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April 22, 2011

Erin Merrill
Recology Environmental Planning Manager
50 California Street, 24th floor
San Francisco, CA, 94111-9796

Subject: Jungo Landfill

Dear Ms. Merrill,

Thank you for addressing many of Nevada Department of Wildlife's (NDOW) concerns regarding the design and operation of the Jungo Landfill Site. NDOW remains concerned regarding artificial pond toxicity, wildlife access, vegetation rehabilitation, and weed management. We have provided recommendations in the body of this letter to help guide the disposal site planning efforts and will need to have these issues adequately addressed and incorporated into the planning document before we can provide a letter of satisfaction to the Department of Environmental Protection.

NDOW remains concerned regarding surface water impoundments. The Report of Design states, "A copy of the sampling results will be provided to the Nevada Department of Wildlife for review" (Section 2.3.5.2). In addition to reviewing the water sampling results, we request that the plan acknowledge that an Industrial Artificial Pond Permit (IAPP) will be obtained if NDOW determines wildlife toxicity risks are present. The following language is recommended, "A copy of the sampling results will be provided to the Nevada Department of Wildlife for review. If NDOW determines that water impoundments may lead to wildlife mortality then an Industrial Artificial Pond Permit (IAPP) will be obtained." An IAPP permits the proponent to operate an industrial artificial pond that may cause death to wildlife. This permit provides the proponent with NDOW expertise in designing, operating and maintaining a facility to mitigate impacts to wildlife (fencing, netting, bird balls, etc). The permit requires that the proponent: 1) comply with the mitigation design, 2) keep a log and report all wildlife mortalities and injuries, 3) notify NDOW of any changes to the facility or ownership, and 4) allow NDOW access to the facility for site inspections (i.e. permit compliance). The objective of the IAPP program is to reduce the potential risk of wildlife mortalities associated with operating an industrial artificial pond.

In a previous letter from NDOW dated October 5th, 2010, NDOW recommended using a woven wire or mesh fencing to preclude wildlife access. During our phone conversation on March 1, 2011, NDOW again recommended using a woven wire or mesh fencing, but acknowledged that a 4-stranded barbed wire perimeter fence may suffice with the contingency plan to address wildlife access if terrestrial wildlife access the landfill site

on a regular basis. The Plan of Operation states, "In the event that access becomes an issue, the Jungo Disposal Site will re-evaluate perimeter fencing in consultation with the Nevada Department of Wildlife" (sections 7). However, no such contingency plan is spelled out in this document. Additionally, it should be stated that NDOW will determine if wildlife access becomes an issue and will need to approve the final plan for excluding wildlife from the site. NDOW request that this document explicitly state the contingency plan, which shall provide perimeter fencing specifications. Furthermore, we request that the document provide a specific wildlife monitoring/documentation plan to evaluate wildlife access issues. We recommend the wildlife monitoring/documentation plan to include aerial and terrestrial wildlife by species and date that access the site, and note if the wildlife suffer injury or mortality along with some notation as to the potential cause. We request that such monitoring/documentation reports be submitted to NDOW on a monthly basis through the first year of operation and on a quarterly basis from year one to year three of operation. Submitting such monitoring/documentation reports will allow NDOW to determine if wildlife access is an issue. NDOW is willing to help establish a monitoring/documentation protocol to assist you.

During the phone conversation on March 1, 2011, we acknowledged that testing different vegetation seed mixes in test plots is a satisfactory re-vegetation approach as long as it included NDOW consultation. It was our understanding that in addition to this language, that our questions from the October 5, 2010 letter would be addressed. This has not occurred resulting in insufficient information to adequately evaluate a re-vegetation plan. We recommend incorporating a more detailed re-vegetation plan into the planning document. This re-vegetation plan should specify the following: what kind/type of soil medium will be used as the vegetation foundation, seed species used in each seed mix, monitoring, seeding establishment success criteria, and contingency plan if seedings should fail and soil erosion occurs, etc. We recommend choosing species that are adapted to the site and soil conditions. NDOW can assist you with selection of those species to help ensure success. Enclosed are two ecological site descriptions in which the Jungo landfill site is incorporated (NRCS March 2003 revision) to aid in such a re-vegetation plan.

During our March 1, 2011 phone conversation we requested that a weed management plan consist of monitoring and treatment. The plan of operations provides for this discussion, but fails to specify the details of such a monitoring and treatment plan. We request that monitoring and treatment plan details are disclosed so that we can evaluate plan adequacy. We recommend monitoring all disturbed areas within and up to 25 meters outside the perimeter fence. Additionally, we request that the monitoring and treatment plans specify weed prevention measures, weed inventory measures, monitor methods, monitoring extent, and treatment methods. Enclosed is a weed prevention fact sheet to aid in your weed prevention planning efforts.

NDOW is available to discuss any of these comments in further detail and is willing to participate in developing a wildlife deterrent/exclusion plan, wildlife monitoring/documentation plan, re-vegetation plan, and weed plan. Please let us know

if you have any questions or need additional assistance as we look forward to your response.

Sincerely,



Mark Freese
Supervisory Habitat Biologist

cc John Taylor, NDEP

Enclosure (3)