur or not. Therefore, the PA does not address the issues that Native Americans have for this very spiritually significant area. The current PA leaves the Tribes out and allows the State Historic Preservation Office (SHPO) and BLM to agree to the document for the Tribes without being fully aware of the issues. Chairman Gibson said that the Tribes are ill with worry and concern when cultural resources are disturbed and this has religious and spiritual impacts.

Chairman Gibson explained that Native Americans don't distinguish between pre-historic and historic artifacts because it is all relevant to Native American heritage having been created by their people/their ancestors. Historic and pre-historic doesn't pertain to the tribes; the tribes only have one history. Therefore, "pre-history" and anything pre-historic, is very important to the Native Americans. He said that the Draft EIS says "white chert was found as far as 93 miles away from the project area". However, that is not correct, because the chert is found in a much larger radius from the project site due to their peoples' travel to Salmon River (ID), Death Valley (CA), and other locations for trade and bartering with other Native Americans. Their people migrated through the area. The information presented in the EIS is limited. The white chert has many uses, including use for religious health. If it is allowed to be desecrated, then the Native Americans would not be protecting what was created by their Creator.

Impacts to seeps and springs are also a concern. Water is sacred to the Tribes. Water is the veins to mother earth. Chairman Gibson said that mitigation is not possible for loss of spiritual use of their Creators' works; it would be like chopping off arms and legs of Mother Earth. That would make it hard to be a whole people. How to mitigate the spiritual use of springs?

Chairman Gibson asked for clarification on the mine groundwater pumping. He said that groundwater would be pumped out at a rate of 1100 gpm for the 20-year mine life and take 50 years for the groundwater levels to recover. He mentioned that the DEIS only addresses the Section 106 NHPA process. The loss of water and spiritual values cannot be mitigated; it would be like taking the Bible away from Christians for 50 years, and telling them they cannot use it for 50 years. No mitigation is possible for taking water away. The PA process doesn't allow us to mitigate the water concern; spiritual impacts are not being considered.

Chairman Gibson explained that it is not just the white chert on the surface that is a resource needing protection. The chert is not only 20 feet deep; it goes much deeper. He believes that RCG will be taking the gold ore out of the ground through the chert.

Chairman Gibson said that the riparian/wetland impacts were unclear in the EIS. He could not tell if there were disturbances to riparian/wetland areas or not. Drying out springs will cause a loss of riparian and/or wetland areas. DEIS contains contradictory statements – no impacts to riparian versus potential impacts to riparian.

Chairman Gibson mentioned that the Draft EIS states that "Government-to-government consultation was initiated with letters". Letters are not consultation. Chairman Gibson said that this is not accurate because letters to start consultation are not useful to the Tribes. The Tribes need time to consider their reactions through spiritual measures using dances, ceremonies, etc. He said there will be a violation of the American

Indian Religious Freedom Act from this project. He hopes that his comments will be responded to. Mr. Gibson wants to hear how RCG and BLM will mitigate the losses described above and how the Tribes can participate in developing the PA. The Tribes have to watch out for their elders and youth too; the ones not yet born. The Tribes have to watch out for and protect their spiritual well-being. How are the Tribes going to be fully involved with the PA? How are the Tribes going to participate in the PA?

Chairman Gibson has concern that only the Section 106 Process is being used and other laws are not being used.

**Walden Townsend**

Mr. Walden Townsend said that he has concerns about mitigation. The tribes have been involved in discussions on mitigation for salmon on the Columbia River. The ultimate solution for salmon is to take down the existing dams that block salmon migration to allow safe passage. However, the agencies are not taking down the dams; they are stocking reservoirs with trout. Mr. Townsend suggested that most mitigation involves trading land and money to compensate for the loss. The Columbia River Project is a good example of mitigation.

Mr. Townsend asked how the BLM will mitigate for impacts from the Hollister Project. He recommended that it involve trading land and money and asked what the process is for mitigation and how it is decided and carried out. Is there a process to trade land and money for this project and for what is being taken? Mining is not going to go away or stop. For another project near Mountain City, there was a tailings pond at the top of a watershed that was leaking contaminants out through the plastic liner. He asked how far down does underground mining go and how do we know the impacts?

Ms. Naomi Mason asked about using royalties from the mine for mitigation.

Mr. Overcast said we will come back and have the mitigation discussions, to talk it all over and come to a consensus together to find the right mitigation. Mr. Overcast said that the BLM wants to talk to the Tribes. Mr. Townsend suggested that RCG trade land with water to mitigate for the loss of springs and spiritual values.

**Tom Mason**

Mr. Tom Mason said that the main disturbance of concern is for the proposed construction of a transmission line coming through the area because the power plant was built before the transmission line was approved. He suggested that RCG continue using generators, and don't provide transmission line power because other power users will come in the area. Then more mines will be built, then a supply store, etc. He said that RCG should buy more generators instead of constructing a transmission line to prevent more development coming in to the area.

**Lucas Mason**

Mr. Lucas Mason said that at Mount Tenabo the Tribes do not have access to their spiritual areas without miners watching over them. The Tribes do not feel that they can go out and do their spiritual practices without oversight, videotaping, and intrusions. He is concerned that the Tribes not be restricted access for the entire life of the Hollister mine.

Ms. Conner explained that the East pit and mine portal access would be restricted for safety reasons, but the Tosawihi Quarry area is public land, and the Tribes are free to access it. No change in access is expected.

**Roslyn Jones**

Ms. Roslyn Jones said that she received a letter from RCG asking for approval of the project, and said that there was no space on the letter to express disapproval. She said that there was no way to document or find out what

information was sent out or who the information was sent to. Ms. Jones wanted to know what other Tribes thought of the project; how other tribes feel about the project; and has there been a combined meeting with other tribes to discuss the project? Ms. Jones would like to hear what the other people/tribes have to say about the project. Ms. Jones asked if the BLM could organize combined meetings to discuss the project because the Shoshone and Paiutes are not the only Tribes affected by the project. If the BLM schedules and organizes a meeting with all the tribes, the people will come to discuss the projects.

Ms. Conner said that this was an informational pamphlet that was sent to thousands of people as an outreach effort, and that there was a place in the pamphlet to provide comments on the project that could be sent back. She said that she was sorry if the format offended any recipients. The BLM representatives all responded that the BLM didn't know about this letter and had not seen it. Ms. Conner confirmed the BLM was not contacted or involved with regards to this letter.

Mr. Overcast said that the BLM has invited communication from other Tribes, and the BLM is more than happy to bring bands and councils together to discuss the project. Mr. Overcast stated that the BLM has tried to organize meetings for multiple Tribes to gather together, but got little response. Therefore, the BLM contacts the Tribes individually. Mr. Overcast stated that the Tribes can also organize meetings and discuss projects as a larger group on their own without the BLM's involvement or organize the meeting and invite the BLM to participate.

Mr. Tom Mason explained that the Tosawih Quarries area is in the heart of Indian land and is within our hearts. "We don't have to go out to the project site to feel it". "It affects many more people than are here" (in the meeting room). He would like to see more frequent meetings to discuss the project.

#### **Naomi Mason**

Ms. Naomi Mason asked how the long-term effects of dewatering on springs and animals that depend on the springs would be addressed and mitigated.

Ms. Stadelman explained that only the springs that are sourced in the Vinini formation have the potential to be impacted. The upper aquifers won't be affected. Most springs would not be affected by the mine's groundwater pumping and the vegetation on the surface would be fine. Ms. Stadelman said that there would not be an effect on wildlife or sage-grouse. However, the springs that could be potentially affected would be monitored and any impacts assessed. Ms. Stadelman and Mr. Overcast mentioned that if there are any impacts, then they will be addressed and mitigated. Once identified a plan of action could be developed, more NEPA may be required, etc.

#### **Reggie Premo**

Mr. Reggie Premo said that there is already substantial surface disturbance at the site from past activities, and the Native Americans do not want any more. He asked if there will be more surface disturbances at the site.

Ms. Conner explained that the majority of surface disturbance is on previously disturbed and reclaimed areas. But the transmission line would be on new disturbance. Class III surveys would be required and conducted before any surface disturbance occurs. RCG has worked hard to keep new disturbance to a minimum.

#### **Walden Townsend**

Mr. Walden Townsend asked if the BLM is looking at the impacts and mitigation on a case by case basis for each mining project, or all together. Does the BLM have a format for working with the Tribes on a case-by-case basis?

The Tribe would like a consistent way to deal with projects. He said it is the BLM's responsibility to get the mines and the Tribes talking together. The BLM should get everyone together to address future projects.

Mr. Overcast said that BLM would like to get a Memorandum of Understanding (MOU) together to outline communications and describe how consultation will be conducted with the Tribes. The BLM would prefer to use a consistent system to discuss the projects with the Tribes.

Mr. Townsend said that the BLM needs to be the middleman in this process, to organize the groups. He stated "Mitigation is paying for something in return (money and/or land); mitigation is what you pay with money and/or land to address impacts." The BLM needs to use the Tribal Councils to set up meetings. The BLM needs to pay for the travel for the Tribes to send representatives to attend the meetings.

Mr. Overcast said that he would like to collect Mr. Townsend's name and number to get the process set up. The BLM has been working with the Tribal Council to organize this process.

### **Naomi Mason**

Ms. Naomi Mason asked how deep the chert goes in the ground. Suspect it goes deeper. Ms. Conner explained that the gold is in veins, and chert is a deposit on the surface and down to approximately 100 to 200 feet at the deepest point. Gold veins are found much deeper, in a different rock type than the chert. Scott Duncan noted that the DEIS addressed this issue, which was raised two years ago at the public scoping meetings. RCG researched the answer, and the project geologist said that the chert extends approximately 10-100 feet below the ground surface. Mining is occurring 500-2000 feet or more below the surface.

Mr. Premo said that it is up to the BLM to determine if the chert is below the gold layer being mined. The Tribes have taken tours underground and seen white-looking rock down underground, next to the gold.

Mr. Doug Crawford said that white quartz is the white rock they saw next to the gold deposits. White quartz is very different from chert and is in a different rock formation. The gold and white quartz is surrounded by the black Vinini formation rocks. Chert is in volcanic rocks or above the volcanic layer. The volcanic layer is brownish and much higher up than the Vinini formation. Mining is only being done at least 200 feet below the lower level of the chert deposits.

Mr. Townsend said that the mining is still taking out the inside of the mountain, emptying the Tribes' mountain. "Do you have Native American monitors present when cultural surveys are conducted?"

Mr. Overcast said that the Native Americans are welcome to join the BLM when they do the cultural surveys in the project area.

Mr. Mason said that when the Tribes visited the site they found things wrong-violations. For example, there was drilling mud that had been poured out over the chert chipping area. He said that is a violation and it is important to have Native Americans there to monitor and watch to be sure these actions don't occur. The whole cultural area needs to be protected. Ms. Stadelman explained that these drill mud areas were old drill sites and that drilling activities are conducted differently today. There are remnants of surface exploration from the past within the Tosawihī Quarries. Ms. Conner stated that they use a system where the drilling fluids are entirely contained in tanks.

Mr. Premo also asked about the surface disturbance violation funds. Mr. Overcast said that the Tribes and BLM need to get together to discuss how to distribute these funds.

Mr. Townsend suggested quarterly meetings with the Tribes.

Mr. Overcast explained that access to the Tosawihi Quarries is not limited or controlled. Only access to the mine portal and East pit is blocked for safety reasons. The BLM is now looking at making a "Tosawihi Quarries Area Cultural Plan" and wants input from the Native Americans. This action would have to go through the land use planning process.

**Unidentified Native American**

An unidentified Native American asked if underground mining would ever expand to surface mining.

Mr. Overcast said that the BLM has committed to no surface mining. Only surface exploration will be allowed at the Hollister Site. The exploration areas are fenced and surveyed before any drilling can occur. The BLM is not allowing any large drill pad construction.

Ms. Conner clarified that seven sites are currently approved for exploration drilling, as described in the May 2012 Exploration Plan. BLM archaeologists and contracted archaeologists approved the drilling areas. There will be no blading, no drill pad construction, and no new roads. All drill cuttings go into a tank; drillers are not allowed to dump cuttings on the surface.

Mr. Mason recommended using Native American monitors for the drill location, siting and approval process.

Mr. Premo said that there are chert chips all over the drilling areas. He asked why there aren't Tribal member monitors.

Mr. Overcast said that the BLM will be happy to let the Tribes know when drilling occurs so that they can watch. Mr. Overcast asked for a point of contact with the Tribes to call or notify with the drill schedule to coordinate. Ms. Mason said she would be the point of contact for drilling coordination because she is the point of contact for other activities and communications as well.

An unidentified Native American stated that they are running out of space and need to expand the reservation. The US Forest Service is closing roads; therefore, it is getting more difficult to hunt and fish. A land exchange for more land at the reservation to expand it would be a form of mitigation.

**Roslyn Jones**

Ms. Jones said that the land expansion or land exchange is a good idea and would be helpful for their hunting and gathering/collecting activities. It would support their future generations.

**Donna Jackson**

Ms. Donna Jackson asked if more jobs would be created by the proposed mining development. She said the Tribes need jobs. However, the cost of living is high in Elko, Winnemucca, and Battle Mountain. Therefore jobs at the mines are expensive to actually work there. The mines should be providing and paying transportation or busing Native American workers. The mines should have housing or man camps for the Native Americans.

Ms. Conner said that RCG is always looking for qualified workers. They would train workers, and could look at helping with transportation. There are 140 workers at the mine currently, and up to a total of 200 will be needed. About 40-60 more workers would be hired for the proposed project.

Mr. Mason said that mitigation could be housing assistance in Tuscarora for Native Americans to work at the mine.

**Walden Townsend**

Mr. Townsend asked who defines the legal entity of the Tribes. And what legal reason makes the mines mitigate for impacts? He wondered what compels the BLM to talk to the Tribes.

Mr. Overcast said that the BLM is responsible for fulfilling their legal obligations, including consultation with the Tribes. Formal consultation is ongoing regardless of the project's status, so it can continue after the Final EIS is published.

Mr. Townsend asked what legal recourse the Tribes have. Mr. Overcast said that there is a multiple use mandate for public lands that the BLM works hard to comply with in concert with applicable laws.

**Unidentified Native American**

An unidentified Native American asked if other public meetings had been held. Ms. Stadelman responded: Battle Mountain BLM Office on June 26, 2012. No one showed up. Elko BLM Office on June 27, 2012. A few people showed up about 15-20. How many Native Americans attended? Only Native American attending the Elko meeting was Felix Ike.

**Note**

All of the comment forms were left with various Native Americans to hand out for people to submit comments.