July 2nd, 2020

Mr. Carl Symons, Field Manager
Bureau of Land Management, Ridgecrest Field Office
300 South Richmond Road
Ridgecrest, CA 93555

RE: K2 Gold Mineral Exploration, Conglomerate Mesa

CC:
Karen Mouritsen and Joe Stout
BLM California State Director and Associate State Director
2800 Cottage Way # W1623
Sacramento, CA 95825

Senator Feinstein
United States Senate
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Dear Field Manager Symons and Ridgecrest Field Office,

We are writing regarding K2 Gold’s expanded proposal for exploratory drilling at Conglomerate Mesa, which K2 Gold calls the “Mojave Project.” This is described on the company’s website and in an accompanying video.\(^1\)

K2 Gold says it intends to submit an amended Plan of Operations (POO) to BLM for approval of up to 30 exploratory drill holes and an undetermined number of miles of new road construction to access the drill holes over an expansive area. The original POO was approved by BLM in 2018 as part of the Perdito Exploration Project. We are deeply concerned about the significantly expanded scope of this exploration project. We believe the BLM must prepare a robust environmental analysis in the form of an Environmental Impact Statement (EIS), to address all related activities proposed on Conglomerate Mesa.

**Background**

The Ridgecrest Field Office approved a proposed POO for seven exploratory drill holes via helicopter access on Conglomerate Mesa as part of the Perdito Gold Project on 5/16/2018; this permitted activity has yet to occur. The project was appealed to the State Director, who upheld the original decision on April 19, 2019. Following that announcement, we were not aware of any operations on Conglomerate Mesa associated with these claims until a Friends of the Inyo staff member discovered trenching and related exploration work on April 4th, 2020. Then, on April 6, 2020, K2 Gold posted the results of its trenching work and announced it had staked 151 new claims, increasing the claimed area to 5,830 hectares (14,406 acres).\(^2\)

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Recent Developments

On June 1, 2020 K2 Gold announced it identified a new gold zone (dubbed “Gold Valley”) and five new targets, for a total of twelve target areas. Then, on June 2, 2020, K2 Gold announced it had submitted an amended POO to the BLM “to expand the currently permitted helicopter-supported drill permit to include up to 30 additional sites” to be accessed by constructing a new road within the area. The revised drill program proposes to test the Dragonfly, Central and Newmont locations within the 5,830 hectare area on which the company has filed claims. In yet another location on K2’s website, the company states the intent to execute “50-60 Resource Definition holes (RC & DD) to outline an inferred resource –C$400,000”.

Concerns with the Expanded Proposal

1. The expanded scope of the proposal may significantly impact important resources in the Conglomerate Mesa area.

Previously, SSR Mining had been authorized by the BLM to drill 7 holes via helicopter access as part of the Perdito Exploration Project. The total surface disturbance was estimated to be less than one acre.

K2 Gold now proposes to drill somewhere between “up to 30” and/or “50 to 60” holes via construction of an access road within a 14,000-acre project area. The greatly expanded scope of activity has the potential to significantly impact natural and cultural resources on Conglomerate Mesa including but not limited to:

- The impacts of an undetermined mileage of new construction in a roadless area. This road was historically used for earlier exploration 1997; and was considered reclaimed by the BLM after reclamation work was completed by BHP in 2000. Even if the company proposes to use the same alignment, this would be a new road and all impacts must be addressed based on current information.

- New road construction may impact sensitive plants and wildlife, scenic views and other resources, to be further determined by public scoping. New road construction will also generate dust, noise and require water, all impacts that must be analyzed and which may be significant.

- The core distribution for the Inyo rockdaisy [Perityle inyoensis; California Rare Plant Rank (CRPR) 1B.2, BLM sensitive species] occurs in and adjacent to the Cerro Gordo-Conglomerate Mesa ACEC and may be significantly impacted by the expanded project (Fig. 4). The largest known population of Inyo threadplant (Nemacladus inyoensis) in the southern Inyo Mountains was observed growing in and adjacent to the reclaimed access road. This plant species is new to science as of 2020 and is currently undergoing a CRPR status review (proposed status 1B.2). Properly timed biological surveys need to be conducted to assess the potential for significant impacts to this rare plant since such information is lacking in the Perdito Exploration Project Environmental Assessment

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The project could significantly impact the Cerro Gordo-Conglomerate Mesa Area of Critical Environmental Concern (ACEC) and National Conservation Lands (NCL) designated by the CDCA Plan as amended.8

Conglomerate Mesa is part of the traditional homeland and ancestral territory for the Timbisha Shoshone and Paiute people.

As observed in the CDCA Plan as amended, Conglomerate Mesa possesses significant cultural values as demonstrated by historic charcoal kilns, mule carts, rock barriers, and more. One the largest and most intact charcoal kilns at Conglomerate Mesa is a mere 100 feet from the “Dragonfly zone,” where K2 Gold proposes to construct a road and 10 exploration holes at. (Appendix 2)

2. The true scope of what K2 Gold proposes must be subject to one analysis, not cut into parts.

As noted above, while K2 Gold says it has submitted a proposal to the BLM to drill 20-30 holes, in another location on its website K2 says it will drill 50-60 holes in 2020. “50-60 Resource Definition holes (RC & DD) to outline an inferred resource –C$400,000”.9 The company also says, as part of its 2020 exploration program, that it will conduct “Follow up exploration and trenching in all recognized targets including western area of property.” Ibid. Note that the K2 Gold Project Map (aka Mojave Project Target Areas) (Appendix 3) depicts the enormous extent of K2 Gold’s modified exploration program; the exploration program now includes twelve focal areas for drilling covering more than 14,000 acres. The additional exploration activity contemplated here should not be subject to yet a third (and a fourth, etc.) amended exploration plan; rather, it must be part and parcel of the same environmental analysis. NEPA requires that any proposed actions that are closely related or depend on one another for justification must be analyzed in the same impact statement. See, 40 C.F.R. § 1508.25(a)(1). That clearly is the case here.

3. BLM should consider the preparation of an EIS as required under NEPA.

Given the potentially significant impacts that may result from the greatly expanded scope of K2 Gold’s mineral exploration proposed at Conglomerate Mesa, the preparation of a robust environmental analysis is essential. K2 has made clear it has a cohesive and systematic program in mind, which indicates the purpose and need for an environmental analysis that covers the entire program of mineral exploration. The analysis requires a true range of alternatives, including no action. Given the significant resources at stake as described above and the significant controversy over possible industrial development at Conglomerate Mesa we believe an EIS must be prepared. The scope of the proposed plan as described above indicates that an EIS is required on the entire

exploration program rather than the preparation of EAs or less on the individual component parts. As NEPA instructs, these collective actions must be analyzed as part of the same impact statement. Significance cannot be avoided by terming an action temporary or breaking it down into component parts. See 40 C.F.R. § 1508.27(b)(7).

The analysis will need to address direct, indirect, and cumulative impacts including the impacts of past, present, and reasonably foreseeable future development activities. The components that must be considered include the previously authorized helicopter drilling program for 7 holes; the current proposed amended POO submitted to BLM; all additional exploration activity listed on the company website as items to be completed in 2020 (i.e., all proposed roadbuilding, 50-60 drill holes and the “follow up exploration and trenching in all recognized targets including the western area of property”); and possible future development within the expanded 14,000-acre project area, e.g., the “Land access drill campaign --C$2M” proposed for 2021.10

The cumulative impacts analysis must also include the physical impacts related to ongoing assessment work including recent trenching and painting of rocks in the project area, including in the ACEC and NCL. Friends of the Inyo documented the impacts of this work on April 4th 2020 and again on June 9th 2020. The painted rocks remain at the site and this and other work have not been adequately reclaimed, even as the company now proposes expanded operations there. See APPENDIX 1

4. **New Road Building Will Require a Right of Way Grant From BLM.**

BLM cannot consider the access roads outside of the claim areas that are associated with the new expanded proposal as part of mineral “operations” under Part 3809 regulations. Access roads and other conveyances are not authorized by the Part 3809 plan of operations approval process. Instead, BLM can only authorize such a road through the grant of a Right-of-Way (“ROW”) across public lands under FLPMA Title V. This is required because the approval of an access road is not an absolute right covered by the 1872 Mining Law.

5. **The Project May Trigger SMARA.**

The extensive road-building proposed in K2’s plan may well exceed the threshold established in California’s Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Section 2710-2796) for requirements of the preparation of a reclamation plan and trigger the need for environmental review under the California Environmental Quality Act (CEQA). The BLM’s NEPA review should be coordinated with the CEQA review as well.

**Conclusion**

Given the greatly expanded scope of K2’s anticipated exploration work on Conglomerate Mesa, BLM must undertake a robust NEPA review of all exploration work contemplated in the company’s publicly-available plans and coordinate with needed CEQA review. The NEPA review must be based on current data and information regarding resources and potential impacts; additional studies may also be required. The company’s anticipated and reasonably foreseeable exploration work includes significant roadbuilding and extensive drilling in a greatly expanded area, including on the west side of the crest which is highly visible from the Owens Valley. The proposed operations could pose significant impacts to a suite of resources including an ACEC, an NCL unit, rare plants, wildlife and cultural resources. Additionally, the road-building and mechanical activity will

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require importation of significant amounts of water, create dust that may mar scenic viewsheds, substantial light that may harm night skies and noise that may harm wildlife. The project may also adversely impact sensitive cultural areas. Finally, as detailed above, we believe the preparation of an EIS on K2 Gold’s exploration program may be required.

Sincerely,

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APPENDICES:

1) Photos of trenching and rock sampling (Apr. 4th 2020)
2) Charcoal Kiln in the “Dragonfly Zone”
3) K2 Gold Project Map
4) Known locations of Perityle inyoensis

CCH: herbarium records from California Consortium of Herbaria
CNDDB: element occurrences from California Natural Diversity Database
- new: new observations and herbarium specimens not yet entered into CCH or CNDDB

BLM Field Office Boundary
BLM
NPS
AreasOfCriticalEnvironmentalConcern

*CNDDB version 12/2016. Please Note: The occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not yet been surveyed and/or mapped. Lack of information in the CNDDB about a species or an area can never be used as proof that no special status species occur in an area.