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<https://www.stb.gov/proceedings-actions/e-filing/environmental-comments/>

Re: Nevada Gold Rail LLC-Construction and Operation Exemption Line of Railroad in
Eureka and Lander Counties, Nevada; Preliminary Consultation
(Docket No. FD 36889)

Dear Mr. Assenza,

Thank you for the opportunity to provide comments on the Nevada Gold Rail LLC in Eureka and Lander Counties, Nevada, during the preliminary consultation period. The Nevada Department of Wildlife (NDOW) understands that the proponent is proposing construction and operation of a new rail line to connect the Cortez Mine in Crescent Valley to processing facilities at the Goldstrike Mine in Boulder Valley, Nevada.

As the State Agency responsible for the conservation and management of Nevada's wildlife and habitats, NDOW provides the following comments for consideration:

Ungulates:

Although railways have several benefits over roadways, they still may introduce novel hazards and challenges to wildlife via direct mortality from collisions, habitat loss/fragmentation, creation of barriers (physical and behavioral), and the facilitation of exotic species invasions (Borda-de-Água et al. 2017). Effects may be especially pronounced where the railroad intersects important ungulate habitat or migration routes (Santos et al. 2017).

In 2021, with the knowledge of this proposed rail, NDOW proposed a partnership with Nevada Gold Mines (NGM) to capture and collar 30 pronghorn antelope; 10 from Boulder Valley and 20 from Crescent Valley. The objective of this effort is to establish baseline behavior, identify areas of high use, and potentially delineate movement corridors. To date, collar data have been successfully collected and is ongoing. Preliminary results show critical pronghorn movement corridors within both Crescent Valley and Boulder Valley segments of the rail. Several years of suitable data have been obtained, providing regional specific pronghorn seasonal use that can

be incorporated into the environmental analysis for this effort. It is NDOW's recommendation that collar information assists in development of avoidance, minimization, and mitigation efforts during the analysis phase, as well as during project construction and operation. Additional phases of collaring efforts may be needed to monitor changes in behavior, in addition to monitoring the effectiveness of minimization efforts developed during the environmental analysis phase. Based on the Department's initial evaluation of the Valley Bypass East Alignment, co-location of the rail near existing infrastructure of the highway corridor may reduce habitat fragmentation and maintain connectivity for pronghorn populations within Crescent Valley.

Habitat fragmentation introduces numerous challenges to wildlife, one of which is the hinderance of movement across the landscape. Many species of large game animals including mule deer (*Odocoileus hemionus*), make seasonal movements between summer and winter ranges to access adequate forage, thus impeding these movements can have profound consequences on a population. In Boulder Valley, the proposed rail is within the vicinity of known high value mule deer migration corridor and stopover sites.

The northern end of Boulder Valley separates two large mule deer sub-herds that make up the greater Area 6 mule deer herd. For mule deer that use the Sheep Creek migration corridor, primary winter range begins along the eastern flank of the Sheep Creek Range and extends into the western portion of Boulder Valley. From this winter range, most mule deer have been found to migrate approximately 30 miles to their summer ranges on the west side of the Tuscarora Mountains (Kauffmann et al. 2019). For mule deer that migrate through the south Tuscarora Mountains, winter range occurs along the western slopes of the Tuscarora Mountains and the Dunphy Hills (Kauffmann et al. 2019). The northernmost proposed components of the rail, including the rail and loop, are immediately adjacent to high value Sheep Creek mule deer migratory corridor and stopover habitat, and bisect winter range to the east.

Additionally, the private land avoidance route Rhoads alignment has the potential to negatively offset and compromise past and on-going efforts to avoid and minimize impacts to the migratory corridors, and winter range. With a high percentage of the Area 6 mule deer winter range compromised by catastrophic wildfires and in some cases over grazing, this project will likely contribute to the cumulative negative impacts on mule deer within these sub-herds.

Greater Sage-Grouse:

The 2025 Bureau of Land Management (BLM) *Greater sage-grouse Approved Resource Management Plan* (2025 ARMPA) includes revised guidance of allocations and direction for major Rights-of-Way. The 2025 ARMPA also includes an adaptive management plan that is outlined in Appendix 9 BLM Adaptive Management Process. This process defines soft and hard population and habitat triggers as well as responses in sage-grouse Priority Habitat Management Areas (PHMA). The rail alignment will intersect several neighborhood clusters that have hit both soft and hard triggers. Per 2025 ARMPA Appendix 9, the BLM is required to implement adaptive management responses to address factors causing habitat or population thresholds activations as specified in Casual Factor Analysis reports and rapid assessment documentation.

Additionally, as greater sage-grouse are required to be mitigated for in Nevada by State law (NRS 232.162; NAC 232.400-480), use of the State of Nevada's Conservation Credit System is required to quantify and offset direct and indirect impacts to greater sage-grouse and associated sage-grouse habitat. Coordination with the State of Nevada Sagebrush Ecosystem Technical Team should occur as early in the development planning process as possible to ensure

adequate compliance with State law. While mitigation is required by State of Nevada law, it should be noted that mitigation does not preclude the implementation of effective avoidance and minimization measures.

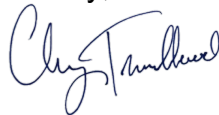
Other:

Other species and habitat resources also have the potential to be impacted, including (but not limited to) amphibians, reptiles, small mammals, raptor species (including golden eagle), migratory birds, aquatic resources and bighorn sheep habitat. A formal data request can be submitted to NDOW to determine species lists appropriate for use in baseline data collection planning. The list of species and wildlife habitats associated with potential impacts are not fully exhausted and will be more refined once baseline data collection is complete and a more defined project proposal can be provided. It should be noted that many species are listed as State of Nevada Protected, Threatened, Sensitive, or Endangered (NAC 503.030, 503.050, 503.065, 503.0745, 503.075, 503.080), and may be included in the BLM Nevada's Special Status Species List. Additionally, some species, such as migratory birds, raptors, and bald and golden eagle are protected by federal law under the Migratory Bird Treaty Act (16 U.S.C. 703-712), Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), or Endangered Species Act (16 U.S.C. §§ 1531-1599).

Lastly, the Department is concerned with the unintended impact of ecological change from the direct disturbance of the rail. In addition, the rail could play a role in spreading invasive plant species, which could disrupt wildlife habitats. The disturbed soil along the rail creates ideal conditions for invasive plants to take hold. NDOW suggests that NGM develop a proactive vegetation management, monitoring plan with Union Pacific to address the potential threat of invasive and noxious weeds.

NDOW appreciates the opportunity to coordinate with the Surface Transportation Board and other cooperators on this project and to provide scoping comments. Based off the initial review and the level of significant impacts on wildlife and their associated habitats an Environmental Impact Statement could be required to adequately address impacts from the proposed Nevada Gold Rail. We look forward to continued collaboration. If questions do arise, please contact Eastern Region Habitat Biologist Lindsey Lesmeister at lesmeister@ndow.org or (775) 777-2368.

Sincerely,



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