



REGION 9

SAN FRANCISCO, CA 94105

April 9, 2026

Adam Assenza
Project Manager, Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Subject: Scoping Comments for the Cortez Rail Line Project, Eureka and Lander Counties, Nevada

Dear Adam Assenza:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA received a request for comments to the Surface Transportation Board on behalf of Nevada Gold Rail LLC for the proposed rail project on March 13, 2026. Nevada Gold Rail LLC is planning to seek authority from the Surface Transportation Board to construct and operate a new rail line in Eureka and Lander Counties, Nevada, to connect the Cortez Mine in Crescent Valley with processing facilities at the Goldstrike Mine in Boulder Valley. The Project involves two separate rail segments — the Crescent Segment and the Boulder Segment — totaling approximately 55 miles of new rail line, each connecting to the existing Union Pacific Railroad mainline. The rail line would replace up to 480 truck trips per day. The Project also includes rail sidings and ancillary railroad support facilities, such as stockpiles, rail loops, conveyor systems, and access roads, to support loading, unloading, and maintenance activities. According to Nevada Gold Rail, the Project is not expected to result in changes to existing mine production or output.

The EPA appreciates the opportunity to review this scoping document. When the NEPA document is released for public review, please notify us and make an electronic version available. If you have any questions, please contact Erick Dzeketey, the lead reviewer for this project, at (415)-972-3582 or dzeketey.erick@epa.gov.

Sincerely,

ERICK

DZEKETEY

Erick Dzeketey

NEPA Reviewer

Environmental Review Program

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ERICK DZEKETEY

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Agency Coordination

In the environmental document, describe the level of coordination between the Surface Transportation Board (STB) and external partner agencies, including, but not limited to, the Bureau of Land Management (BLM), Nevada Department of Wildlife (NDOW), and the U.S. Fish and Wildlife Service (FWS). Analyze and disclose any anticipated connected actions with partner agencies, and required technical reports and assessments, such as a Biological Opinion or other studies. The EPA also recommends STB coordinate with BLM to discuss the Project's potential impacts and construction and operation schedule in the context of activities associated with the new Ormat geothermal development in the area.

Stormwater Management

Effective stormwater management is necessary to prevent uncontrolled runoff, erosion, and release of contaminants from the railroad. The EPA recommends that the environmental document:

- Evaluate stormwater design for all operational process components and the primary fluid management system including diversion channels.
- Consider designing these systems to manage a 24-hour storm event with a 500-year recurrence interval, consistent with Nevada's protective standards.¹
- Describe inspection and maintenance requirements for diversion channels, culverts, detention basins, and sediment basins, including monitoring after major storm events.
- Identify contingency measures if stormwater controls are overtopped, fail, or require long-term maintenance post-closure.
- Include a hydrology study along the proposed rail route to avoid impairment of any natural hydrologic flow patterns, evaluating stormwater movement following wet-winter conditions for realistic data.
- Assess whether the rail system changes watershed connectivity and flow and include measures to maintain hydrologic integrity regarding ephemeral washes, playas, streams, and drainages.
- Design access roads parallel to the rail line with appropriate drainage controls to prevent sediment runoff from entering waterways during precipitation events.

Air Quality

Best Management Practices

To limit the air quality impacts of Project construction, the EPA recommends the following Best Management Practices:

- Incorporate dust suppression measures for both rail construction and operation, including a comprehensive fugitive dust control plan and water trucks to spray down loose sediment during high wind events.
- Require speed limits for haul roads and equipment consistent with dust control best practices.
- Minimize equipment trips and idling, require advanced pollution controls and clean fuels, and commit to EPA Tier 4 Final or better for nonroad diesel-fueled equipment including the locomotive and 2010 or newer standards for on-highway vehicles.

¹ Nevada Administrative Code 445A.433
<https://www.leg.state.nv.us/nac/nac-445a.html>

- Maintain and tune all engines to EPA-certified levels, prohibit tampering, and ensure continued adherence to manufacturer specifications.
- Incorporate alternative energy components, conduct inspections to enforce equipment performance and idling restrictions, and stage diesel equipment away from sensitive receptors.
- Prepare an equipment inventory before construction and evaluate retrofit potential if more modern Tier 4 compliant equipment is unavailable.
- Implement a construction traffic and parking management plan and provide ridesharing or shuttle opportunities for employees.
- Commit to additional dust management protocols such as covering ore during transport on both railcars and trucks to prevent wind impacts.
- Use wind erosion controls such as soil binders or seeded vegetation adjacent to rail lines to stabilize soil surfaces and minimize both soil erosion and fugitive dust.

Biological Resources

Wildlife

In evaluating the impacts of the Proposed Action, the EPA recommends close coordination with the United States Fish and Wildlife Service and the Nevada Department of Wildlife to clearly identify the federal- and state-listed species present in the Project Area and analyze how Project activities may affect them. Although the list below is not exhaustive, address key wildlife resources such as Greater Sage-Grouse (GSG), burrowing owls, bats, fairy brine shrimp, and birds of prey. For Greater Sage-Grouse, outline protection and impact minimization measures in the event that any rail alignments are within a close proximity to known leks. Collaborate with the BLM to conduct a study on the extent of Project impacts, and how far the effects would have a measurable impact on GSG leks. Also include anti-perching components on infrastructure such as rail overhangs or light posts to limit the perching opportunities of birds of predators. For bats, describe how applicable bat conservation plans would be implemented during Project activities and explain the implications of those commitments for Project construction and operations. Analyze and disclose any rail alignments passing through or adjacent to suitable bat roosting habitat and consult with resource agencies such as NDOW as necessary. Also identify the locations and seasonal occurrence of ephemeral pools or playas that may support fairy brine shrimp. Additionally, EPA recommends including a comprehensive raptor study to adequately assess potential impacts on raptor species. Describe survey methodology details including commitments to seasonal and annual surveys to gather accurate year-round data. Where feasible, coordinate with FWS and NDOW to determine if a Biological Opinion is needed and use best-available biological information and survey methods.

Wildlife Movement

The EPA also recommends coordination with NDOW to determine the most appropriate locations for installing wildlife crossings along the route to facilitate safe passage of animals across rail lines during times of operation, to reduce wildlife-train collisions, and limit the effects of habitat fragmentation. To support this effort, identify the species inhabiting where each alternative route is proposed to intersect, including migratory species that may periodically pass through these locations. Evaluate which segments experience the highest levels of wildlife movement, as these locations present the greatest opportunity for effective crossing placement. Providing dedicated crossing structures for deer and other wildlife also reduces the time and cost associated with repairing locomotives and rail infrastructure following potential collisions. The EPA also recommends the lead agency consider where

the train is stored during periods of nonoperation, as the “up to 110 car train” could act as a significant barrier to migratory terrestrial wildlife if stored bisecting movement corridors. To best reduce impacts to wildlife, we recommend the document analyze and disclose suitable train storage locations, preferably near the existing mine sites where disturbance is already established and animals are less likely to venture. Also account for any paved or unpaved roadways when parking the train. We recommend consultation with local land users such as ranchers, hunters, and other community members to avoid competing land use.

Invasive Species & Weeds

In the environmental document, include established protocols for preventing the spread of invasive species and weeds such as cheatgrass, medusahead, or Scotch Thistle to new areas along the rail corridor during both construction and operation. Because train cars would move continuously between facilities and across sizable distances, provide a description of the decontamination measures applied to locomotives, railcars, construction vehicles, and maintenance equipment to prevent the transport of seeds, soil, or other biological material along the route. These measures may include washing stations at designated points, inspection procedures prior to departure, and requirements for removing accumulated mud or vegetation after storm events. Evaluate the connection point with the Union Pacific Railroad line for any transmission risk and enact measures to minimize the impacts of potential invasive species spread. Expand the analysis to identify segments of the corridor where invasive species are already present, referencing existing species lists or weed inventories, and describe how further spread into undisturbed habitat would be prevented. Coordinate with the BLM to align with land-management protocols already in place for adjacent public lands, incorporate existing effective best management practices, and ensure that prevention measures are consistent with ongoing weed-management strategies.

Light Pollution

To prevent interference with nocturnal wildlife in the Project Area, the EPA recommends that the Proposed Action provide a detailed description of lighting protocols for both construction and rail operations. This includes an explanation of when lighting would be activated, anticipated brightness levels, and the specific light-pollution minimization measures applied along the rail corridor. These measures include, but are not limited to, directing the lights downward, angling shades to avoid illuminating adjacent land, using warm-colored bulbs, and limiting facility lighting times to instances of active use. For more information on lighting best practices, refer to the BLM’s BMPs for Artificial Light at Night on BLM-Managed Lands document.² Incorporating these practices would help to reduce the environmental impacts of the Proposed Action on nocturnal wildlife. If area lighting is necessary at all times, the EPA suggests the document include an impact analysis on how the newly installed lighting would affect nocturnal species in the area and their behavioral patterns. Compare lit activity with typical regional dark sky activity as a baseline to accurately quantify impacts.

Noise

Project-related noise would occur from multiple sources, including construction activities, train movement, braking, and horn use during operation. To better understand the effects of the noise in the Project area, the EPA recommends the environmental document include a comprehensive sound

² Night Sky and Dark Environments: Best Management Practices for Artificial Light at Night on BLM-Managed Lands https://www.blm.gov/sites/default/files/docs/2023-04/Library_BLMTechnicalNote457_final.pdf

study and analysis evaluating existing soundscapes, identifying noise thresholds, and outlining protocols that would be in place to reduce impacts to both residents and wildlife where feasible. This analysis may include BMPs for operational horn use practices, rail line speed limits in sensitive areas, and consideration of operation time so as not to disrupt wildlife. Because noise from trains carries long distances, when conducting the sound study take into consideration both the immediate area and larger sound footprint that may experience echoes or other acoustic impacts. For any rail alignment alternatives with high residential exposure, address how mitigation measures would be employed to reduce noise impacts. This can include but is not limited to modifying hours of operation, strict protocols on horn use, residential speed limits, and/or periodic town hall consultations with local residents to generate solutions. Analyze the results of the study in the document as well as the steps taken to lower the overall Project effects during construction and operation. For more information on Noise Pollution and its impacts, visit the EPA Clean Air Act Title IV – Noise Pollution³ site.

Sensitive Receptors and Childrens Health

The EPA notes the community of Crescent Valley may have sensitive receptors near potential proposed rail alignments. To minimize impacts to this community and Crescent Valley Elementary School, we recommend the Project analyze and avoid relevant air quality impacts of construction and rail operations. Conduct an air quality analysis focused on the school area specifically to quantify any airborne constituents that could impact the health and development of young children. If rail construction or operation is found to significantly increase criteria air pollutant concentrations in the school area, we recommend Project plans include additional filtration for the school's HVAC system. In addition, the EPA recommends the Project analyze and disclose options to modify hours of operations around school times. As outlined in the scoping document, only two train trips (one loaded, one unloaded) are anticipated each day, so these can be scheduled during hours of nonoperation for the school. Rail transit in the area of a residential area like Crescent Valley would necessitate crossing roads and blowing the train horn, resulting in a loud and distracting noise for the children.

Cultural Resources

To ensure cultural resources are avoided to the extent feasible, the EPA recommends the document analyze cultural resources, disclose publicly relevant impacts, and commit to avoidance, minimization, and mitigation measures for those impacts to cultural resources. In Project Areas that have not been previously studied, conduct relevant studies on all alignments considered, not just the preferred route. If there are areas that have not yet been thoroughly surveyed, conduct appropriate surveys to catalog all archaeological sites, historic resources, or culturally significant properties that may exist within the Project Area. Describe the protocols if any cultural resources are discovered on site, including who would be contacted and the steps following. Consult with local land users like tribes, residents, and those who regularly use the area for recreation who may have knowledge of cultural resources in the area, and continue coordination throughout rail construction.

Consultation with Tribal Governments

Formal government-to-government consultation under Executive Order 13175 *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000) and consultation under Section 106 of the National Historic Preservation Act must take place between the Federal government and

³ EPA's Clean air Act Title IV – Noise Pollution
<https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution>

federally recognized tribes early, regularly, and meaningfully to ensure that Tribal concerns are fully addressed in the NEPA process. Indigenous Knowledge is often unique to each Tribe and provides critical insights into cultural, ecological, and historical connections to the Project Area. The EPA recommends that the environmental document:

- Summarize the results of consultation with Tribes in and adjacent to the Project Area, and describe how Tribal concerns influenced decision-making, including the selected alternative and mitigation to avoid, minimize, or compensate for impacts.
- Describe measures employed to avoid, minimize, or mitigate adverse effects on cultural resources, archaeological sites, and traditional cultural properties across the Project Area, including prehistoric and historic sites and culturally important springs.
- Describe how the Section 106 review process is used to ensure that requirements of Executive Order 13007 *Indian Sacred Sites* (May 24, 1996) are met. This includes recognizing that sacred sites may not meet NRHP criteria, and that Tribes outside the immediate Project Area may have religious or cultural ties to the land and must be included in consultation.

Hazardous Materials and Emergency Response

The EPA suggests the document specify the possible loads that may be transported by the train to the extent that the loads being carried are directly linked to the type of impacts that might occur in the event of a derailment or unintended dispersion of material. To accurately assess the possible impacts in the case of an emergency, clarify whether the train would exclusively be transporting gold ore, or if there is the possibility to transport other materials like explosives or potentially hazardous mining-related chemicals. Where relevant, identify hazardous materials types and volumes, how they would be managed during transportation to/from the mine. Because hazardous materials subject to the Resource Conservation and Recovery Act (RCRA) regulations may be used or generated in operations or closure, the EPA also recommends coordination with the Nevada Division of Environmental Protection (NDEP) to ensure conformance with RCRA. In analyzing hazardous materials, look not only at the contents of the train cars, but also railroad construction components such as rail ties that may become hazardous over time.

In the environmental document or accompanying appendix, describe the emergency response plan and procedures for incident management. Include plans for emergencies such as fires, train derailments, fuel or hazardous materials spills, and collisions between the train and wildlife. A clear order of operations during emergencies for each scenario would result in the most minimal impacts to human health and/or the environment in the event of an emergency. In the case of a train derailment, make clear whether the ore being hauled by the train cars would present a chemical or physical risk, including details relevant to cleanup of the incident, such as if the rail would generally be carrying rocky versus sandy ore that would influence cleanup methods, containment, or wind dispersion. Analyze and disclose how accidental releases of hazardous materials would be handled and applicable planning for spill prevention and emergency response. Also include rail access points, monitoring for the awareness of such events, and how coordination with local emergency services would be handled. Outline methods and routes for emergency responders and fire agencies to manage wildfire risk from sparks or heat sources along the rail line. The EPA recommends these considerations be compiled into an emergency response plan and presented in the document or relevant appendix to disclose to the public.

In considering emergency response, also outline in the document the Project's management practices to prevent wildfires in the shrublands. Consider fire risk from track sparks especially near common braking points or track curves, setback distances for vegetation, gravel buffers, and other fire suppression practices. Include any monitoring on or adjacent to the track for advanced fire warning and how the monitoring data would be used to prevent or quickly respond to fire emergencies.

Construction Materials

In the environmental document, specify the components proposed for constructing the railroad and provide details allowing for a complete analysis of alternatives. This includes providing details on what kind of railroad ties would be used and analysis of the impacts of different alternatives. The EPA recommends considering using an environmentally friendly non-leaching option such as concrete, steel, or recycled materials which also offer long term durability and reduced chemical release. In the document, compare such options to conventional railroad tie materials like creosote-treated wood. Explain the selection process for railroad construction materials such as initial cost, lifespan, maintenance requirements, and environmental impacts, and explain why certain alternatives were dismissed.

When planning the railroad corridor design, the EPA also recommends the document address additional elements necessary for long term rail planning such as the footprint of ancillary rail facilities and where the train would be stored during off hours. Provide detail on the planned location of support facilities that would support loading and unloading, maintenance facilities, stockpiles, rail loops, conveyor systems, and access roads. Highlight specific environmental concerns related to those design elements, such as generation of hazardous waste, spill response, and the increase of impermeable surfaces' effect on stormwater controls. To limit disturbance to surrounding habitats, prioritize facility placement in locations that reduce noise, vibration, and light impacts on wildlife. Where practicable, locate these components within or adjacent to previously disturbed areas or areas already characterized by high levels of human activity to further minimize impacts on local wildlife elsewhere in the proposed rail corridor.

Operational Lifespan

We recommend STB describe how the planned operating life of the proposed rail would align with the planned operating life, closure, post-closure, and reclamation activities of the mines the rail is proposed to serve. Specific descriptions of anticipated decommissioning and abandonment plans are critical to an understanding of the environmental impacts of the Project. The EPA recommends that the environmental document:

- Describe decommissioning of all rail infrastructure, including resizing water management systems, stabilizing and revegetating rail lines, gravel setback buffers, ancillary rail support facility sites, and access roads.
- Evaluate stormwater infrastructure lifespan and performance as part of long-term closure planning, including post-closure monitoring to ensure channels, culverts, and basins remain stable and functional over time.
- Provide reclamation schedules, procedures for concurrent reclamation, and monitoring requirements to ensure long-term water management, treatment, and soil stability.
- Provide standards and methods to determine reclamation success, including use of native seed mixes and monitoring while also consulting with local resource agencies.