



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Tucson Field Office
3201 East Universal Way
Tucson, Arizona 85756
www.blm.gov/az/



August 15, 2013

IN REPLY REFER TO:
3809 (AZ-420)
Case file # AZA 34325

Hand Delivered
August 15, 2013

Jim Upchurch, Forest Supervisor
Coronado National Forest
300 West Congress St
Tucson, AZ 85701

Subject: Comments on the Rosemont Copper Project – Final Environmental Impact Statement – Preliminary Administrative Review Draft, July 2013

Dear Mr. Upchurch,

Please find enclosed the Bureau of Land Management – Tucson Field Office comments on the subject document. Our comments are based on the Bureau's jurisdiction over the public lands in the Helvetia area and the Las Cienegas National Conservation Area as well as our specialized expertise concerning many of the issues addressed in the Final Environmental Impact Statement (FEIS). I appreciate the effort the Forest Service has undertaken to address our comments concerning the previous drafts of the document. I look forward to continuing interagency cooperative efforts during the completion of this Environmental Impact Statement.

The Mitigation and Monitoring Plan includes provisions for monitoring the hydrologic system in the vicinity of the proposed Rosemont Mine including monitoring of mine dewatering efforts. The purpose of this hydrologic monitoring is to collect information necessary to complete periodic groundwater model re-validation. The plan does not state how this information will be used beyond model validation. The Mitigation and Monitoring Plan should include actions that will be taken in the contingency that mine dewatering removes significantly more water from the aquifer than has been analyzed in the FEIS.

The FEIS documents that impacts to the Las Cienegas National Conservation Area (NCA) are likely to occur which are detrimental to the purposes for which the Las Cienegas NCA has been established if the preferred alternative is implemented. The Bureau of Land Management would like the opportunity to provide a dissenting opinion to be included in publication of the FEIS concerning the nature, scope, and intensity of these impacts on NCA resources.

If you have any questions or want additional information on this matter, please contact Daniel Moore, Geologist, at (520) 258-7234 or myself at (520) 258-7201.

Sincerely,

David Baker
Field Manager

Enclosure: BLM-Tucson Field Office comments on subject document

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Instructions:

1. Provide review comments, with reasonable basis, addressing technical accuracy and conformance with laws, regulations, and policies within your agency’s special expertise.¹ If your review confirms technical accuracy and conformance within your agency’s special expertise, please indicate such. Complete all fields and do not alter the format of this form.
2. Provide review comments, with reasonable basis, consisting of recommendations for improvement of materials where they are found to be incomplete, inadequate, or inaccurate within your agency’s special expertise. If your review confirms materials are complete, adequate, or accurate within your agency’s special expertise, please indicate such. Complete all fields and do not alter the format of this form.

Comment Location (Chapter/Section/Page/Line)	FEIS STATEMENT	Comment / Rationale / Basis
Ch. 3 Geology, Minerals, and Paleontology, Figures 29, 30	Geologic Map and Geologic cross-section	Due to metamorphic history of the Rosemont ore body and environs, the BLM agrees with the analysis indicating that the likelihood of cave resources being present within the proposed pit area is very low. Likewise the presence of intact paleontological resources in the pit area is also unlikely. The geologic map and cross-section depict sedimentary host rock units. In order to better support and illustrate the analysis provided in the text, it is recommended that the altered rock body be depicted on the map and cross-section in the form of an outline. The outline would coincide with the body of rock that, due to metamorphism, no longer possesses the hydrogeological properties of the host sedimentary rock. This may or may not coincide with the ore body. Depicting the boundaries of the altered rock body would help the reader understand why the rock in the vicinity of the proposed pit is different from the un-altered host rock.
Ch. 3, Biological Resources, BLM Sensitive Species, page 18, lines 16-18.	In Arizona, BLM sensitive species are defined as “collectively, federally listed or proposed and Bureau sensitive species, which include both Federal candidate species and delisted species within 5 years of delisting.”	Per BLM Manual 6840, the definition given is for BLM Special Status Species, not sensitive species. From BLM Manual 6840, the definition of special status species is “In Arizona, BLM sensitive species are defined as “collectively, federally listed or proposed and Bureau sensitive species, which include both Federal candidate species and delisted species within 5 years of delisting.” Per BLM Manual 6840 “Bureau sensitive species—species that require special management consideration to avoid potential future listing under the ESA and that have been identified in accordance with procedures set forth in this manual”
Ch. 3, Biological Resources, Hydroriparian, page 27, lines 16-23.	Hydroriparian habitats are generally associated with perennial watercourses and/or springs. Plant communities are dominated by obligate or preferential wetland plant species	These statements are in the FEIS about hydroriparian habitat in Empire Gulch, yet Table 121 has no acres noted for hydroriparian vegetation on BLM land. Cienega Creek also has hydroriparian habitat.

¹ Special Expertise means statutory responsibility, agency mission, or related program experience (40 CFR 1508.26).

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<p>Ch. 3, Biological Resources, Water, page 87, lines 5-7</p> <p>Ch. 3, Biological Resources, Impacts to Plants and Animals from Impacts to Water, page 89, lines 6-8</p> <p>Ch. 3, Biological Resources, Impacts to Vegetation Communities, Table 121, page 90</p>	<p>such as Goodding’s willow (<i>Salix gooddingii</i>) and Fremont cottonwood (<i>Populus fremontii</i>) and also include velvet ash (<i>Fraxinus velutina</i>), seep willow (<i>Baccharis salicifolia</i>), Arizona walnut (<i>Juglans major</i>), tamarisk (<i>Tamarisk spp.</i>), and mesquite. The cottonwood/willow forest is a typical example of this habitat type. The following drainages and associated riparian habitat contain stretches that are mapped as hydriparian: Cienega Creek, Gardner Canyon, Empire Gulch, Davidson Canyon, and Barrel Canyon.</p> <p>Both hydriparian and xeriparian habitat are present in Empire Gulch, and if drawdown of this magnitude were to occur, hydriparian habitat would be impacted.</p> <p>These areas include the hydriparian habitat along Empire Gulch, as well as the spring areas that support riparian habitat and that could experience reduced water availability.</p> <table border="0"> <tr> <td>Vegetation Type</td> <td>Forest Service</td> <td>BLM</td> </tr> <tr> <td>Hydriparian</td> <td>106 to 185</td> <td>0</td> </tr> </table>	Vegetation Type	Forest Service	BLM	Hydriparian	106 to 185	0	
Vegetation Type	Forest Service	BLM						
Hydriparian	106 to 185	0						
<p>Ch. 3, Biological Resources, Water, page 86, lines 5</p> <p>Ch. 3, Biological Resources, Water, page 86, lines 31-34</p>	<p>While very small levels of groundwater drawdown may be modeled to occur at distant locations like Cienega Creek, these predictions are highly uncertain, and any quantification of changes in stream flow due to changes in groundwater is largely speculative.</p> <p>Groundwater drawdown greater than 100 feet is expected to occur in the immediate vicinity of the mine pit. Less drawdown would occur to the north along Davidson Canyon, to the east toward Cienega Creek, and to the south toward Empire Gulch. Drawdown estimates</p>	<p>If Empire Gulch is impacted as stated in comment above and below (i.e. Empire Gulch is mapped as hydriparian, hydriparian habitat in Empire Gulch would be impacted if drawdown of this magnitude were to occur, etc.) then Cienega Creek will be impacted because Empire Gulch is a tributary to Cienega Creek, which is not speculative. Even very small levels of groundwater drawdown, which has been supported by modeling as stated, may have impacts to water depth, stream flow and vegetation. See comments immediately below.</p> <p>Any drawdown, even less than 100 feet, would be significant to Empire Gulch and Cienega Creek, and BLM’s existing water rights. BLM does not relinquish existing BLM surface and groundwater rights.</p>						

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	vary between models.	
Ch. 3, Biological Resources, Water, page 86, lines 35-36	Impacts to perennial stream flow and riparian habitat along Cienega Creek are not expected to occur.	This statement is contradictory to the statement immediately above.
Ch. 3, Biological Resources, Water, page 86, lines 39-40	No change in riparian habitat along Cienega Creek is expected to occur as a result of the proposed mine.	This statement is contradictory to the statement immediately above.
Ch. 3, Biological Resources, Water, page 86, lines 43-	Impacts to stream flow and riparian habitat in Empire Gulch is a possibility but with a high level of uncertainty. Modeling qualitatively predicts small amounts of drawdown in the near term (up to 50 years after mine closure); however, quantification of these impacts is speculative due to the accuracy of the groundwater models.	BLM does not relinquish existing BLM surface and groundwater rights.
Ch. 3, Biological Resources, Water, page 86, lines 39-40	Indirect impacts could occur on riparian vegetation and sensitive aquatic plant species located within the analysis area (e.g., in Empire Gulch), where groundwater drawdown is modeled to occur as a result of all action alternatives. These impacts could be critical during periods of low flow (May and June) because even small flow reductions could cause some portions of perennial streams such as Empire Gulch to stop flowing. These modeled decreases in groundwater would occur over a long period of time but could cause changes in riparian vegetation extent or health, and the reduction in stream flow could impact aquatic plant species, which need standing or flowing water or moist soils. As a result of groundwater drawdown, the amount or volume of water within perennial pools or moisture in soils could decrease, which could result in indirect impacts on riparian vegetation and....	If there are impacts to Empire Gulch then impacts to Cienega Creek are expected because Empire Gulch is a tributary to Cienega Creek. BLM does not relinquish existing BLM surface and groundwater rights.
Ch. 3, Biological Resources, Water, page	All five action alternatives would have the	This statement is contradictory to statements above that there are no impacts to Empire Gulch or Cienega

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<p>88, lines 8-11</p> <p>Ch. 3, Affected Environment and Environmental Consequences, Environmental Consequences, Effect on Perennial Stream Flow, page 32 and Empire Gulch Stream Flow, page 33</p> <p>Ch. 3, Affected Environment and Environmental Consequences, Environmental Consequences, Effect on Perennial Stream Flow, page 34, lines 36-39</p>	<p>same indirect impacts on springs and riparian areas within Lower Barrel Canyon, Empire Gulch, Gardner Canyon, and Cienega Creek because of the downgradient impacts on the surface water and groundwater.</p>	<p>Creek. If there are impacts “because of the downgradient impacts on the surface water and groundwater” then it follows that if there are impacts to Empire Gulch then there are impacts to Cienega Creek. BLM does not relinquish existing BLM surface and groundwater rights.</p> <p>In addition, the Congressional Act which designated Las Cienegas National Conservation Area states “In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources and values of the public lands...” (Section 4.a), and “The Secretary shall manage the Conservation Area in a manner that conserves, protects, and enhances its resources and values, including the resources and values specified in section 4(a), pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including this Act” (Section 5.a), and “The Secretary shall allow only such uses of the Conservation Area as the Secretary finds will further the purposes for which the Conservation Area is established as set forth in section 4(a) (Section 5.b).</p> <p>Statements are again contradictory to statements listed above. The FEIS states that there are concerns with impacts from groundwater-level changes at Cienega Creek near the confluence with Gardner Canyon (page 32), and that all three groundwater flow models predict changes in groundwater levels in the vicinity of Upper Empire Gulch springs. BLM does not relinquish existing BLM surface and groundwater rights.</p> <p>These statements are again contradictory to statements listed above. The FEIS states “Upper Cienega Creek also receives surface water flow from Empire Gulch, and the potential for reduction in Empire Gulch stream flow could therefore also result in reductions in Cienega Creek’s stream flow as well. The percent contribution of Empire Gulch to Upper Cienega Creek has not been determined by fieldwork.” BLM does not relinquish existing BLM surface and groundwater rights.</p>
<p>Ch. 3, Biological Resources, Impacts to Special Status Species, Table 123, page 97</p>		<p>Table 123 states special status species, however, these appear to be sensitive species because ESA species are not listed. Special status species would include “collectively, federally listed or proposed and Bureau sensitive species, which include both Federal candidate species and delisted species within 5 years of delisting.” See comment above.</p>
<p>Ch. 3, Biological Resources, Huachuca water umbel, page 101</p>	<p>Direct effects on Huachuca water umbel are not anticipated as a result of the proposed project because this species is not known to occur within the project area, no direct impacts on upper Cienega Creek have been modeled, and no direct impacts resulting from connected actions are anticipated. Impacts could occur on the Huachuca water umbel populations located within the analysis area in Empire Gulch and Cienega Creek where</p>	<p>See comments above. The FEIS states “Upper Cienega Creek also receives surface water flow from Empire Gulch, and the potential for reduction in Empire Gulch stream flow could therefore also result in reductions in Cienega Creek’s stream flow as well.” Therefore, Huachuca water umbel in Cienega Creek could be affected.</p> <p>Include recent transplant of Huachuca water umbel to Cieneguita Wetland (lower Empire Gulch).</p>

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	groundwater drawdown is modeled to occur as a result of all action alternatives.	
Ch. 3, Biological Resources, Impacts to Special Status Species, Chiricahua leopard frog, page 104		<p>Known localities of Chiricahua leopard frogs for the LCNCA (Empire Cienega Management Unit) not in table: Maternity Wildlife Pond (adults, juveniles) population product of natural dispersal Cottonwood Wildlife Pond – stocked in 2013 Cinco Pond #1 – stocked in 2011 Road Canyon Tank – stocked in 2011 Empire Wildlife Pond – stocked in 2013 Cinco Canyon Wildlife Pond – stocked in 2013 Spring Water Wetland Pond – stocked in 2013 Cienega Creek at juncture with Cold Spring wetland – Stocked in 2012</p> <p>The draft BO states “As a result of groundwater drawdown after the life of the mine, the amount or volume of water within regional perennial pools could decrease, which could result in indirect effects on Chiricahua leopard frogs through long-term habitat alteration, which could cause die-back in aquatic and some riparian vegetation. Chiricahua leopard frogs have been documented within the action area in four locations that are fed by groundwater and where groundwater drawdown is possible after closure of the mine: <u>Empire Gulch</u>, <u>Box Canyon–Dam Structure</u>, <u>Well in Ophir Gulch</u>, and <u>South Sycamore Canyon.</u>” If <u>Empire Gulch</u> is drawn down, so must <u>Cienega Creek</u> since <u>Empire Gulch</u> has surface and ground water that flows into <u>Cienega Creek</u>. <u>Empire Gulch</u> also has 3 restored wetlands that will receive CLF this year. These wetlands will be at risk of drying.</p>
Ch. 3, Biological Resources, Cumulative Effects, page 130		Cumulative effects do not include any management (e.g. mesquite control, prescribed fire, road maintenance, grazing) that has occurred by BLM on LCNCA.
Ch. 3, Biological Resources, Cumulative Effects, page 130		<p>From BLM comments on Draft EIS: Cumulative effects do not adequately explain possible additive, countervailing, or synergistic effects to <u>Empire Gulch</u> or <u>Cienega Creek</u>. See BLM H 1790-1/6.3: “Describe the interaction among the effects of the proposed action and these various past, present, and reasonably foreseeable actions. This interaction may be: additive...countervailing...synergistic.”</p> <p>From BLM comments on draft BA: There is no analysis of cumulative, interacting or synergistic effects at <u>Empire Gulch</u> and <u>Cienega Creek</u> of drawdown, reduction in flow, and lost stream length (see above comments) and potential effects this would have to water quality (e.g. from concentration) of what water would still be available to listed species (e.g. lesser long-nosed bat, southwestern willow flycatcher, Chiricahua leopard frog, Gila chub, Gila topminnow, Huachuca water umbel), critical habitat (e.g. Gila chub and Chiricahua leopard from and proposed for southwestern willow flycatcher), and primary constituent elements of critical habitat.</p>
Ch. 3, Biological Resources, Cumulative Effects, page 130		The Cumulative Effects section in the PAFEIS does not appear to meet the minimum requirements of NEPA and CEQ. For example, the effects for the following subjects are not analyzed :temporal scope, reasonably foreseeable actions (e.g. additional pit mines), resource issues, condition of the environment,

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		thresholds, residual effects after mitigation.
Ch. 3, Affected Environment and Environmental Consequences, Existing Conditions, Seeps and Springs, Table 109, page 23-28		This section does not mention the presence of interior marshland (= Cienega) (Minckley and Brown 1982, Hendrickson and Minckley 1984); the LCNCA is well known for its wetlands. The Cienega Basin within the LCNCA has over 30 jurisdictional wetlands, both perennial and seasonal. Most of these wetlands occur on the Cienega Creek floodplain between Cinco Canyon and Oak Tree Canyon. Named wetland complexes include Cieneguita Wetland, Spring Water Wetland, Cinco Ponds Wetland. Another set occurs upstream of the Mattie Canyon confluence on Cienega Creek (Cold Spring Wetland). These wetlands cover tens of acres. An inventory of wetlands has been completed by the Arizona Botanical Garden with a report forthcoming in September.
Ch. 3, Affected Environment and Environmental Consequences, Environmental Consequences, Direct and Indirect Effects of Each Alternative, <u>No Action Alternative</u> , entire section, including Impacts Common to All Action Alternatives (page 32), Effect on Perennial Stream Flow (page 32), Indirect Effect on Riparian Vegetation (page 37), Effect on Outstanding Arizona Waters (page 41)		This entire section addresses impacts from action alternatives, rather than the no action alternative. BLM does not relinquish BLM's surface and groundwater rights.
Ch. 3, Affected Environment and Environmental Consequences, Environmental Consequences, Direct and Indirect Effects of Each Alternative, Proposed Action, Table 114, page 51, Upper Empire Gulch Spring		Several BLM surface waters are not listed in the EIS. BLM does not relinquish BLM's surface and groundwater rights. Additional surface waters not mentioned in the draft BO include: Cold Water Spring Large spring located upstream of Mattie Cyn confluence Perennial Mattie Canyon Tributary to Cienega Creek Interrupted perennial Cinco Wetlands Located on Cienega Cr floodplain east of Gardner Cyn Perennial interior marshland Cold Water Wetland Large wetland associated with Cold Water Spring Perennial Cieneguita Wetland Complex Floodplain in lower Empire Gulch Perennial interior marshland Cienega Ranch Wetland Cienega Cr floodplain west of E of Empire Ranch Perennial interior marshland Spring Water Wetland Cienega Cr floodplain S of Spring Water Cyn confl. Perennial interior marshland Multiple Unnamed Wetlands Cienega Cr floodplain between Spring Water & Gardner Cyn Perennial and seasonal interior marshland

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Ch. 3, Affected Environment and Environmental Consequences, page 6, Table 106.		Per the definitions of ephemeral, intermittent, and perennial for Table 106, Cienega Creek is not ephemeral as stated, but perennial as are significant portions of Empire Gulch (in addition to the ~1000ft at Empire Spring), Mattie Canyon, Cold Spring, and approximately 30 perennial jurisdictional wetlands.																								
Ch. 3, Affected Environment and Environmental Consequences, page 29, Table 110.		Reach: Cienega Creek 1 is perennial, not ephemeral.																								
Ch. 3, Affected Environment and Environmental Consequences, page 29, Table 110.		Table R-1and SWF-1 lists “acacia, desert willow, ironwood, paloverde, mesquite, soapberry” yet there is no acacia, ironwood, or paloverde in Empire Gulch. Has any vegetation inventory occurred in Empire Gulch to validate this claim and for analysis of impacts?																								
Appendix B, Mitigation and Monitoring Plan, page 22, FS-SSR-02		<p>BLM waters should be added to the monitoring list e.g. Empire Gulch, Cienega Creek, and the wetlands that border Empire Gulch and Cienega Creek.</p> <p>Additional surface waters not mentioned in the draft BO include:</p> <table border="0"> <tr> <td>Cold Water Spring</td> <td>Large spring located upstream of Mattie Cyn confluence</td> <td>Perennial</td> </tr> <tr> <td>Mattie Canyon</td> <td>Tributary to Cienega Creek</td> <td>Interrupted perennial</td> </tr> <tr> <td>Cinco Wetlands</td> <td>Located on Cienega Cr floodplain east of Gardner Cyn</td> <td>Perennial interior marshland</td> </tr> <tr> <td>Cold Water Wetland</td> <td>Large wetland associated with Cold Water Spring</td> <td>Perennial</td> </tr> <tr> <td>Cieneguita Wetland Complex</td> <td>Floodplain in lower Empire Gulch</td> <td>Perennial interior marshland</td> </tr> <tr> <td>Cienega Ranch Wetland</td> <td>Cienega Cr floodplain west of E of Empire Ranch</td> <td>Perennial interior marshland</td> </tr> <tr> <td>Spring Water Wetland</td> <td>Cienega Cr floodplain S of Spring Water Cyn confl.</td> <td>Perennial interior marshland</td> </tr> <tr> <td>Multiple Unnamed Wetlands</td> <td>Cienega Cr floodplain between Spring Water & Gardner Cyn</td> <td>Perennial and seasonal interior marshland</td> </tr> </table>	Cold Water Spring	Large spring located upstream of Mattie Cyn confluence	Perennial	Mattie Canyon	Tributary to Cienega Creek	Interrupted perennial	Cinco Wetlands	Located on Cienega Cr floodplain east of Gardner Cyn	Perennial interior marshland	Cold Water Wetland	Large wetland associated with Cold Water Spring	Perennial	Cieneguita Wetland Complex	Floodplain in lower Empire Gulch	Perennial interior marshland	Cienega Ranch Wetland	Cienega Cr floodplain west of E of Empire Ranch	Perennial interior marshland	Spring Water Wetland	Cienega Cr floodplain S of Spring Water Cyn confl.	Perennial interior marshland	Multiple Unnamed Wetlands	Cienega Cr floodplain between Spring Water & Gardner Cyn	Perennial and seasonal interior marshland
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Appendix B, Mitigation and Monitoring Plan, page 28, FS-BR-05		A Conservation Fund of \$200,000 for ten years will likely not provide enough funding for preservation, enhancement, protection, and maintenance of aquatic and riparian ecosystems in the watershed. An endowment fund where only interest is used from an initial larger amount (more than \$2,000,000) for projects would be a perpetual source of funding. A Conservation Fund of \$200,000 for ten years also will not provide funding for impacts that are ongoing after mine closure. The Conservation Fund should be much larger and guaranteed in perpetuity in order to mitigate long-term impacts after mine closure.																								
Appendix B, Mitigation and Monitoring Plan, page 28, FS-BR-05		Additional water features should be proposed in order to mitigate for impacts to Empire Gulch and Cienega Creek.																								
Appendix B, Mitigation and Monitoring Plan, page 32, FS-BR-11		Rosemont should provide for annual surveys for Chiricahua leopard frog, Gila chub, Gila topminnow, and Huachuca water umbel with the Empire Gulch and Cienega Creek watershed annually beginning at the first year of operation and indefinitely for years after closure (for a large enough sample size for statistical analysis). Rosemont should provide funding for data analysis and completion reports.																								
Appendix B, Mitigation and Monitoring Plan, page 33, FS-BR-14		Rosemont should also provide for annual surveys for YBCU within the Empire Gulch and Cienega Creek watershed annually beginning at the first year of operation and indefinitely for years after closure (for a large enough sample size for statistical analysis). Rosemont should provide for data analysis and completion reports.																								

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Appendix B, Mitigation and Monitoring Plan, page 35, FS-BR-16		If monitoring shows that the Cienega Creek Watershed is being impacted, the Conservation Fund of \$200,000 for ten years will likely not provide enough funding for preservation, enhancement, protection, and maintenance of aquatic and riparian ecosystems in the watershed. An endowment fund where only interest is used from an initial larger amount (more than \$2,000,000) for projects would be a perpetual source of funding. Any funding should be large enough to mitigate impacts that occur after mine closure.
Appendix B, Mitigation and Monitoring Plan, page 40, FS-BR-23		Rosemont should also provide for annual surveys for Chiricahua leopard frog, Gila chub, Gila topminnow, and Huachuca water umbel within the Empire Gulch and Cienega Creek watershed annually beginning at the first year of operation and indefinitely for years after closure (for a large enough sample size for statistical analysis). Rosemont should provide funding for data analysis and completion reports.
Appendix B, Mitigation and Monitoring Plan, page 40, FS-BR-24		Rosemont should also provide for additional piezometers east of the mine pit in order to monitor effects of the mine pit on Empire Gulch, Cienega Creek, and other wetlands. The Mitigation and Monitoring Plan includes provisions for monitoring the hydrologic system in the vicinity of the proposed Rosemont Mine including monitoring of mine dewatering efforts. The purpose of this hydrologic monitoring is to collect information necessary to complete periodic groundwater model re-validation. The plan does not state how this information will be used beyond model validation. The Mitigation and Monitoring Plan should include actions that will be taken in the contingency that mine dewatering removes significantly more water from the aquifer than has been analyzed in the FEIS.
Appendix B, Mitigation and Monitoring Plan, page 75, RC-SW-01		Rosemont should provide for the operation, maintenance, and monitoring of existing and additional flow gages within the Empire Gulch and Cienega Creek watershed.
Appendix B, Mitigation and Monitoring Plan, page 80, RC-CP-01		The trust should be guaranteed in perpetuity in order to mitigate long-term impacts after mine closure.
General comment		From BLM comments on Draft EIS: Impacts to Empire Gulch and Cienega Creek, as stated in the FEIS, may conflict with the approved Las Cienegas Resource Management Plan and Record of Decision (LCNCA RMP and ROD; 2003). From the LCNCA RMP and ROD, page 8-9, refer to the riparian vegetation objectives a-d, and Fish and Wildlife Management Objective 1. From the LCNCA RMP and ROD, page 33-38, refer to the Fish and Wildlife Management Actions (including those for listed species). From the LCNCA RMP and ROD, page 72, refer to the Riparian and Aquatic Habitat Objectives. Conflicts with land use plans have been identified in past agency comments regarding the inclusion of Cienega Creek and Empire Gulch into the "analysis area." See also: http://www.blm.gov/wo/st/en/prog/planning/nepa/webguide/40_most_asked_questions/questions_20-29.html 23a. Conflicts of Federal Proposal With Land Use Plans, Policies or Controls. How should an agency handle potential conflicts between a proposal and the objectives of Federal, state or local land use plans, policies and controls for the area concerned? See Sec. 1502.16(c). A. The agency should first inquire of other agencies whether there are any potential conflicts. If there would be immediate conflicts, or if conflicts could arise in the future when the plans are finished (see

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		<p>Question 23(b) below), the EIS must acknowledge and describe the extent of those conflicts. If there are any possibilities of resolving the conflicts, these should be explained as well. The EIS should also evaluate the seriousness of the impact of the proposal on the land use plans and policies, and whether, or how much, the proposal will impair the effectiveness of land use control mechanisms for the area. Comments from officials of the affected area should be solicited early and should be carefully acknowledged and answered in the EIS.</p>
General comment		<p>Actions that are yet not proposed may still need to be analyzed in cumulative effects analysis if they are reasonably foreseeable (BLM H-1790-1, Section 6.5.2.1). Actions are connected if they automatically trigger other actions that may require an EIS; cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the larger action for their justification (40CFR 1508.25 (a) (i,ii,iii). If any planned future pits would rely on the infrastructure in place from the current proposed pit, future pits may be a connected action under NEPA and have not been analyzed in this EIS.</p>