the edge of the final proposed pit," (pg. 9-12). The results are presented in Table 9.1 indicating that about 1 4.5% of the final pit wall is PAG rock.8 It appears as though the 30% "undefined" material pertains largely from material associated with the pit wall, since the historic samples were primarily to determine the nature of the resource. Therefore, GBRW suspects that characterization of material associated with final pit wall amount to very few actual samples as indicated in the DEIS. The DEIS goes on to state, "Where there was a lack of data, a nearest neighbor approach was used to conservatively assign the ABA characteristics of the pit wall. The choice of extrapolating to the pit wall from the core of the ore deposit is believed to be conservative, as the geologic work on the orebody indicates that mineralization becomes more diffuse at the fringes of the deposit, making a lower potential for acid generating material in these areas." (pg. 3-315). As far as the extrapolation using the nearest neighbor approach from the ore body sample data as being conservative, GBRW does not agree. There is nothing more conservative than the real data. Even if the pit lake model is conceptually correct, there does not appear to be enough actual data to predict with any confidence the water quality in the pit lake.
Disposition: Comment acknowledged; does not provide new information

Response

CC-101-Waste Rock Characterization Adequacy

Letter 858, Comment 22

Even given the overly optimistic analysis of the pit lake there are still expected exceedences in Nevada water quality standards, in cadmium, manganese, fluoride, and antimony with cadmium at 10 times the Nevada reference standard. The DEIS does not present sufficient detail to understand in specific terms groundwater quality. The following is stated on pp. 3-171 - 3-172:

"Similar to the surface water in the vicinity of Mount Hope, ground water is generally of good quality. Similar to the spring data, there are some elevated levels of Mn, and elevated pH over the standard of 8.5.

Near the ore deposit, reducing conditions created by the presence of sulfides in the ore result in water from wells commonly exceeding regulatory standards for Fe and Mn, with several wells also having elevated TDS and SO4. Well IGM-169 has elevated levels of fluoride, Al, and As present in its water, likely related to the abundant sulfide mineralization observed in the drill cuttings from the well."

The DEIS should present tabular data on groundwater constituent analysis for sampled wells (BLM needs to correct this in the Final EIS). However, from this qualitative information it does seem as though groundwater entering the pit lake will be degraded, certainly for cadmium and possibly other constituents as well. Thus, "good quality" groundwater will become poor quality surface water.
Disposition: Comment acknowledged; does not provide new information

Response

CC-017-Model Uncertainty

Letter 858, Comment 23

The DEIS claims that at "all times during the simulated recovery period . . . , including a final equilibrium, the hydraulic gradients are inward toward the pit in all directions, indicating that the pit consistently acts as a hydraulic sink during and after mine closure" (DEIS, p 3-108). The pre-mine groundwater levels sloped several hundred feet across the proposed pit lake, which suggests the natural water levels on up- and down-gradient sides of the pit differ significantly. Because of the steep gradient in the area, it is possible that more rapid recovery in some areas may allow the pit lake to recover more quickly than the water table on all sides and at all level; simply considering the top of the water table is insufficient to predict whether the pit will always be a sink.
Disposition: Comment acknowledged; does not provide new information

Response

CC-028-Post-Mining Pit Lake Model

Letter 858, Comment 24

The groundwater inflow portion of the pit lake volume is initially small although the pit lake level recovers almost 550 feet in the first 50 years (DEIS Figure 3.3.12). Most of the simulated pit lake recovery is due to the pit wall runoff rate exceeding the groundwater inflow rate for the first 400 years (DEIS Figure 3.2.21). This could only occur if the groundwater levels around the pit recover slowly. It is therefore reasonable that the pit lake is above the groundwater level on one or more sides of the pit.
Disposition: Comment acknowledged; does not provide new information

Response

CC-028-Post-Mining Pit Lake Model

Letter 858, Comment 25

To better prove the consistent "sink" nature of the pit, Montgomery et al should add simulated monitoring wells around the pit to monitor the water levels in each model layer both at and at a small distance from the pit lake wall. Detailed consideration of the monitoring well hydrographs should provide evidence that the pit will be a sink or show that it is not. Additionally, it is essential to

consider that fractures and preferential flow paths not currently known or simulated in the model could affect the hydraulic gradients around the pit, especially on a local basis.
Disposition: Comment acknowledged; does not provide new information

Response
CC-028-Post-Mining Pit Lake Model

Letter 858, Comment 26

GBRW submits that the hydrological analysis does not preclude the potential that the pit lake in the earlier years of tilling will be flow through. If in fact flow-through is possible then there is also the possibility of degrading groundwater, which is a violation of Nevada law.
Disposition: Comment acknowledged; does not provide new information

Response
CC-028-Post-Mining Pit Lake Model

Letter 858, Comment 27

In general, GBRW sees the real potential of degrading groundwater in two ways: 1) entering the pit and becoming degraded (surface water at that point), and 2) flowing out of the pit in the short term and degrading groundwater.
Disposition: Comment acknowledged; does not provide new information

Response
CC-028-Post-Mining Pit Lake Model

Letter 858, Comment 28

The DEIS presents the recharge by basin, referenced to Montgomery et al (2010), but describes it incorrectly. Specifically, the DEIS states that recharge had been calculated using the Maxey-Eakin method10 (Maxey and Eakin 1949), but with updated precipitation estimates (DEIS, p 3-53). This would be wrong because the original Maxey-Eakin method established recharge efficiencies based on precipitation zones published originally in 1936 and updated in the early 1960s. It is inappropriate to use Maxey-Eakin recharge efficiencies with any precipitation estimates other than those determined with the Hardman maps, as specifically stated by the Nevada State Engineer (NSE); see State Engineer Rulings 5712, 5782, and 5726 for examples (see footnote).
Disposition: Comment acknowledged; does not provide new information

Response
One precipitation - altitude zone area was recomputed (geographic area between 1,000-foot contour intervals) due to an erroneous area computation in the reconnaissance report for Kobeh Valley. This was the only modification/correction made to the Maxey-Eakin computations presented in the reconnaissance reports. There was no modification of the precipitation assumptions used in the Maxey-Eakin method, which are derived from the Hardman precipitation maps. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 29

Maxey-Eakin recharge calculations for the project area basins were completed in the reconnaissance reports for the basins, including Rush and Everett (1964)11 for Kobeh and Antelope Valleys and Eakin (1962)12 for Diamond Valley (Table 3). The DEIS used updated Maxey-Eakin estimates. Harrill (1968) used the Maxey-Eakin method to estimate recharge in Diamond Valley equals 21,000af/y. The difference is that Harrill used the 1965 Hardman map, which showed a shift in precipitation zones from north to south within Diamond Valley. The higher DEIS estimate for Kobeh Valley (Table 3) reflects Montgomery et al's (2010) calculation that the USGS had made an area determination error when determining recharge.

Table 3: Comparison of recharge determined in the reconnaissance reports (Eakin 1962; Rush and Everett 1964), the Mt. Hope DEIS, and the BCM method (Flint et al 2004).

A common criticism of the Maxey-Eakin method is that it does not consider geology; if precipitation is the same, estimated recharge would not vary between basins underlain with siliclastic rock or carbonate rock. The basin characteristics method (Flint et al 2004)13 accounts for geology by considering the modeling the soil system water balance to estimate recharge. Table 3 also presents results using the BCM method; it shows that BCM-estimated recharge for Diamond and Kobeh Valley is much less than either the recon reports or the DEIS. Antelope Valley is an exception which may be due to that valley having a much higher proportion of carbonate rock than does the other valleys (DEIS Figure 3.2.6).
Disposition: Comment acknowledged; does not provide new information

Response
There are a number of other recharge estimation methods that have been published and used throughout Nevada, including the Maxey-Eakin methods used in the DEIS and the Basin Characteristics method noted n the comment. Presently, for the study area basins, the

NDWR recognizes a perennial ground water yield for the study area basins that is derived from the reconnaissance estimates of Maxey-Eakin recharge and ground water discharge, and this method was deemed appropriate for use in the EIS. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 30

The method of distributing recharge around the model, as described by Montgomery et al (2010, p 124 - 1 26) appears acceptable, in that they used PRISM to distribute the pre-estimated recharge (rather than with Maxey-Eakin coefficients) and adjusted the results during calibration, which indirectly should account for geology. The results of that redistribution are not encouraging, though (Figure 1). There is significantly high recharge all along the Roberts Creek Mountain massif, including zones 40, 63, and 3, as shown on Figure 1. A portion of these zones coincide with carbonate outcrops (Figure 2), but the eastern half is siliclastic rock which normally has very low infiltration capacity. Typically, mountains with siliclastic rock have perennial or at least intermittent streams running off of them, as does Roberts Creek Mountain as evidenced by Henderson Creek, Vinini Creek, and others; mountains with carbonate rock outcrops have little perennial surface flow. Both SNWA (2009) and Myers (2011) found in the Snake and Schell Creek Ranges that recharge was close to zero in areas with siliclastic outcrops which correspond with the perennial streams in those mountains; those two mountain ranges have more precipitation than does the Roberts Creek Mountain, so it would be incorrect to respond that the difference this area and the Snake and Schell Creek Ranges could be climate.
Disposition: Comment acknowledged; does not provide new information

Response

CC-098-Recharge in the Model

Letter 858, Comment 31

Figure 1 also shows the recharge through Henderson Creek, just north of the Roberts Creek massif, as zone 62. The rate for the small model cells is 26.7 in/y, and Montgomery et al (2010, Table 4.1-3) has two entries that include Henderson Creek (in Pine Valley and Garden Valley) equaling 4853 and 3041 af/y, respectively (Id.). The measured flow data is about 2900 gpm (DEIS, Table 3.2 -2) (4600 af/y).

Henderson Creek lies in a relatively deep canyon and is underlain by Quaternary deposits, mostly alluvium (Figure 2). Simulated groundwater contours (Figure 3) show that water converges into Henderson Creek, meaning the creek is a sink for groundwater (see the discussion below on the need for simulating Henderson Creek as a drain).

Figure 3: Snapshot from Figure 4.4-3, Montgomery et al (2010).

Drawdown contours around Mt Hope and the proposed pit are instructive. Figure 4 shows the development of the drawdown around the pit during dewatering and pit lake development. A striking feature is that the drawdown extent remains steady with time for nearly 400 years. It closely parallels South Fork Henderson Creek, Henderson Creek, and Garden Pass Creek. The BLM identifies these features as being affected by the ten-foot drawdown and proposed mitigation for them if they go dry due to mine related drawdown. The recharge that occurs northwest of the mine likely limits the extent of predicted drawdown at these points.
Disposition: Comment acknowledged; does not provide new information

Response

Henderson Creek is an intermittent stream through the Garden Valley portion of Pine Valley, and is observed to be a losing stream reach in the lower mountain block (not a sink for ground water). Recharge from stream flow in the model was assigned to the lower losing and intermittent reach, and is a steady-state boundary condition in the model. Drawdown from the Project pumping is determined assuming the stream source recharge is the same in the No Action and Proposed Action modeling simulations, and Project related drawdown is determined as the difference between the two simulations. Therefore, the presence of this recharge, which is held constant during both simulations, does not have any influence on the predicted extent of drawdown. The predicted extent and magnitude of Project drawdown is governed by the pumping stress and the hydraulic properties of the rock types, not the presence or absence of a constant recharge rate. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 32

These stream features are not directly modeled as a boundary that drawdown can affect, rather they are treated as specific flux boundaries with a specified recharge input along the stream channel. The amount of recharge input in Henderson Creek appears unjustified by the streamflow measurements. That the creek apparently limits the extent of that drawdown expansion verifies the concern.
Drawdown under these creeks can only harm the creek if the water table intersects with the stream bottom so that there is a hydraulic connection. The BLM should model these streams as drain or stream boundaries so that changes in discharge to or from the stream can be estimated and disclosed in the DEIS.
Disposition: Comment acknowledged; does not provide new information

Response

Streams are not represented as a specified flux boundary condition. Recharge resulting from stream flow is represented at locations where stream flow is interpreted to provide a significant source of ground water recharge. In the case of Henderson Creek, stream recharge is north of Mount Hope in Garden Valley. The recharge magnitude is greater than just the estimated flow in upper forks of Henderson Creek, because it includes tributary flows to Henderson Creek along the reach through Garden Valley, which includes inflow from Vinini Creek and other drainages on the eastern side of the Roberts Mountains. Stream flow in Henderson Creek is primarily derived from precipitation and snow melt run-off, which is a watershed process not represented in the ground water flow model, and not explicitly connected with the ground water flow system. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 33

High recharge in the SF Henderson Creek would directly support the filling pit lake and would directly limit the expansion of the drawdown. Model layer 1 is active under the headwaters of Henderson Creek. Because it is in a canyon, the model layer thickness is probably in the less than 50 foot category and the layer simulates the water table near the surface. Montgomery et al (2010) do not present information as to whether the groundwater discharges to the creek; the seepage run they present has very low flows

It appears therefore that Montgomery et al may have an error in its conceptual model for the Henderson Creek north of Mt Hope which may limit the extent of drawdown north and northwest of the proposed mine.
Disposition: Comment acknowledged; does not provide new information

Response

Recharge along Henderson Creek is a fixed boundary condition and does not contribute to enhanced pit filling in the model. Ground water flow to the pit is dependent on the pit depth and hydraulic properties of the surrounding formation. The simulation method used for the Project model provides projected drawdown beneath stream locations, which is sufficient to identify a potential impact. Actual stream flow dynamics can be quite variable both spatially and temporally, and can change with differing flow regimes. To overcome real world complexities, it is the BLM's preference to rely upon predictions of the extent and magnitude of drawdown in these regions and then assume that the drawdown may impact spring and groundwater dependent portions of stream flow. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 34

Their model ignores an important aspect of recharge with time. As the water table near the pit lowers due to dewatering, the distance between the ground surface and water table increases; near the pit the water table draws down up to 2250 feet. This drawdown increases the distance through which recharge must flow to actually reach the water table. Inflow to the pit lake may initially be less than simulated because the modeling does not account for the time for unsaturated flow through up to 2250 feet.
Disposition: Comment acknowledged; does not provide new information

Response

The lag time for recharge infiltration to reach the lowered ground water table is neglected as a simplifying assumption for development of a numerical model of this type. The aerial extent and volume of recharge affected by this lag is very small and would have immaterial effects on the pit filling model projections over the period of evaluation. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 35

Recharge near the proposed production wells in Kobeh Valley is near zero because the wells will be near the center of the valley. Recharge to Kobeh Valley occurs primarily in the mountains bounding the valley with some runoff recharging at the point where runoff reaches the basin fill. Pumping initially removes water from storage which creates a gradient and draws flow from the points of recharge. Because the simulated recharge is primarily into the bedrock, with a large proportion occurring north of the proposed well field in the Roberts Mountain, the water has to flow a significant distance to the well. Recovery from production pumping may take longer because of this distance.
Disposition: Comment acknowledged; does not provide new information

Response

Pumping draws ground water from storage and from head dependent variable flux boundaries such as ET boundaries. Under pre-pumping conditions, recharge from the mountain areas takes hundreds of years to reach the central valley area where the Kobeh Valley Wellfield would be located. Drawdown from pumping would increase the ground water gradients towards the wellfield, resulting in a release of precipitation-sourced ground water from storage, and causing that precipitation-sourced ground water to reach the central basin more rapidly than would have occurred under pre-pumping conditions. These pre-pumping and pumping ground water conditions are correctly simulated in the model and recovery from production pumping would not take longer than projected by the model. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 36

The proposed production wells in Kobeh Valley southwest of the minesite will cause a very substantial drawdown over about a quarter of the valley (DEIS Figure 3.2-18). However, the drawdown extent does not approach the boundary with Diamond Valley within the time period of the project. The DEIS is not inaccurate in its presentation of the impacts.
Disposition: Comment acknowledged; does not provide new information

Response

Drawdown from the Project does extend to the Diamond Valley basin boundary. The potential impacts that are disclosed in the EIS are based on the hydrology model, and provides a valid and accurate assessment of the potential drawdown and associated potential impacts. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 37

However, there is no guarantee that the pumping associated with the mine will actually cease after 32 years because the water rights issued for the project are not temporary. The mining company will have 11,200 afa of certificated water rights which may be changed, either their point of diversion or place and type of use, after the mine closes.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 858, Comment 38

The pumping is less than the perennial yield for the valley, as determined by the NSE in Ruling 6127. The extensive predicted drawdown is evidence of the amount of drawdown that developing close to a perennial yield may cause – the drawdown will continue to expand as the level near the wells recovers or the wells continue pumping for new uses. The BLM should consider the impacts of pumping the wells in Kobeh Valley beyond the mine life because continued use would be a connected action; if the mining company did not permit and certificate the water rights, the pumpage would not occur.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 858, Comment 39

The DEIS presents a monitoring plan for surface and groundwater resources in Appendix B (DEIS App B). Monitored parameters include flow rate for surface water, depth to groundwater, and water chemistry.

Figures 1 and 2 and Table 1 in the DEIS Appendix B show locations and list the proposed and existing monitoring wells. The number of and spatial location of the wells dedicated to monitoring the groundwater level, which could be affected by production water pumping or mine pit dewatering, appears adequate and even exceeds that seen initially for other large mining projects. The plan does not specify details about the screens, however. The plan also includes surface water flow monitoring on a continuous basis, which is excellent. Proposed water quality monitoring near the mine facilities is not well described or specified, however. This section discusses more details and makes recommendations regarding the proposed monitoring.
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 858, Comment 40

The plan, in point 13, states that the data collection will be used "to assist in defining baseline conditions"; also, 23(d) refers to "baseline chemistry analyses" (DEIS App B, p 5). The plan does not define "baseline" or specify for how long such data should be collected before mine construction could begin; two years should be the minimum. The chemistry monitoring wells must be sampled sufficiently often to establish seasonal trends (water level data is collected seasonally).

Point 14 notes that there will be 14 new monitoring wells constructed. It is difficult to verify these wells on Figure 2 and Table 1 does not denote which wells would be new. For example, wells MH-403 and MH-404 appear to be proposed to monitor drawdown in the upper parts of Robert's Creek, but wells MH-405 through MH-411 are production wells that Table 1 presents as monitoring wells (see next paragraph). The BLM should specify on Table 1 those wells that are yet to be constructed. Table 1 should also specify for clarity whether the wells monitor production or dewatering drawdown; the comment on the right column is not specific and does not make it easy to group the wells. Point 14 should be made more clearly by specifying where the new wells would be constructed (Kobeh or Diamond Valley, production or dewater field).

Figure 2 shows wells MH-405 through MH-411 are production wells but Table 1 shows them as monitoring wells (DEIS App B, p 11). The same table has a row specifying that "all production wells" will be continuously monitored for flow and depth to water. The table makes it appear there will be six monitoring wells in addition to the production wells but the figure shows that it is not correct. The BLM should clarify because the document apparently double-counts monitoring wells. The production wells are all located in the center of the drawdown in central Kobeh Valley and the figure does not show any monitoring wells among the production wells.

Monitoring water level in production wells is necessary, but not sufficient, for defining the potentiometric surface in the area. There should be monitoring wells between the production wells to define the surface. It is important to have monitoring wells, at least four, centered in the cluster of production wells.

Point 15 indicates that test wells, "drilled near each planned production well location" (DEIS App, p 3), would be converted to monitoring wells. Presumably, the test wells will test production. In general, production wells make lousy monitoring wells because the screen length is too long. Whether monitoring water level, chemistry, or both, the level or the sample represents an average over the screened interval. Regarding water level, the observed depth to water represents the water level from the most transmissive zone intercepted by the screen; it can fail to detect drawdown in less transmissive formation layers. A water sample, if water in the well is fully mixed, is a weighted average of the water entering from all formation layers, with the weighting depending on transmissivity. If the more transmissive layer has cleaner water, contamination will be missed.
Therefore, monitoring wells should have relatively short well screens that are targeted to the specific layer desired to be monitored. Twenty feet is a common screen length. The plan mentions that some wells may be paired in alluvium and bedrock to consider the connection between lithologies; even better would be the installation of multiport wells in which the water level can be monitored simultaneously at various levels.

Point 19 indicates that the groundwater model will be updated after "recovering 6 months of post-operational monitoring data" (DEIS App B, p 4). The meaning of this is unclear. Does "recovering" mean collecting data so that the intent is for a model update 6 months after mine construction begins? "Post-operational" could mean once operations has ceased, but that certainly is not the intent herein, or rather it should not be.

The monitoring plan must also specify for how long after mining the wells would be monitored. Those associated with dewatering and pit lake refill must essentially be monitored in perpetuity. The BLM should specify based on the amount of observed water level recovery how long they will be monitored. The intent should be for steady state to be reestablished, but because complete recovery takes an infinite amount of time, recovery of more than 90% of the drawdown is acceptable.

Table 1 shows only four wells to be monitored for chemistry, IGMI-234P, IGMI-235P, IGMI-237P, and TM1-B. The first three are near the process facilities in Kobeh Valley. IGMI-236P is also a monitoring well near the facilities (DEIS App B Figure 2), but Table 1 shows it only monitors depth to water; this is likely incorrect and it should be shown to monitor chemistry. This monitoring appears to occur only near the tailings impoundment; it is insufficient because large areas around the tails could pass a contaminant plume without being sampled. The BLM should require more extensive chemistry monitoring near the tails, and also near the waste rock dumps.

Additionally, monitoring plan does not consider the drainage from the waste rock. The PAG waste rock dump has a liner (but this is a compacted clay layer) and collection facility; the BLM should require that both the flow rate and chemistry be monitored regularly. This monitoring must continue into the future, after reclamation, until the monitoring shows that seepage has ceased or that acid generation is not going to occur.
Disposition: Other (SEE RESPONSE)

Response

Data has been collected at most locations identified in the Water Resources Monitoring Plan (WRMoP) for several years. EML has modified the WRMOP (Appendix 4 A) to more clearly identify the new wells. The second sentence of Point 14 has been revised to read: "These wells are numbered MH-300, MH-301, MH-302, MH-303, MH-304, MH-305, MH-400, MH-401, MH-402, MH-403, MH-404, MH-500, MH-501, and MH-502, and the preliminary proposed locations of these wells are shown on Figures 1 and 2; actual locations may be adjusted in consultation with the BLM, NDWR, and/or TAP. Table 1 has been revised to state "To be Constructed" in column 2, immediately following the site name. These changes allow the reader to more clearly discern the proposed locations of the new wells. EML has revised Table 1 to clarify the correlation between production wells and production test wells. A new row has been added to Table 1 immediately following the first row in the Area designated Kobeh Valley Groundwater. The first row currently is identified: "All Production Wells." The new second row has been labeled "All Production Test Wells." The labels on Figures 1 and 2 better show that there will be a test well, which will be used to monitor groundwater levels in the immediate vicinity of every supply well in the Kobeh Valley water supply wellfield. Well 236P is upgradient of the South TSF, and a water quality baseline has been collected. It is not necessary to continually monitor chemistry of this well to identify impacts from the TSF - those impacts would move downgradient only. In addition to the monitoring required by the BLM, EML will have a Water Pollution Control Permit with additional monitoring requirements established by NDEP/BMRR to oversee ground water protection.

Letter 858, Comment 41

The BLM continues its standard practice of using the ten-foot drawdown zone as the "area of potential concern regarding impacts to water resources" (DEIS, p 3-63); they note the approach is "commonly used . . . for EISs in Nevada" (Id.). This is inappropriate for the following reasons:

• Any drawdown at all can cause a spring to go dry. A phreatic spring occurs where the water table intersects the ground surface; lowering the water table may turn a flowing spring into a muddy area. Discharge from fracture-controlled springs can change if just the gradient at the spring changes – drawdown is not even required. The BLM should use the 1-foot drawdown, just as the U.S. Geological Survey did in its study of pumping impacts to Great Basin National Park (Halford and Plume 2011)14.

• A ten-foot drawdown could have a disproportionate impact to wells. That is because wells are not uniformly productive across the entire thickness of the screen. Instead, a well's productive zone often includes several productive zones with several low-conductivity zones. It is possible that drawing the water table down by 10 feet will draw the water table below the most productive formation zone in the well and cause it to lose much more flow than a standard well flow calculation might estimate.

Disposition: Comment acknowledged; does not provide new information

Response

CC-096-Ten-Foot Isopleth

Letter 858, Comment 42

The DEIS uses the simulated groundwater levels in 2009 as a baseline against which to calculate future drawdown. This is a common and standard practice because the simulation fills in groundwater levels between the wells where observations are available. However, the predicted drawdown should be considered accurate only if the simulated levels accurately represent the actual levels. The DEIS should compare the simulated to observed values in 2009.

Disposition: Comment acknowledged; does not provide new information

Response

CC-097-2009 Steady State Condition

Letter 858, Comment 43

The DEIS apparently only considers the effect of drawdown on surface water resources if that resource is "covered by a water right" (DEIS, p 3-72). That is not proper. The BLM is responsible for surface water resources on the land it manages without regard to it water right status.

Disposition: Comment acknowledged; does not provide new information

Response

The commenter is incorrect. Although the EIS includes a subsection of section 3.2.3.3.1 that specifically addresses surface water resources with a water right, the effect of drawdown on surface water sources is not restricted to those with water rights. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 44

The DEIS apparently is separating pit lake evaporative loss into components, with that due to groundwater inflow decreasing over time. The DEIS states that after 100 years, the consumptive loss of groundwater "due to pit lake evaporation" would be approximately 165 gpm and that it would reduce to 100 gpm after 800 years (DEIS, P 3-108). This statement is confusing, because Figure 3.2.21 shows that it is gro undwater inflow, which decreases as the pit lake fills, and that pit lake evaporation increases, as it should, due to the increasing pit lake area. The DEIS then notes that the NSE may require a water right for the pit lake consumptive use. The BLM's breakdown ignores the fact that some of the precipitation on the pit lake and on the pit walls would also have become recharge and part of the groundwater budget. This additional portion of pit lake evaporation should also be considered a consumptive use of groundwater with respect to pit lake consumptive uses.

Disposition: Other (SEE RESPONSE)

Response

As shown on Figure 3.2.21 of the Montgomery & Associates and interflow, 2010 report, 100 years after mining, groundwater inflow to the pit lake is approximately 165 gpm, and is approximately 100 gpm after 800 years. The higher early inflow represents contributions to lake storage; after 800 years there is essentially no change in lake storage. As the pit lake surface increases, evaporation increases in concert with the increasing direct precipitation to the lake. Over time direct precipitation becomes the largest component of the pit lake inflow. No changes to the text in the FEIS have been made to address this comment.

Letter 858, Comment 45

The DEIS acknowledges that: "Implementation of the Proposed Action would result in adverse effects to 83 officially eligible [for the National Register of Historic Properties] sites within the area of direct impacts. Outside of this area but within the Project APE, this action would also have indirect impacts on 180 officially eligible and one unevaluated site." DEIS at ES-37. "These direct impacts are considered to be significant." Id.

In an attempt to prevent/mitigate these impacts, the DEIS says that a "treatment plan" will be developed in the future: Mitigation Measure 3.21.3.3-1: EML would develop, and submit to the BLM for approval, a treatment plan to address the potential direct impacts to the 83 officially eligible sites within the Project APE. EML would implement the treatment plan prior to any surface disturbance of eligible sites within the area of direct impacts. All adverse effects under the NHPA and direct and indirect impacts under the NEPA to known-eligible properties within the Project APE would be mitigated in accordance with the PA and the treatment plan prepared for the Project. (DEIS pg. ES-37). The DEIS goes on to conclude that: "The implementation of the treatment plan under the mitigation measure would be very effective at lessening the impact." Id. See also DEIS at 4-68, relying on the future "treatment plan" to supposedly mitigate cumulative impacts to these resources.
Disposition: Comment acknowledged; does not provide new information

Response
CC-116-Mitigation for Eligible Cultural Sites

Letter 858, Comment 46

However, because the "treatment plan" for these resources has not yet been developed, how can BLM claim that it will be "very effective at lessening the impact"? Such speculative reliance on future mitigation measures violates BLM's duties under NEPA to fully consider mitigation measures, and their effectiveness. Under NEPA, the agency must have an adequate mitigation plan to minimize or eliminate these impacts – which the DEIS does not have. NEPA requires the agency to: (1) "include appropriate mitigation measures not already included in the proposed action or alternatives," 40 CFR § 1502.14(f); and (2) "include discussions of: .. . Means to mitigate adverse environmental impacts (if not already covered under 15 02.14(f))." 40 CFR § 1502.16(h). NEPA regulations define "mitigation" as a way to avoid, minimize, rectify, or compensate for the impact of a potentially harmful action. 40 C.F.R. §§1508.20(a)-(e). "[O]mission of a reasonably complete discussion of possible mitigation measures would undermine the 'action-forcing' function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 353 (1989).
Disposition: Comment acknowledged; does not provide new information

Response
CC-116-Mitigation for Eligible Cultural Sites

Letter 858, Comment 47

NEPA also requires that the agency fully review whether each mitigation measure will be effective. See South Fork Band Council v. Dept. of Interior, 588 F.3d 718, 728 (9th Cir. 2009). "The Forest Service's broad generalizations and vague references to mitigation measures ... do not constitute the detail as to mitigation measures that would be undertaken, and their effectiveness, that the Forest Service is required to provide." Neighbors of Cuddy Mountain v. U.S. Forest Service, 137 F.3d 1372, 1380-81 (9th Cir. 1998). The DEIS's reliance on a future, as yet-unsubmitted, "treatment plan" to prevent/mitigate adverse impacts to these resources also violates BLM's duties under the National Historic Preservation Act [NHPA]. The NHPA, and its implementing regulations, require full review of these impacts as part of the public review process – something which has not occurred here.
Disposition: Comment acknowledged; does not provide new information

Response
CC-116-Mitigation for Eligible Cultural Sites

Letter 858, Comment 48

BLM also failed to conduct the required government-to-government consultation with potentially affected Native American Tribes. Appendix E of the DEIS lists some letters sent to Western Shoshone Tribes and Bands, yet for many Tribes/Bands, only a few (or less) letters were sent in 2007 and 2008, after which the BLM stopped sending any communications. At a minimum, a simple letter or two is not sufficient to satisfy the NHPA and related consultation duties under Presidential Executive Orders. Further, BLM's failure to send any letters at all to many Tribes/Bands after 2007/08 cannot be said to be government-to-government consultation. Also, the few letters contained in Appendix E deal only with the Programmatic Agreement that would be developed and does not constitute the detailed consultation on the Project required by the NHPA and Executive Orders. Further, without proper and full consultation, and involvement from all Western Shoshone communities, the DEIS's analysis of impacts to, and mitigation of, these resources cannot be considered adequate or reliable.
Disposition: Other (SEE RESPONSE)

Response
Section 3.22.2.2.1 of the DEIS discloses the consultation activities undertaken by the BLM for the Project. No changes to the text of the FEIS have been made to address this comment.

Letter 858, Comment 49

The DEIS states that EML has a "statutory right ... [to] develop federal mineral resources" at the site (DEIS pg 1-9). Thus, according to the DEIS, EML has a statutory right to conduct its waste rock and tailings dumping, pit excavation, processing, and other operations based solely on the fact that the company has blanketed the projects lands with mining and/or millsite claims.

Here, although it is difficult ascertain the exact number and nature of the claims from the DEIS, EML has filed lode mining and/or millsite claims on all of the federal lands in the project area, including those where no mining is proposed (i.e., dumping, processing, and other ancillary uses). According to the BLM, the filing of these claims precludes the agencies from choosing the no-action alternative, as well as significantly restricting its approval and review authority over the project.

The BLM's position is wrong. Such rights, or "entitlement" as stated by the BLM, can only accrue to the company if these claims are valid under the 1872 Mining Law. Here, there is no evidence in the record that these claims are valid. Indeed, the agencies have not even inquired into whether these claims are valid, and apparently has no intention to conduct such an inquiry.

Accordingly, in addition to making an arbitrary and capricious decision without evidentiary support, the BLM violated the Federal Land Policy and Management Act (FLPMA) and the 1872 Mining Law (as amended) by not requiring EML to pay Fair Market Value (FMV) for the use of public lands not covered by valid mining claims, based on the lack of any evidence that the vast majority of the claims at the Project site are valid under the Mining Law. Similarly, BLM's position also violates provisions of FLPMA and the Multiple Use Sustained Yield Act and other laws mandating that BLM manages, or at least considers managing, these lands for non-mineral uses – something which BLM refused to do or consider in this case.

The DEIS's review and the BLM's proposed approval of the Project are based on the overriding assumption that EML has statutory rights to use all of the public lands at the site under the 1872 Mining Law. However, where Project lands have not been verified to contain, or do not contain, such rights, the BLM's more discretionary multiple use authorities apply. See Mineral Policy Center v. Norton, 292 F.Supp.2d 30, 46-51 (D.D.C. 2003).

A proper application of BLM's multiple use, public interest, and sustained yield mandates to those areas not covered by valid claims would result in a very different Project review, alternatives, and level of protection for public land resources and values, as well as reducing or eliminating the adverse impacts to the use of these lands by members of the public and commenters.

The Mineral Policy Center court specifically recognized the federal government's duty to apply its broader, multiple use authority when mineral development operations are proposed on lands not subject to valid and perfected claims:

While a claimant can explore for valuable mineral deposits before perfecting a valid mining claim, without such a claim, she has no property rights against the United States (although she may establish rights against other potential claimants), and her use of the land may be circumscribed beyond the UUD standard because it is not explicitly protected by the Mining Law.

292 F.Supp.2d at 47. The court was equally clear as to what was required to "perfect" a mining claim: The Mining Law gives individuals the right to explore for mineral resources on lands that are "free and open" in advance of having made a "discovery" or perfected a valid mining claim. United States v. Locke, 471 U.S. 84, 86, 105 S.Ct. 1785, 85 L.Ed.2d 64 (1985). The Mining Law provides, however, that a mining claim cannot be perfected "until the discovery of the vein or lode." 30 U.S.C. § 23.

Id. at 46 n.19.

Regarding the apparent millsite claims at the site, the DEIS is based on the view that EML can locate and use as many millsite claims as it needs for Project operations. DEIS at 1-9. That is wrong, as a proper understanding of the millsite provision in the Mining Law, 30 U.S.C. §4 2, shows that EML can only locate one 5-acre millsite claim (or multiple millsite claims with a maximum of 5 acres total) for each valid lode claim to be used by the Project.

For both lode and millsite claims for which BLM has not determined are valid, pursuant to the Mineral Policy Center decision:

[b]efore an operator perfects her claim, because there are no rights under the Mining Law that must be respected, BLM has wide discretion in deciding whether to approve or disapprove of a miner's proposed plan of operations.

Id. at 48. In its review of the Project, BLM erroneously believed that it did not have – and never even considered – this "wide discretion" to "approve or disapprove" any part of EML's Plan of Operations.

Regarding the requirement for the federal government to obtain Fair Market Value for the use of lands not covered by valid claims, the court held that, under FLPMA, "the United States [must] receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute." 43 U.S.C. ¤1701(a)(9). The court held that unless the lands were covered by valid claims (i.e. the situation "otherwise provided for by statute" in ¤ 1701(a)(9)), the agencies must comply with their Fair Market Value duty: Operations neither conducted pursuant to valid mining claims nor otherwise explicitly protected by FLPMA or the Mining Law (i.e., exploration activities, ingress and egress, and limited utilization of mill sites) must be evaluated in light of Congress's expressed policy goal for the United States to "receive fair market value of the use of the public lands and their resources." 43 U.S.C. ¤ 1701(a)(9).

Id. at 51.

At Mt. Hope, the BLM has utterly failed to even consider the application of its multiple use authority, and related Fair Market Value requirements pursuant to the Court's Order in Mineral Policy Center Ð a violation of FLPMA, the Mining Law, and their multiple use mandates, as well as being an arbitrary and capricious decision under the Administrative Procedure Act (APA).

As noted above, the vast majority of the proposed disturbance on public land involves waste rock, tailings, processing and other non-extractive uses covered by unpatented lode and/or millsite claims. There is no evidence in the record that any of these claims are valid or indeed contain locateable minerals (outside of arguably the lode claims covering the edges of the mine pit, although the validity of these claims have also never been ascertained). Indeed, it is likely that the lands covering the waste rock, tailings, and other ancillary facilities do not contain the requisite locateable minerals, which is a prerequisite for claim validity. See 30 U.S.C. § 22 (only "valuable mineral deposits" are covered by the Mining Law); 30 U.S.C. 611 ("common varieties" of minerals are not locatable under the Mining Law). As the Interior Department has held: Generally, absent the discovery of a "valuable mineral deposit" on each of the unpatented lode mining claims, ASARCO would not be entitled to the "exclusive right of possession and enjoyment of all the surface [of the claim]" and subsurface rights under 30 U.S.C. ¤¤ 22 and 26, good against the United States, or ultimately to a patent of the claimed lands, pursuant to 30 U.S.C. ¤¤ 22 and 29 (2000). Best v. Humboldt Placer Mining Co., 371 U.S. 334, 335-36 (1963); Wilbur v. Krushnic, 280 U.S. 306, 316-17 (1930); Cameron v. United States, 252 U.S. 450, 460 (1920); Cole v. Ralph, 252 U.S. 286, 294-96

(1920). In such circumstances, BLM would have discretion to modify or even reject an MPO filed to engage in mining operations and related activity. Great Basin Mine Watch, 146 IBLA 248, 256 (1998) ("Rights to mine under the general mining laws are derivative of a discovery of a valuable mineral deposit").
Center for Biological Diversity, 162 IBLA 268, 278 (2004). "[T]he location of a mining claim does not render a claim presumptively valid and the Department may require a claimant to provide evidence of validity before approving an MPO or allowing other surface disturbance in connection with the claim." Id. at 281. (see footnote)
In addition, BLM's decision not to require the payment of Fair Market Value, and to limit its authority over the use of the ancillary lands, must be supported by substantial evidence in the record - evidence which does not exist. The agency cannot simply assume, without any evidence (and indeed the evidence points to the contrary) that the lands to be buried by the dumps and processing facilities are covered by valid mining claims. The Supreme Court has explained: [A]n agency rule would be arbitrary and capricious if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.
Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto Ins. Co., 463 U.S. 29, 43 (1983). The Ninth Circuit, citing Motor Vehicle Mfrs, has explained: [T]he APA requires us to determine whether the Commission's decision was a reasonable exercise of its discretion, based on consideration of relevant factors, and supported by the record.... While our standard of judicial review is highly deferential, it may not be uncritical. Under the APA, an agency's discretion is not boundless, and we must satisfy ourselves that the agency examined the relevant data and articulated a satisfactory explanation for its action based upon the record.
People of State of Cal. v. F.C.C., 905 F.2d 1217, 1230 (9th Cir. 1990). See also Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 378 (1989)(requiring that courts ensure that agency decisions are founded on a reasoned evaluation "of the relevant factors.").
Put another way, it defies the record in this case, and indeed common sense, for the agencies to assume that EML would permanently bury "valuable mineral deposits" with hundreds of millions of tons of waste rock and contaminated tailings. Indeed, it is very likely that these ancillary lands do not contain sufficient mineralization to qualify as "valuable mineral deposits" and are in fact simple "common varieties" of rock and sand covering the non-mineralized portions of the Project site.
At a minimum, the agencies should have inquired as to whether the vast majority of the Project lands contained "common varieties" or "valuable mineral deposits." BLM regulations contemplate an investigation into whether the lands covered by proposed plans of operation contain the requisite locateable minerals instead of common varieties. Under 43 CFR 3809.101(a), except for casual use operations, claimants "must not initiate operations for minerals that may be 'common variety' minerals . . . until BLM has prepared a mineral examination report."
In this case, due to the evidence showing that the lands proposed for the waste dumping, tailings, and other non-extractive uses do not contain the requisite valuable minerals (e.g., the mineralized zone is limited to the mine pit, even then the pit has not been verified to be covered by valid claims), and may indeed be "common variety" minerals, BLM's assumptions of "rights" or an "entitlement" under the Mining Law are erroneous. For those lands covered by millsites, although the "valuable mineral deposit" requirement does not apply, the strict limits on the number of millsites contained in the Mining Law have been violated and the vast majority of those claims are thus invalid. At a minimum, the agency's assumptions of these rights/entitlements should have been investigated and supported by detailed factual evidence - evidence lacking in this case.
Disposition: Comment acknowledged; does not provide new information

Response
CC-109-Purpose and Need

Letter 858, Comment 50
As noted herein, the DEIS failed to fully consider all "direct and indirect impacts" under NEPA. These failures are in addition to the DEIS' failure to review the "cumulative impacts" from all "past, present, and reasonably foreseeable future actions" under NEPA. 40 CFR § 1508.7. In this case, the DEIS' analysis of cumulative impacts consists largely of a listing of the number of acres affected by the past, present, and reasonably foreseeable future surface disturbances for the cumulative impact areas (DEIS Chapter 4). Although the DEIS contains a short paragraph or two discussing cumulative impacts to some resources, the document provides no additional information on the actual cumulative impacts.
The Ninth Circuit recently and squarely rejected such reliance on the listing of the acreages of other projects as the primary mean s to review cumulative impacts: A calculation of the total number of acres to be [impacted by the other projects] in the watershed is a necessary component of a cumulative effects analysis, but it is not a sufficient description of the actual environmental effects that can be expected from [impacting] those areas.
Klamath Siskiyou Wildlands Center v. BLM, 387 F.3d 989, 995 (9th Cir. 2004): [T]he general rule under NEPA is that, in assessing cumulative effects, the Environmental Impact Statement must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and differences between the projects, are thought to have impacted the environment. See Neighbors of Cuddy Mountain v. United States Forest Serv., 137 F.3d 1372, 1379-80 (9th Cir.1998); City of Carmel-By-The-Sea v. United States Dept. of Transp., 123 F.3d 1142, 1160-61 (9th Cir.1997).
Lands Council v. Powell, 395 F.3d 1019, 1028 (9th Cir. 2005): The [agency] cannot simply offer conclusions. Rather, it must identify and discuss the impacts that will be caused by each successive [project], including how the combination of those various impacts is expected to affect the environment, so as to provide a reasonably thorough assessment of the project's cumulative impacts.
Klamath Siskiyou, 387 F.3d at 1001. In a major mining and NEPA decision, the Ninth Circuit recently specifically rejected the type of brief mention or listing of projects/acreages as found in the DEIS: In a cumulative impact analysis, an agency must take a "hard look"

at all actions. An EA's analysis of cumulative impacts must give a sufficiently detailed catalogue of past, present, and future projects, and provide adequate analysis about how these projects, and differences between the projects, are thought to have impacted the environment.... Without such information, neither the courts nor the public ... can be assured that the [agency] provided the hard look that it is required to provide.
Te-Moak Tribe of Western Shoshone, 608 F.3d 592, 603 (9th Cir. 2010) (Rejecting EA for mineral exploration that had failed to include detailed analysis of impacts from nearby proposed mining operations. Although that case involved an EA, the need for a complete cumulative impacts analysis also fully applies to an EIS).
In Great Basin Mine Watch v. Hankins, 456 F.3d 955, 971-974 (9th Cir. 2006), the court struck down the same sort of acreage listing and brief, generalized descriptions of mining impacts in the region. The court required BLM to include "mine-specific ... cumulative data." Id. at 973. Relying on Klamath-Siskiyou, and Lands Council, the court highlighted the need for a "quantified assessment of their [other projects] combined environmental impacts" and "objective quantification of the impacts." Id. at 972. That has not been done here.
For example, although the DEIS lists the nearby mining and other projects on cultural, Native American, water, wildlife, air, and other resources, there is no "mine-specific ... cumulative data" for any other these past, present, or reasonably foreseeable future actions. Nor is there a "quantified assessment of their [other projects] combined environmental impacts" and "objective quantification of the impacts." Another example involves potential oil and gas operations. Although Chapter 4 shows extensive oil and gas leasing and operations, there is no "quantitative assessment" of the impacts from these activities.
Overall, this DEIS's cumulative impacts discussion is very similar to the Final EIS deemed inadequate under NEPA in Great Basin Mine Watch v. Hankins. As such, BLM must prepare a revised DEIS (and may not proceed directly to a Final EIS) to correct these deficiencies, and the other errors noted in these comments.
Disposition: Comment acknowledged; does not provide new information

Response
Chapter 4 of the EIS includes a detailed discussion of potential cumulative impacts of the proposed action, and alternatives, considered together with other past, present and reasonably foreseeable future actions. Changes have been made to Chapter 4 in response to specific comments and in response to the BLM's continuing review of reasonably foreseeable future actions. No specific changes were made in response to this comment because it includes no specific information about projects or impacts.

Letter 858, Comment 51

Taken together, the significant, and in many cases unmitigated, damage to critical environmental, cultural, historical, and religious resources noted herein fails to comply with FLPMA's mandate that BLM "shall ... take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b). This is known as the "UUD" standard. As the leading FLPMA and mining federal court decision states, this duty to "prev ent undue degradation" is "the heart of FLPMA [that] amends and supersedes the Mining Law." Mineral Policy Center v. Norton, 292 F.Supp.2d 30, 42 (D.D.C. 2003).
FLPMA, by its plain terms, vests the Secretary of the Interior [and BLM] with the authority – and indeed the obligation – to disapprove of an otherwise permissible mining operation because the operation, though necessary for mining, would unduly harm or degrade the public land.
Id. "FLPMA's requirement that the Secretary prevent UUD supplements requirements imposed by other federal laws and by state law." Center for Biological Diversity v. Dept. of Interior, 623 F.3d 633, 644 (9th Cir. 2010).
BLM complies with this mandate "by exercising case-by-case discretion to protect the environment through the process of: (1) approving or rejecting individual mining plans of operation." Id. at 645, quoting Mineral Policy Center, 292 F.Supp.2d at 44. The Ninth Circuit has stressed the "environmental protection provided by the MPO [mining plan of operation] process." Center for Biological Diversity, 623 F.3d at 645 (emphasis in original).
BLM cannot approve a mining plan of operations that would cause "unnecessary or undue degradation." 43 C.F.R. § 3809.411(d)(3)(iii). BLM's mining regulations further require that all operations "must take mitigation measures specified by BLM to protect public lands." 43 CFR § 3809.420(a)(4).
As noted herein, BLM violated these overarching duties.
Disposition: Comment acknowledged; does not provide new information

Response
FLPMA and BLM's Surface Management Regulations (43 CFR 3809) require that a plan of operations prevent "unnecessary or undue degradation" and that term is defined in the regulations. The proposed Project, if approved, must comply with that standard and, as the comment states, the Operator must take mitigation measures specified by BLM to protect public lands. In reviewing the proposed Plan of Operations and preparing this EIS, the BLM has complied with its legal and regulatory obligations and it will comply with those requirements in any decision that is made. Specific concerns about compliance with the "unnecessary or undue degradation" standard are addressed in responses to comments related to specific resources. No changes to the text of the EIS have been made to address this comment.

Letter 858, Comment 52

The geochemcial sampling was not adequate, which has broad implications. Effective sampling is the bedrock of much of the analysis for the project from acid drainage to pit lake water quality development. For the Mt. Hope Project much of the analysis is thrown into question.

Disposition: Other (SEE RESPONSE)

Response

The management of waste rock is outlined in Section 2.1.3.2 of the EIS. The potential effects to water quality are discussed in Section 3.3.3 of the EIS. No changes to the text of the FEIS have been made to address this comment.

Letter 858, Comment 53

It is also possible that the conceptual basis for the pit lake model is incorrect, which is another foundation aspect to the analysis. GBRW is very concerned that the pit lake could go the way of the Lone Tree pit lake.
There are two major points of error surrounding the water modeling that the BLM must consider in order for the DEIS to be a complete disclosure document. These pertain to dewatering rates and the extent of drawdown around the pit lake and to whether the pit lake will be a terminal lake.
The DEIS estimated unrealistically high recharge rates on siliclastic rock on the Roberts Creek Mountains. Doing this caused conductivity to be significantly higher than in similar rock near the pit. The combination of high recharge near the massif and low conductivity near the pit prevents the drawdown from extending far north into the massif. The low conductivity near the pit lake limits the estimated dewatering rates at the mine; if the conductivity at the pit were as high as near the Roberts Creek Mountain massif, the dewatering rates could be much higher.
The pit lake may fill faster than the groundwater levels around the pit may recover. This is because the majority of the inflow is storm runoff from the pit walls. The BLM must present and analyze more simulated data to make a better estimate.
Disposition: Comment acknowledged; does not provide new information

Response

CC-098-Recharge in the Model

Letter 858, Comment 54

The DEIS admits that the Project will have significant, long-lasting, and in some cases permanent adverse impacts to water resources, including the loss or elimination of perennial and/or seasonal streams and numerous springs and seeps due to the Project's dewatering. See DEIS Chapter 3. BLM thus violated its duty under FLPMA to prevent "undue degradation" to these waters. The DEIS, however, states that its "mitigation measures" will be "very effective" in eliminating any adverse impacts. For the dewatering impacts during the Project, much of the "mitigation" is merely a plan to develop future mitigation (DEIS pp. 3-86 - 3-104). That violates BLM's duties under NEPA. See South Fork Band Council v. Dept. of Interior, 588 F.3d 718, 728 (9th Cir. 2009)(BLM EIS contained an "inadequate study of the serious effects of É exhausting water resources.").
Further, BLM has even less mitigation for post-closure impacts from dewatering, since the primary mitigation measures for impacts during the Project's 40+ years will not be available.
"For any significant impacts to wells with associatedground water rights that do not occur until after the end of mining and milling operations, the operational measures described above may not be available," (DEIS pg. 3-104). Here, BLM posits that mitigation could include speculative actions such as EML's purchase of water rights, drilling deeper wells, or posting a bond (DEIS pg. 3-105). But this does nothing for public water rights, such as Public Water Reserve (PWR) #107, as well as the public land springs, seeps, and streams that don't rely on wells. Thus, there is little, if any, mitigation either analyzed or proposed, for the post-closure impacts that will occur. Relatedly, there is no analysis of the effectiveness of this post-closure mitigation.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 858, Comment 55

Regarding PWR 107, the DEIS admits that many could be affected, but have yet to be quantified or analyzed. "Additional ... and future PWRs that are reserved for stockwatering (and domestic) purposes could exist within the Project Area and within the ten -foot ground water drawdown contour," (DEIS pg. 3-57). BLM thus failed its duty to analyze these public rights under NEPA, and failed to protect them under its PWR 107 duties. Further, the DEIS limits any potential PWRs to 1,800 gpd (DEIS pg. 3-77), yet fails to explain why such springs/waterholes with less flow can be ignored.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 858, Comment 56

Overall, GBRW submits that the shortcomings of the DEIS warrant the development of as new DEIS or supplemental EIS.
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 859

Comment 1

We are particularly concerned with its insufficient analysis of the full impact mining operations would have on grazing resources
Disposition: Other (SEE RESPONSE)

Response

Section 3.12.3 of the EIS discusses the potential effects to livestock grazing. No changes to the text of the FEIS have been made to address this comment.

Letter 859, Comment 2

unsatisfactory mitigation plan for lost resources
Disposition: Already addressed in planning documents

Response

CC-125- Mitigation/Monitoring Plan

Letter 859, Comment 3

Please include us on the mailing list for all information related to this project.
Disposition: Other (SEE RESPONSE)

Response

The contact has been added to the mailing list.

Letter 859, Comment 4

Additionally, please place on the mailing list our attorneys and range consultants
Disposition: Other (SEE RESPONSE)

Response

The contact has been added to the mailing list.

Letter 859, Comment 5

Because of these impacts, should the Project proceed, the BLM must adopt a monitoring, management, and mitigation plan that will promptly, reasonably, and effectively mitigate these impacts.
Disposition: Already addressed in planning documents

Response

CC-125- Mitigation/Monitoring Plan

Letter 859, Comment 6

The BLM should require mandatory coordination between the Project owner, stake holders (including Etcheverry), and public agencies when addressing monitoring, management and mitigation
Disposition: Other (SEE RESPONSE)

Response

The BLM does not have the regulatory authority to mandate an independent third party or other public agency to coordinate with the Project proponent.

As part of the applicant committed practises outlined in Section 2.1.14 of the EIS, EML has committed to keeping Eureka County informed on the activities at the mining operation.

No changes to the FEIS have been made to address this comment.

Letter 859, Comment 7

A minimum amount of funding should be required to address these impacts as they arise.
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 859, Comment 8

The final EIS ("FEIS") must explicitly identify the applicant, or EML, as the responsible party responsible to address and implement mitigation. This responsibility includes all aspects of mitigation including designing, surveying, reporting, obtaining permits, undergoing additional NEPA compliance, operation, maintenance, insurance, construction, monitoring, and ensuring that mitigation measures are reasonable and adequate to mitigate the impact.
Disposition: Other (SEE RESPONSE)

Response

A Record of Decision is the document that would be used to require EML to implement any specific mitigation measures related to the project.

Letter 859, Comment 9

EML must provide short-term mitigation for impacts as the affected party or resource will only suffer continued additional or compounded injury during the lag time of the action that triggers mitigation and the implementation of the mitigation measure itself
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 10

Further, some flexibility must be considered regarding mitigation as not all mitigation measures will be feasible and thus alternative means of mitigation will need to be considered and implemented.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 11

The BLM should require monitoring, management, and mitigation plans for any decisions made related to this Project.
Disposition: Already addressed in planning documents

Response

CC-125- Mitigation/Monitoring Plan

Letter 859, Comment 12

The BLM should require a strict monitoring, management and mitigation plan that will effectively address impacts caused by the Project.
Disposition: Already addressed in planning documents

Response

CC-125- Mitigation/Monitoring Plan

Letter 859, Comment 13

DEIS Section 2.1.1 discusses ancillary facilities for the Project, including "fresh/fire suppression water storage and a process water storage pond" (p. 2-2; PDF 85, ¶12). Does EML have water storage permits to allow construction of the proposed storage facilities? If not, will EMLI apply for such permits? The FEIS must consider whether or not EML will have valid water permits for all its purported uses of water.
Disposition: Already addressed in planning documents

Response

Section 1.6 of the EIS lists the permits that would be required for the Project to operate. No change to the EIS has been made in response to this comment.

Letter 859, Comment 14

DEIS Section 2.1.2 discusses ground water management and water supply (p. 2-17; PDF 94, 112). Does the 11,300 acre feet per year ("afa") amount of water required, include that amount of water from the well field and mine dewatering, as well as the reclaimed, recycled, and collected runoff water? It is not clear from the DEIS whether or not EML has obtained water permits for all of these sources. If EMI, plans to use water from all such sources identified, can the total amount of fresh water consumed be reduced to account for use of reclaimed, recycled, and runoff water? The FEIS must consider EML's water uses and take into account all valid water permits available, the permitted amount, and the amount of water required for each and every use of water proposed in the Project.

Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 15

DEIS Section 2.L2 states that 11,300 afa of water will be necessary during the operation of the mine, 44 years (p. 2-17; PDF 94,112). The paragraph also states that some water will be needed during the reclamation phase. The DEIS does not consider how much water will be necessary and from which sources the water will be appropriated. Where will the water come from? how much water will be requested from each source?
Disposition: Comment acknowledged; does not provide new information

Response
CC-075-Water Use in the Proposed Action

Letter 859, Comment 16

How long after the closure of the mine will water continued to be used to support mitigation, the pit lake and other items requiring water used by the Project? (Appendix B, p. 2 111; PDF 935, , 118). The DEIS does not list or inventory all water uses, and time periods of water use. The FEIS must consider EML's water uses from all sources and for all years wherein EML contemplates any water use for its Project, mitigation, or rehabilitation.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 17

The DEIS does not discuss an annual account of water use by EML under the proposed action. The DEIS only considers a total amount of 11,300 afa to be 100% consumptively used. Will the amount of water consumed during construction phases, and that consumed after active mining phases, be at an amount less that 11,300 afa? If so, will this water be made available for mitigation? Please include a water inventory accounting in the FEIS.
Disposition: Comment acknowledged; does not provide new information

Response
CC-075-Water Use in the Proposed Action

Letter 859, Comment 18

The DEIS generally considers that water resource damage (both surface water and ground water) can be mitigated. With what water will EML satisfy mitigation when EML may only be permitted to use 11,300 afa, which it appears will be used in full for mining operations? The FEIS should consider specifically how EML will satisfy mitigation requirements.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 19

DEIS Section 2.1.2.1 contemplates that if there is surplus water, then water in the pumping Field would be reduced. The DEIS does not consider how or which wells in the field would be reduced or curtailed (p. 2-17; PDF 94,1f3). Is there a hierarchal list that illustrates which wells would be shut down first, second, third, etc.? How is such determination made? The DEIS does not consider that some wells will cause greater impacts to water right holders other than EMI, given the proximity of the well head to the others' properties. The FEIS, as well as any decision document, should consider with specificity, how, where, when, to what amount, and for what duration each well in the pumping field would be reduced (whether due to surplus, or due to required mitigation).
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 20

DEIS Section 2.1.2.1 notes that well locations may change over the life of the Project (p. 2-17; PDF 94,1[4). The DEIS does not discuss or contemplate that any change in well location requires that a transfer or change application be filed with the Nevada State Engineer. During a change application process, the change can be protested by an aggrieved or injured party, and the Nevada State Engineer could deny such requested change. If these processes were to occur, EML's water rights of use would be in jeopardy and the

Project's total pumping may be reduced. Does the DEIS consider a proposed action wherein an amount less than 11,300 afa is contemplated? An alternative to the proposed action discussing water use less than 11,300 afa should be considered and outlined in the FEIS.
Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 21

Given testimony in the State Engineer Proceedings, likely no amount of water should come from the carbonate aquifer in the well field as aquifer tests and EML's own witnesses show that pumping of the carbonate aquifer will cause immediate and negative impacts.
a. In the well field, Well 206 draws from a carbonate rock aquifer with relatively high transmissivity. EMI, conducted a 32-day constant rate aquifer test on Well 206 from April 10 to May 12, 2008, at a target pumping rate of 1,400 gallons/minute. Observed drawdown in Well 206 reached 30 feet at the end of the pumping test. See Record on Appeal from State Engineer Proceedings at ROA 18052. Static water levels in the aquifer did not return to pre-testing levels and a residual drawdown of 4.5 feet was observed. Based on the "conservative" pumping of Well 206, EMI,'s scientific analysis indicates that there will be a 205 foot drawdown at the end of the mine's 44-year pumping period. See Exhibit 39 ROA 1716. EML's expert admits that pumping over time will cause impacts to multiple springs and stock watering wells on the floor of Kobeh Valley. See Transcript at ROA 187:7-16.
b. Well 206 is uniquely situated and located within roughly 75 feet of the property line boundary of a private ranch, Roberts Creek Ranch, owned by Etcheverry. Following EML's pump test of Well 206 in 2008, the Etcheverry Family observed that water levels in nearby Nichols Springs were cut by half and have never fully recovered. See Transcript at ROA 448:16 449:22, 456:8 — 458:3.
c. Martin Etcheverry testified during the State Engineer proceedings that by the time EML was done testing Well 206, Nichols Springs dropped to half the water and has not yet recovered, years later. ROA 448:16-35, 449:17-22, 456:8 - 458:3. EML's witness, Jack Childress, acknowledged that the net effect of Applicant's proposed pumping from Well 206 will be to "dewater" the carbonate block that houses Well 206. ROA 258:25 - 259:2.
Disposition: Comment acknowledged; does not provide new information

Response
EML has proposed pumping a small portion of the water from the carbonate aquifer and the modeling and analysis in the EIS are based on this proposal. EML has monitored Nichols Spring for several years. The data show that flow dropped over a period from early 2007 to early 2011, but the onset of this decreased flow preceded the 206T pump tests by 3 quarters. In addition, during the course of the pumping test, Nichols Spring had a temporary weir installed to measure spring discharge, and there was no reported change in spring flow during the course of testing (Bugo, 2008). EML's data disagree with Etcheverry's testimony."; The NDWR has granted EML their water rights for the Project. EML has proposed pumping a small portion of the water from the carbonate aquifer and the modeling and analysis in the EIS are based on this proposal. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 22

The FEIS should note the affects of removing water from the carbonate block and consider alternatives that do not take water from this source near Well 206. The impacts seen from pump tests related to this Well are significant.
Disposition: Comment acknowledged; does not provide new information

Response
The EIS describes the difference in pumping responses that would be expected, and have been demonstrated by EML's well tests, from the carbonate and alluvial aquifers. The Project would limit carbonate pumping to no more than ten percent of total water production from the Kobeh Valley wellfield. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 23

DEIS Section 2.1.2.1 notes that "any change in number of wells or location of wells outside the corridor shown on Figure 2.1.7 would be considered.. .a modification of the plan... subject to.. .environmental review" (p. 2-18; PDF 95,11[1). Is this statement saying that if the number of wells exceeds the 8-15 contemplated, regardless of the location of the well, that it would be a modification of the plan subject to additional federal NEPA review?
Disposition: Other (SEE RESPONSE)

Response
Yes, the Plan of Operations would need to be modified and the BLM's review of the Plan of Operations would be subject to BLM compliance with the NEPA.

Letter 859, Comment 24

From a review of this language it also appears that this statement may be saying that an increase is not necessarily a modification if the well locations remain within the contemplated corridor. If this latter assessment is the case, what point or number of additional wells,

would trigger a modification subject to additional review? The FEIS should state with specificity which conditions and circumstances would require an additional review process.
Disposition: Already addressed in planning documents

Response
Section 2.1.2.1 of the DEIS outlines the proposed activities associated with the water supply development, which includes eight to 15 wells to be located within the identified corridor. If more than 15 wells would be needed or the wells would need to be located outside of the identified corridor, then the Plan of Operations would need to be amended. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 25

DEIS Section 2.1.2.1 identifies two construction water wells placed on a separate pipeline to transport water to a construction pond (p. 2-18; PDF 95, 113). a. The paragraph continues to note that water would be used at 300 gallons per day. Is this 300 gallons per day the amount of water being pumped out of the well? Is this amount of water taken from these wells a portion of the 11,300 afa contemplated by the Project or in addition to that amount? The FEES should include an accounting of water uses to ensure that the amount of water used in each component of the Project does not exceed the total amount of permitted water uses that EML holds. b. In addition, it is unclear from the DEIS where this water is being used. The narrative states it will be used in the TSF ponds, but Figure 2.1.8 does not identify the location of such ponds. There are only four ponds on this figure and none of them are identified as TSF or Construction Ponds. Does the DEIS contemplate that this water from wells located in Kobeh Valley will be used in Diamond Valley or another hydrographic basin? What are the affects of moving this water to different water basins? The FEIS should consider the direct and indirect impacts related to the comingling of water use and water basin uses.
Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 26

DEIS Section 2.1.2.2 outlines mine dewatering with an estimated 100-750 afa of water inflow in year one, 20% being from Kobeh Valley and 80% from Diamond Valley (p. 2-18; PDF 95, 115). a. The DEIS fails to consider the affect of removing water from Diamond Valley wherein ground water is already in a state of decline. Given that Diamond Valley's ground water is already over appropriated, the FEIS must consider and explain that the use of Diamond Valley water will cause irreversible and irretrievable commitment of the water resources, thus significantly and negatively impacting every water user in Diamond Valley. Because of the use of Diamond Valley ground water — the zone of impact from this Project extends to every surface and ground water user in Diamond Valley and therefore must be considered as such in the FEIS.
Disposition: Comment acknowledged; does not provide new information

Response
CC-009-Water Rights

Letter 859, Comment 27

Will the non-fresh water removed from the dewatering activities be put to beneficial use? The FEIS needs to identify the beneficial use of each molecule of water being used in the Project to ensure that the water resources are not wasted.
Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 28

The DEIS states that the fresh water will be used, but does not consider the use of the non-fresh water, yet states in DEIS Section 21.14.3 that the facility will be a zero discharge facility (p. 2-66; PDF 132 ¶3-5). Where is this water going? The FELS must account for and consider the use and impacts of all water being used in the Project.
Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 29

DEIS Section 2.1.2.2 notes that water removed from the open pit will be used to offset fresh water demand. The DEIS fails to consider and account for how much the water collected from the open pit will offset the demand for fresh water (p. 2-19; PDF 96,1[1). a. How much fresh water can be saved? And how is "fresh water" defined? The FEIS must consider the accounting of all consumptively used water. The FEIS must consider whether or not this water is actually "saved" or if the source of the total Project

waters are simply shifted during the time that water is removed from the open pit mine. The FEIS must consider that regardless of whether the water comes from the well field or from the open pit mine, that water must have a permit to be used for consumptive use.
Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 30

The DEIS should be edited to take out the word "saved" from anything related to water use given that the Project will consumptively use every drop of water it comes into contact with. See ROA 1065 EML's proposed Mt. Hope Water Resources Monitoring Plan117 noting "no water will be returned to the aquifer."
Disposition: Other (SEE RESPONSE)

Response
The word "saved" is not used in the DEIS. No changes to the text of the FEIS have been made to address this comment.

Letter 859, Comment 31

Which wells will have their pumping reduced or curtailed when water is flowing into the open pit? Will there be a method for determining which wells cause the most impact, and shutting down production from those wells if water from the open pit is available to offset the fresh water demand? The FEIS must consider which wells should be considered for reduction or curtailment when water is being utilized from the open pit. Further, any decision document allowing this Project to proceed should carefully consider this scenario as a means and time for mitigation to existing water uses.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 32

DEIS Section 2.1.2.2 states that water is estimated to flow into the mine pit at a rate of 100-750 afa. The DEIS does not consider the effect on water quality as a result of fresh ground water flowing into the open pit mine (p. 2-18; PDF 95 ¶5). a. How will water quality be affected? The FEIS must consider the effects on water quality. Specifically, EML cannot guarantee that the ground water tables will not comingle with a) the open pit and mining operations therein, and b) other ground water tables. The FEIS must consider how the ground water exposure to the open pit will affect water quality.
Disposition: Already addressed in planning documents

Response
CC-006-Local Hydrologic Model

Letter 859, Comment 33

The FEIS must consider the geology of the ground water tables that may be, or are likely to be, connected to the ground water tables intercepted by the open pit mine. If such ground water tables are connected to the same tables that other water users use, including domestic water supplies, ground water quality must be highly and continuously monitored to ensure no contamination or degradation occurs.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 34

How will EML mitigate the downgraded water quality? The FEIS must consider the significant effects of the open pit on ground water quality when determining reasonable and effective means to Project the water quality through mitigation. The FEIS must consider all of the water tables and water quality effect on each table and how that water quality will be protected.
Disposition: Already addressed in planning documents

Response
CC-006-Local Hydrologic Model

Letter 859, Comment 35

Will EML compensate other water users for degraded water quality? The FEIS must consider effective means to monitor and mitigate damage to degradation of ground water quality. Any decision document must require mitigation, including compensating water users for such degradation.

Disposition: Comment acknowledged; does not provide new information

Response

As outlined in Section 3.3.3.3 of the EIS, no degradation of water quality is anticipated, after implementation of mitigation. Therefore, no unmitigated degradation to water quality is anticipated. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 36

The DEIS does not explain how successful the design will be for its intended reduction or infiltration goal. Were other designs considered to reduce infiltration? The FEIS should outline the measures of success and statistical information used to support the "success" of the design chosen.
Disposition: Other (SEE RESPONSE)

Response

Attachments B and C to Appendix 4 of the Plan of Operations contain the testing, modeling and other technical information associated with the PAG WRDF cover design.

Letter 859, Comment 37

Will there be an effect to water quality from infiltration of the PAG WRDF materials? If so, how large of an effect? The FEIS should outline how the steps and the design/system chosen to reduce infiltration will protect water quality. The FEIS should further outline the probability that water quality will be protected given the steps, design, and system chosen.
Disposition: Other (SEE RESPONSE)

Response

The Proposed Action and Appendix 4 of the Plan of Operations provides the Waste Rock Management Plan for the proposed Project.

Letter 859, Comment 38

DEIS Figure 2.1.10 (PDF 101) depicts drainage for a spring under the WRDF, but then states that the design is "conceptual." The inclusion of a spring and drain is part of the design proposed in DEIS Section 2.1.3.1.2 (p. 2-24; PDF 99, ¶6). Will there be a spring drainage system, or not? If not, how will the percolating waters be controlled? The FEIS must consider and outline the uncertainty of this conceptual design and state whether or not such design will be used. If this spring drainage system will not be used, the FEIS must consider the effects of the non-use, including how the percolating waters will be controlled and any impacts of uncontrolled waters. Given the uncertainty, this is an area wherein the FEIS and decision documents should require a high level of monitoring, management and mitigation.
Disposition: Comment acknowledged; does not provide new information

Response

The location of the spring drainage system would be constructed as shown in the Plan of Operations and in the Proposed Action in the EIS. The use of the word conceptual is appropriate. The final design would be developed prior to construction. No change has been made in the EIS in response to this comment.

Letter 859, Comment 39

DEIS Figures 2.1.9, 2.1.11, 2.1.12 and 2.1.13 (PDF 100, 102, 103, 104) identify locations of numerous springs The FEIS should explain the purpose or use of these springs related to the proposed mining operations. If these springs are identified for the purpose of determining impacts to surface water sources, the FEIS should explain what impacts it foresees, both direct and indirect, to each spring. The FEIS should identify a baseline condition for each spring and describe how it will be monitored. If the Project will have a significant effect on the streams associated with these springs, including reduction in or complete cessation of stream flow, the FEIS must consider and call for mitigation to each and every stream.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 40

DEIS Section 2.1.5.1 outlines a water spray system used for dust suppression at the dump pocket hopper (p. 2-38; PDF 108,1f3). The DEIS does not discuss what the source of water will he for this phase of processing. Will fresh water be used? Or, will reclaimed or recycled water be used? How much water is anticipated for this phase? The source and amount of water to be used for this system must be accounted for and should be outlined in a water use inventory in the FE1S.
Disposition: Factual correction made (SEE RESPONSE)

Response

CC-021-Water Development Plan

Letter 859, Comment 41

DEIS Section 2.1.6 notes that water from the impoundment will continually be recycled back into the process stream during operations (p. 2-45; PDF 113, ¶6). The DEIS does not consider the specific effect that water recycling will have on the amount of fresh water used. Will water recycling reduce the 11,300 afa of fresh water identified in DEIS Section 2.1.2 (p. 2-18; PDF 95 115), or will the recycled water be used in addition to the 11,300 afa? The FEIS should account for this water.
Disposition: Factual correction made (SEE RESPONSE)

Response

CC-021-Water Development Plan

Letter 859, Comment 42

DEN Section 2.1.14.3 (p. 2-66; PDF 132,1f3) explains that the central method used for identifying waste rock with the potential to generate acid or mobilize deleterious constituents would be laboratory analysis. However, DEIS Section 2.1.3.2.2 states that prior to implementation of the laboratory testing method, a "visual inspection of the waste rock" would he conducted to separate PAG waste from non-PAG waste (p. 2-36; PDF 106 117).
Disposition: Factual correction made (SEE RESPONSE)

Response

CC-074-Visual Inspections of Waste Rock

Letter 859, Comment 43

The DEIS fails to adequately consider the consequences that will occur before laboratory testing is implemented, including consequences to water resources from seepage of PAG material percolating into the water.
Disposition: Other (SEE RESPONSE)

Response

Laboratory testing is proposed for all waste rock prior to disposal. No change to the text of the FEIS has been made to address this comment.

Letter 859, Comment 44

The DEIS fails to outline who, and upon what expertise, the visual inspection will he made. how will the visual inspection process ensure that all PAG waste is separated from non-PAG waste? The DEIS does not address the impacts related to human error or "visual inspection" errors that may occur.
Disposition: Factual correction made (SEE RESPONSE)

Response

CC-074-Visual Inspections of Waste Rock

Letter 859, Comment 45

Given the uncertainty, this is an area that the FEIS should consider for strict and continued monitoring to ensure that all PAG waste is handled properly.
Disposition: Other (SEE RESPONSE)

Response

The BMRR has responsibility for ground water protection in the State of Nevada and will require an appropriate level of monitoring pursuant to the Water Pollution Control Permit. No change to the text of the FEIS has been made to address this comment.

Letter 859, Comment 46

DEIS Section 2.1 15 (p. 2-70; PDF 136,1[4) incorporates the Water Resources Monitoring Plan ("WRMP"), attached to the DEIS as Appendix B. The WRMP, Paragraph 3 (Appendix B, p. 1; PDF 934, 113), states that mitigation may be required based on the degree of impacts, but does not identify the elements or thresholds requiring mitigation. What will those elements and thresholds be? What mitigation activities will be required? Who will be responsible for conducting mitigation? Who will ensure that the responsible party actually and adequately mitigates? The FEIS should address these questions with specificity to allow understanding of thresholds, mitigation activities, and responsibility.
a. The FEIS must take the WRMP one step further by outlining: the type of impacts that will likely be seen, the degrees of impacts, the elements and thresholds for mitigation, what reasonable and adequate mitigation will be, how long mitigation will be required, when mitigation will occur (immediately or upon some group consensus, petition by damaged party, administrative hearing, etc), cost of mitigation and responsibility for costs, and the party to implement alternate mitigation measures in case mitigation does not work.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 47

The WR_MP Paragraph 7 (Appendix B, p. 1; PDF 934,117), incorporated in the DEIS by DEIS Section 2.1.15, contemplates a Technical Advisory Panel ("TAP"), but fails to explain any details about TAP. Who will make up the panel? What authority will TAP have to control mine operations and mitigation? How will TAP consider comments from stakeholders?
a. In the DEIS, the TAP is merely contemplated. The FE'S should state that a TAP will be required by BLM should this Project proceed. Any decision document should also require creation of a TAP.
b. The FEIS should outline who will create the TAP and upon what expertise. The TAP should include members of Eureka County as well as the stakeholder or landowners in the County who are most likely to be affected by EML's mining activities.
c. The FEIS must outline the authority of the TAP and if any procedures will be required to be followed by the TAP. The FEIS should consider how TAP will consider comments from the public, injured persons, or any stakeholder. The FEIS should further outline how the TAP will handle any comments and implement any action the TAP determines should be taken.
d. The FEIS must outline procedures or a jurisdictional body that will oversee any decisions made by the TAP.
Disposition: Other (SEE RESPONSE)

Response
Please see Item #7 of the Water Resources Monitoring Plan in Appendix C of the EIS, which is EML's proposal water monitoring from the Plan of Operations, for a description of the Technical Advisory Panel as proposed. As stated therein, the intent of the TAP is to provide stakeholders with "access to hydrologic monitoring data" and to provide a "venue to bring forth their comments and concerns". The Water Resources Monitoring Plan does not propose to vest the Technical Advisory Panel with any jurisdictional authority. In fact, the Water Resources Monitoring Plan suggests that neither EML nor the BLM can manufacture such authority. No change to the text of the FEIS has been made to address this comment.

Letter 859, Comment 48

The WRMP Paragraph 8 (Appendix B, p. 2; PDF 935, Ill), incorporated in the DEIS by DEIS Section 2115, discusses ground water use extraction, noting that 11,300 afa are proposed, with the majority coming from Kobeh Valley, and the remainder coming from Kobeh and Diamond Valleys through pit dewatering operations. The DEIS is not clear about whether pit dewatering operations would provide additional water or be within the 11,300 afa. Is water that will come from pit dewatering operations in addition to or included within the 11,300 afa figure? The FEIS should provide a water inventory from all sources. Given the irreversibility of water use and 100% consumptive use of water resources proposed, any FEIS and decision document should detail the use and inventory of all waters while providing a plan to monitor water use to ensure that no more than 11,300 afa (or that amount of water permitted for use) is actually used.
Disposition: Factual correction made (SEE RESPONSE)

Response
CC-021-Water Development Plan

Letter 859, Comment 49

The WRMP Paragraph 8 (Appendix B, p. 2; PDF 935,111), incorporated in the DEIS by DEIS Section 2.1.15, states that the majority of the pit dewatering water will come from Diamond Valley. DEIS Section 2.1.2.2 stated that it is predicted that 100-750 afa is expected to flow into the open pit for a period of at least 32 years. (p. 2-18; PDF 95 115). Is EML procuring state permits for using dewatering water? What effects will there be in Diamond Valley as a result of the inflow of water to the open pit from Diamond Valley, especially since Diamond Valley is already experiencing ground water overdraft?
Disposition: Other (SEE RESPONSE)

Response
NDWR is responsible for water appropriations in the State of Nevada and can be contacted regarding questions about the permits granted to EML. No change to the text of the FEIS has been made to address this comment.

Letter 859, Comment 50

What mitigation measures will be used to make sure these impacts do not occur, or mitigate their occurrence? The DEIS is clear that significant impacts will occur under the proposed action. The context and intensity of the impacts is that which deems the impacts as "significant." Given the significance, the BLM should require mitigation in detail, and prior to any issuance of a decision document allowing this Project/proposed action to move forward. The mitigation plan should detail each measure to be taken and the timing of that measure. For example, if water ceases to flow in a stream, immediate replacement water is needed wherein that water is used for livestock watering. What will ensure that water is actually replaced immediately. The FEIS should consider and outline these mitigation measures with significant detail.
Disposition: Other (SEE RESPONSE)

Response
The specific mitigation for the potential impacts of the Proposed Action, as well as the alternatives is outlined under each resource section of Chapter 3 of the EIS. In addition, all the mitigation outlined for the Proposed Action is compiled in Appendix D of the EIS.

Letter 859, Comment 51
What are the thresholds for adverse impacts? There will be direct and indirect impacts related to this Project. The FEIS and any decision document, must outline the thresholds that will require immediate mitigation. The DEIS also contemplates that some impacts will last years, decades, centuries. In such instance, the FEIS and decision documents should require adequate mitigation that will adequately address the impacts over time.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 52
Why is a ground water drawdown of 10 or more feet significant when impacts can occur at less than 10 feet? The FEIS should require EMI, to consider and include all impacts occurring at a ground water drawdown of at least 5 feet.3
Disposition: Comment acknowledged; does not provide new information

Response
CC-023-Ten-Foot Drawdown Contour

Letter 859, Comment 53
How are the locations of the "selected" springs chosen? Besides the springs themselves, how are the location(s) of monitoring places on that spring itself located? The FEIS needs to identify and state the reasons particular spring are chosen over others and where within that spring the monitoring point will be placed.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 54
Have these springs already been chosen? Has monitoring already begun? It is important that a baseline be established prior to any water use by EMI- The FEIS and any decision document should direct that monitoring be commenced at once to establish the base line.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 55
How will the testing periods be set? It will be important in any monitoring plan, that springs and surface waters are tested at the same time each year. Who will set the date for monitoring to occur, and who will monitor this activity to ensure compliance and reliability of results? The FEIS and final WRMP should outline these factors to ensure compliance, reliability, and comparability of results.
Disposition: Comment acknowledged; does not provide new information

Response
The BLM would require submittal of monitoring reports as a condition of Project authorization and would ensure that monitoring protocols are sufficient. No change has been made in the EIS in response to this comment.

Letter 859, Comment 56
Will the sites be tested while adjacent ground water pumping is occurring or when pumps are not operating? The FEIS needs to consider that these conditions will occur in the future and thus establish a base line. Monitoring should document whether or not wells are being pumped within a described radius of the monitoring site. Further, it will be important for result interpretation to know how long that particular well has been pumped. For example, results will vary dramatically if a nearby well has been pumped for two hours versus the same well being pumped for 24 hours or 2 years. The FEIS and monitoring plan should outline and delineate which factors should be documented when undergoing any monitoring activities to ensure that all impacts are considered and mitigated for.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-004-Baseline Data Adequacy

Letter 859, Comment 57

DEIS Section 12 discusses water resources and water quantity. The DEIS does not consider that many water uses may not be known or quantified. For example, Etcheverry Family LTD Partnership controls both private and public lands in Kobeh, Pine and Diamond Valleys wherein water is beneficially used, but may not be permitted under the laws of the State of Nevada. Many beneficial uses of water are exempt from permitting such as domestic uses, livestock water, and others. In addition, given the lack of water adjudications, Etcheverry has vested water claims on file with the State Engineer's office as well as the ability and proof to file for additional vested water claims. The FEIS must consider that these water uses are relied upon, are existing uses, whether permitted, exempt or vested, and are prior to many claims of EML. The FEIS must consider and account for these un-quantified water uses.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 859, Comment 58

DEIS Section 3.2.1 (p. 3-3; PDF 165,113) states that Public Water Reserve 107 ("PWR 107") reserved for the public, that water necessary for domestic and stockwatering uses. Only water in excess of minimum amounts is available for appropriation. The DEIS does not consider the PWR 107 reservation. What is the minimum amount reserved for the public? Will the Project impact those minimum reservations? At what level will impacts be unacceptable? How will EML's activities be curtailed if there is an effect on reserved springs? What mitigation measures will EML be required to take? The FEIS should consider the effect of PWR 107 and address the impacts on minimum stream reservation requirements.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 859, Comment 59

DEIS Section 3.2.2.1 (p. 3-4; PDF 166,112) explains the study methods utilized for gathering baseline environmental information, and the time periods in which information was gathered. a. Were the years when data was gathered representative/average years, or was the quantity of water more or less than usual in those years? It is noted that some data was collected in the fall or on a quarterly basis, however, such month of collection needs to be documented.
b. What time of year was the data collected? If data was collected during the dry season, will that factor be taken into account for determining adverse impacts caused by the Project? The FEIS should include this information as the reader is unable to determine and ascertain impacts of the proposed action without this information. The time of collection needs to be consistent and stream surveys should be organized and specify how, when, where, and on what continued intervals data will be collected upon.
c. The FEIS must include the above outlined factors to allow the ability to adequately and reliably address impacts to affected landowners and water users. Should mitigation be required, establishing reliable baseline information is imperative.
d. The FEIS should specify how the study period ranked compared to the historic average in terms of climate and precipitation. The FEIS should specify whether the time frame "between 2005 and 2007" consisted of representative/average years or anomalies.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-004-Baseline Data Adequacy

Letter 859, Comment 60

The DEIS states, under section 3.2.2.1, that the final survey was conducted in the fall of 2007, but fails to identify the season of data collection for previous studies (p. 3-4; PDF 166,112). In SRK 2008a (Baseline Surface Water and Ground Water Report), collection dates are likewise unclear, but references are made to quarterly studies. Numerous collection dates are attributed to specific sites; however these dates are not summarized. Presumably, surveys were conducted four times per year at each survey site. This is not suggested in the DEIS. The DEIS implies that surveys were conducted at different locations at different times throughout the year. Water flow in springs and streams is highly dependent on season, annual precipitation, and climate. The DEIS does not consider how these factors may have influenced SRK's studies (p. 3-4; PDF 166,112).
a. The FEIS should identify the seasons/months of data collection. It is crucial that the PETS state clearly when and how often sampling was conducted at each site.
The FEIS should summarize the data, describing changes in water flow from season to season. If data was collected only during the dry season (summer/fall) at any site, the FEIS should also clarify this point and take into account differences in water flow levels throughout the year.
b. Mitigation should likewise consider seasonal water flow patterns and fluctuations. It should not be assumed that replacing water sources in the spring with flow levels requisite for fall will be sufficient for supporting riparian vegetation, wildlife, wild horses, and livestock use.
c. Without more detail concerning how water resources information was collected, interpreted and applied to mitigation measures, it is impossible for readers to determine and ascertain the impacts of the proposed action on water sources.

d. The FEIS must clarify how season and average climate and precipitation data relate to SRK's water resource information studies. The FEIS must delineate how these factors will be accounted for when determining landowner and water right holders' compensation.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-004-Baseline Data Adequacy

Letter 859, Comment 61

DEIS Section 3.2.2.3.2 reports that a five-mile radius was chosen to survey springs and seeps near Mount Hope (p. 3-31; PDF 185,116). Why was the five-mile radius the chosen parameter? If the studies occurred within a five-mile radius, then were impacts outside of that radius not considered? Is a five-mile radius adequate for water studies? Do other reputable studies use similar parameters? In order to analyze the impacts of the proposed action this information is needed. EML, created a computer model to assist in determining Projected impacts of mining operations on water resources. Why wasn't this computer model used to determine the Projected zone if impact as opposed to creating an arbitrary five-mile radius? In order for the public and the NEPA process to adequately consider and address impacts, whether or not those impacts are direct, indirect, irreversible, irretrievable, significant, or non-significant, the best available information must be used. The FEIS should consider use of a larger radius than 5-miles or otherwise consider and use the model to predict the draw-down, drying up, and otherwise "dewatering" of the aquifer.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-004-Baseline Data Adequacy

Letter 859, Comment 62

DEIS Section 3.2.2.3.3 (p.3-38; PDF 191 113) denotes two impoundments under the interests of Etcheverry Family LTD Partnership including Alpha Ranch impoundment and Roberts Creek Ranch impoundment. The FEIS must consider the effects of the proposed action on these impoundments that service the grazing allotment and Etcheverry farming and ranching interests. The FEIS does not outline the impacts to these impoundments. The FEES does not outline mitigation triggers or methods that will be required should these impoundments be negatively affected by the proposed action.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 63

DEIS Section 3.2.2.6.1 (p. 3-40; PDF 193,111) outlines the hydrogeologic setting. This setting fails to consider effects of the proposed action to resources in Pine Valley. The "Diamond Valley Regional Flow System" is defined so as not to include Pine Valley, however the State Engineer recognizes that the Projects place of use incorporates portions of Pine Valley. Furthermore, Project maps showing the contours of a 10-foot ground water drawdown delineate effects to water resources in the Pine Valley hydrographic basin. The effects of the proposed action to resources in Pine Valley must be considered and analyzed in the FEIS.
Disposition: Comment acknowledged; does not provide new information

Response
The EIS does not exclude analysis or disclosure of effects to Pine Valley. However, the EIS correctly states that the Diamond Valley Flow System is considered to consist of Antelope, Diamond, Kobeh, North and South Monitor Valleys, and Stevens Basdin (Harrill et al. 1988). No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 64

The DEIS states that "all underground water rights and pending applications for underground water rights owned by EML or its subsidiaries were excluded from the assessment of potential impacts" (p. 3-57; PDF 207, It4). Therefore, the DEIS fails to consider impacts to underground water sources and water rights regarding those numerous applications. What are the Project's impact on underground water sources and underground water rights, including water rights and pending applications owned by EML? Why was this excluded from the DEIS analysis?
Disposition: Comment acknowledged; does not provide new information

Response
CC-010-EML Water Rights

Letter 859, Comment 65

The FEIS must include an analysis of the impacts from underground water uses by EML. It is clear that there will be adverse environmental effects from the use of underground waters. EML's water uses for the proposed Project are currently subject to litigation and are not in use at the proposed place of use and points of appropriation to affect water delivery to this Project. Thus,

EML's water uses as related to the Project are somewhat "new" uses as they were not part of a baseline condition in the zone of impact. The FEIS cannot exclude these impacts from analysis
Disposition: Comment acknowledged; does not provide new information

Response
CC-010-EML Water Rights

Letter 859, Comment 66

The State of Nevada, Water Resources Division only considers the use of water and does not consider impacts that go beyond injury to another water user based on the "downstream" consequences resulting from consumptive use, i.e. loss of forage. There are several impacts, including injury or water use taking away from another water user, caused by the this Project's use of underground waters that the State does not analyze. The FEIS must consider these impacts. Further, any decision document must properly be conditioned to mitigate any and all impacts caused by use of underground waters.
Disposition: Comment acknowledged; does not provide new information

Response
CC-007-Regional Hydrological Model

Letter 859, Comment 67

The FEIS cannot exclude analysis of impacts caused by use of underground water. It is clear that there will be an irreversible and irretrievable commitment of the ground water resources from implementation of the proposed action, therefore these impacts must be discussed, outlined, and considered in the FEIS.
Disposition: Comment acknowledged; does not provide new information

Response
CC-007-Regional Hydrological Model

Letter 859, Comment 68

Impacts that include "dewatering the carbonate block" are significant and must he disclosed to the public in the FEIS.4
Disposition: Comment acknowledged; does not provide new information

Response
CC-007-Regional Hydrological Model

Letter 859, Comment 69

f. It is clear from DEIS Table 3.2-6 that Etcheverry's interests as related to water will be impacted (p. 3-58; PDF 208). Etcheverry is listed as "owner" of five water permits that may be affected. Etcheverry relies on these water permits to sustain, from year to year, its agricultural and ranching operations. The effect of the proposed action on Etcheverry must be considered carefully. Further, mitigation measures relating to these water permits must be reasonable and adequate. Etcheverry would be willing to meet with the BLM to discuss and outline the water uses and effective means for mitigation.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 70

DEIS Section 3.2.3.1.1 determines that impacts are "significant" where the predicted ten-foot drawdown contour includes a spring, seep or stream, and where the surface feature is considered hydraulically connected to the aquifer affected by the drawdown (p. 3-63; PDF 211, 113). The DEIS fails to consider other impacts caused by drawdowns less than ten feet. Why is ten feet the deciding factor? How was the ten-foot standard determined? What are the impacts to areas that experience less than a ten-foot drawdown?
a. It appears that use of a ten-feet contour is suggested and not mandatory. It is not uncommon for the Agency to request a more narrow review of the predicted impacts when it appears such analysis is warranted. Here the impacts at ten-feet are significant, and thus, further review and inquiry using a five-feet contour is needed.
b. The FEIS must be drafted to outline the impacts shown using a 5-feet contour indicator to determine the effects of ground water drawdown.
Disposition: Comment acknowledged; does not provide new information

Response
CC-023-Ten-Foot Drawdown Contour

Letter 859, Comment 71

DEIS Section 3.2.3.1.2 also finds that impacts are "significant" for ground water resources and ground water rights when within the predicted ten-foot drawdown contour and hydraulically connected to the aquifer affected by the drawdown (p. 3-63, PDF 211, 115). The DEIS fails to consider other impacts caused by drawdown less than ten feet. Why is ten feet the deciding factor? How was the ten-foot standard determined? What are the impacts to areas that experience less than a ten-foot drawdown?
a. It appears that use of a ten-feet contour is suggested and not mandatory. It is not uncommon for agency to request a more narrow review of the predicted impacts when it appears such analysis is warranted. Here the impacts at ten-feet are significant, and thus, further review and inquiry using a five-feet contour is needed.
b. The FEIS must he drafted to outline the impacts shown using a 5-feet contour indicator for the effects of ground water drawdown.
Disposition: Comment acknowledged; does not provide new information

Response

CC-023-Ten-Foot Drawdown Contour

Letter 859, Comment 72

DEIS Section 3.2.3.3.1 and Impact 3.2.3.3-1 state that surface water resources will be affected by Project activities because surface disturbance causes erosion, and thus sediment to accumulate or severe down-cutting occurs within surface sources (p. 3-72; PDF 219, 1[1-4). The DEIS determines that the impact is not considered significant, but fails to consider factors or explain the reasoning for the determination. Please explain why these factors were not considered significant and outline those factors that led to the determination of "non. significance."
Disposition: Comment acknowledged; does not provide new information

Response

As stated in the EIS, during mine operation, standard erosion prevention and maintenance procedures (see Section 2.1.7.4) would reduce impacts to less than significant levels. Also, as stated in the EIS, permanent drainage alterations would be left in place and reclaimed using revegetation or rock lining for stability and elimination of long-term maintenance under post-closure conditions. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 73

DEIS Section 3.2.3.3.1 determines that any impacts to existing water rights on streams or springs "would be mitigated subject to NDWR jurisdiction" (p. 3-78/3-85; PDF 223/227). The DEIS fails to consider whether and how adverse effects will be mitigated. Rather, the DEIS assumes that effects will be mitigated. The FEIS cannot simply point to the State while the State points back to BLM on mitigation. Doing such cross-pointing so as to not consider mitigation will only guarantee that no mitigation will occur.
a. The State only has jurisdiction over water use, and not to impacts going beyond water use, such as contamination, water quality degradation, the irreversible lowering of the ground water table, impacts to exempt water uses such as stock watering from surface rights, and others. The FEIS and any decision document must retain jurisdiction and require mitigation compliance and enforcement to adequately address those impacts caused by EML use of water.
b. Further, it is important to realize that NDWR issued water permits pursuant to State Engineer Ruling 6127, which is currently on appeal to the Nevada District Court, Case Numbers CV1108-155 through CV1108-157, CV1112-164 through CV1112-165, CV1202-170, in Eureka County. No mitigation plan has been approved by NDWR to protect existing water rights.
c. The DEIS does not take into account that there are water uses beyond water rights. These uses include exempt uses such as stock watering on seeps and streams. Due to the lack of adjudication of the surface and ground water sources in these areas, there are likely several un-filed vested claims to all the seeps and streams in the Roberts Creek Grazing Allotment for stock watering.
d. Mitigation for impacts to existing water rights, existing water permits, and existing and unfiled vested water claims should be required by any decision document, and such mitigation methods and means should have been outlined in the DEIS to allow potentially impacted parties to review the mitigation measures and provide comment as to the adequacy, reasonableness, and effectiveness of the measures provided. Any decision document must require mitigation and have provisions to enforce mitigation measures, or to undergo alternate mitigation should the first mitigation measure tried not be successful.
e. Complete curtailment or turning off water use for EML should be included as a mitigation measure for consideration.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 859, Comment 74

The DEIS states that ground water will begin to recover in the open pit area and basin-fill and bedrock aquifers after pumping ceases (p. 3-78; PDF 223, '111-2).
a. Other areas in the document indicate that the ground water levels may not recover after dewatering ceases. The language "If there is insufficient water to support phreatophytes or aquatic-dependent species..." is repeated 25 times in the DEIS document (p. 3-367; PDF 485,117). DEIS Mitigation Measure 3.9.3.3-2 also states "Phreatophytic vegetation may re-establish once the water table has recovered (at least 100 years post mining and milling)" (p. 3-67 - 3-368; PDF 485, (118 - 486,111). b. The FEIS should clearly state

whether or not ground water levels are expected to fully recover. The FEIS should also be clear in stating when the recovery process is expected to begin, how long it will take, and to what extent the waters will be recovered.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-012-Recovery of Ground Water Levels

Letter 859, Comment 75

Please explain the baseline data in place that allows the BLM or those monitoring EML's Project to attribute reduced stream flows to mining operations. The FEIS must state in explicit values the thresholds that will trigger mitigation when reduction to stream flows occurs.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-004-Baseline Data Adequacy

Letter 859, Comment 76

If an affect to a surface water source for a period of time up to at least 400 years after the end of the mining and milling operations is "potentially significant," what period of time or amount of impact would raise the level of the impact to significant, requiring mitigation?
Disposition: Comment acknowledged; does not provide new information

Response
CC-037-Surface Water Impact Duration

Letter 859, Comment 77

The DEIS fails to outline how determinations will he made relating to the cause and effect of mining and milling by EML on reduced stream and spring flows in the affected zone of impact. The FEIS and any decision document must outline explicitly how much of a reduced flow will require mitigation, and what mitigation time period is reasonable to effectively mitigate the impacts.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-011-Monitoring and Mitigation

Letter 859, Comment 78

The FEIS should outline how the BLM considered the impacts of the proposed action and how those impacts, and specifically "at least 400 years" of impacts to surface water sources, relates to the sustainability of the resources, and the multiple use objectives of public lands.
Disposition: Comment acknowledged; does not provide new information

Response
CC-037-Surface Water Impact Duration

Letter 859, Comment 79

DEIS Mitigation Measure 3.2.3.3-2a states that EMI, would be responsible -for monitoring and annual reporting of changes in ground water levels and surface water flows prior to and during operations, and for a period of up to 30 years in the post mining and milling phase (p. 3-86; PDF 228, 1[5). Given that impacts are expected to last at least 400 years after the mining and milling operations, any monitoring, management, and mitigation should mirror this 400 year time period. Thirty years is grossly inadequate given the expected total cessation of stream flows, lowering of the ground water table and other "un-sustainable" impacts. The FEIS and any decision document allowing this Project to proceed should require present funding for future impacts up to 400 years past the mine life.
Disposition: Analysis modified (SEE RESPONSE)

Response
CC-057-Funding for Reclamation/Closure Bond

Letter 859, Comment 80

DEIS Mitigation Measure 3.2.3.3-2b states that BLM would evaluate the information and determine whether mitigation is required (p. 3-86; PDF 228,117). Under these circumstances, how will it be determined if the necessary information is available; will BLM solicit information from potentially affected landowners/land-users? On what basis will BLM decide if mitigation is warranted; what are the specific factors?

Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 81

DEIS Table 3.2-9 identifies the springs predicted to be adversely affected by the Project, mitigation triggers and plans (p. 3-87; PDF 229).a. In most cases the trigger or threshold requiring mitigation is "cessation of flow" or "reduction of hydrophilic vegetation." How were these triggers and thresholds chosen? Why are these factors the chosen triggers for mitigation? Did the drafters of the DEIS consider other mitigation alternatives and other trigger/thresholds to prompt mitigation requirements?
b. Impacts to the environment, the stream, livestock, wildlife, and other, are seen long before cessation in stream flows. To properly consider these impacts the FEIS must consider mitigation the impacts prior to complete cessation of flow. Mitigation measures must be triggered prior to drying up the stream or spring. Flows may be insufficient to support stock and wildlife below or the level of complete cessation, but the DEIS does not consider that situation. The FEIS must set thresholds for mitigation prior to the actual occurrence of negative impacts.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 82

c. The mitigation plan contemplates piping water to the affected location. This is not a reasonable means for mitigation in several instances.
i. Springs and streams are likely to be severely affected in elevations high in the Roberts Mountains wherein piping water will require use of pumps to ensure the water makes it to these higher elevations. What will ensure that water actually makes it to these elevations in sufficient quantity to properly mitigate stream and spring flows?
ii. From where and from what source will be water be piped"? If the water is being pumped from EML's well field, what will ensure that EML is not taking additional water from their already permitted water sources.
iii. Will EML be required to continue mitigation until the stream or spring returns to pre-Project levels? The DEIS contemplates that there will be affects to stream and spring systems for varying periods of time for up to at least 400 years after the end of the mining and milling operations. See DEIS Section 3.2.3.3.1 discussing Impact 3.2.3.3-2 (p. 3-86; PDF 228). Will EML be required to continue mitigation after mining and milling operations are complete? What will ensure compliance after these periods of time run? Due to the significant and substantial impacts, the FEIS and any decision document must require compliance and mitigation for all future lasting impacts beyond mine life. Arguably 400 years of impact can be considered a complete, irreversible and irretrievable commitment of the resources (the context and intensity of the proposed action is great). The FEIS must specifically state the effect of the proposed action on each of the streams and springs as a complete commitment of the water resources.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 83

EML may need to obtain additional water use permits to comply with mitigation measures. What are the impacts of additional water resources going to the mine or being diverted from other permitted uses? If EMI, plans to use its current water use permits, it will need to file change applications to change the type of use and place of use to effect mitigation. Given that the change application process with the Nevada State Engineer's office takes time to effect (see Nevada Revised Statutes, Chapters 533 and 534), and is subject to protest, what guarantees will be in place in a decision document to ensure that mitigation measures are timely acted upon? The FEIS should state that water required for mitigation purposes will come out of EML's 11,300 afa water allocation.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-062-Mitigation of Diminished Water Flows

Letter 859, Comment 84

Why does the mitigation plan propose to cut off other wildlife uses? What will be the effect of limiting those water sources to large game only? The FEIS must consider impacts to smaller animals that cannot utilize water from guzzlers.
Disposition: Other (SEE RESPONSE)

Response

Table 3.2-9 identifies mitigation for impacts to surface water flows as a result of the Project not limited to guzzlers. Table 3.2-9 has been revised in the EIS to include additional detail. Replacement of surface water flows as identified in Table 3.2-9 of the EIS would not be limited to only big game.

Letter 859, Comment 85

In addition, the FEIS must consider the ability of a guzzler to support all the wildlife and stock that typically utilized the water from the stream and springs. What is the water production of guzzlers? Can guzzlers adequately water the amount of wildlife and stock that were watering from the replaced water source pre-Project? These impacts must be considered in the FE1S, and if mitigation is required, mitigation must be adequate.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 86

The FEIS should correct Table 3.2-9 to ensure that under mitigation all water sources retain their former function and usability. If this table is not corrected, the FEIS should clearly state the reason for limiting use to large game. Additionally, the FEIS should describe the effects of limiting water sources in this way.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 87

DEIS Table 3.2-9 (p. 3-87; PDF 229) contemplates that upon cessation of flow will be the trigger for mitigation, and that mitigation will be to pipe water anywhere from 0.1 to 8 miles away for amounts of water starting at 0.5 gallons per minute. Given that the time water is actually piped to the location where water has ceased to flow, will be several months at best, how is a half of a gallon per minute flow going to mitigate impacts when the stream and spring bed will already be dried up and the ground water table will have dropped, which means that this amount of flow will likely be absorbed directly into the creek, stream or spring bed and not continue to flow down stream? Mitigation must be reasonable and effective, and the DEIS does not consider these factors that will add to or compound the issues surrounding mitigation relating to the complete loss of water resources. This portion of the FEIS should be redrafted so that mitigation occurs prior to a complete loss of the water resource.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 88

Thus, it appears that while there will be significant impacts to these Creeks, mitigation will not occur unless a) there is a cessation of flow, and b) cessation of creek flow is coincident with a reduction in ground water levels. The DEIS fails to consider the need for mitigation in instances where there creek is impacted by the proposed action regardless of lowering of the ground water level.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 89

There is potential that these creeks will cease to flow prior to any determination of ground water lowering, especially ii EML will not consider the effects of ground water lowering less than 10 feet. To comply with NEPA, the FEIS must consider impacts, and assuming that impacts will not occur until there is a lowering of the ground water table of 10 feet or more, grossly underestimates the impacts that the propose action will cause. The FEIS must address impacts to these creeks, as well as require mitigation for any reduction in flow that would not otherwise be seen in the creek system. Any impact as a result of the proposed action must be considered.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 90

Cessation of flow coincident with reduction in ground water is not a sufficient mitigation trigger for Roberts Creek and Henderson Creek. These creeks normally have 6,825 gpm and 2,904 gpm flow rates respectively. According to Table 3.2-9 some of the impacted streams only have a flow of 1 or 2 gpm and will be mitigation upon cessation of flow. however, it is illogical and unreasonable to require complete cessation of flow to a stream system that generally flows at 6,825 gpm prior to any mitigation taking affect. The FEIS must redraft its mitigation plan to effectively mitigation losses to Roberts and Henderson Creek upon a reduction to the stream flow, or upon a ten percent reduction in stream flow. Complete loss of flow prior to mitigation is not effective, practicable or reasonable.

Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 91

Waiting for complete cessation of flow to Roberts Creek and Henderson Creek until mitigation will be triggered is detrimental, impractical and will result in significant and irreparable harm. The DEIS fails to consider the factors involved and the lapse of time from the triggering event requiring mitigation, and the implementation of the mitigation measure itself. For example, in order to implement the mitigation of a pipeline to carry 600 gpm to 6,500 gpm (see Roberts Creek Contingency Mitigation Plan in the Table (p. 3-96; PDF 238)) the following considerations are required: rights-of-ways from the BLM would be needed and thus because of the Agency action, NEPA compliance would again be invoked; rights-of-ways would require provision of funds to BLM for the permit; depending on the location of the pipeline and types of land it would cross, consideration of cultural resources, land status, wetlands, environmentally sensitive areas, etc. would need to be addressed; surveying would be is needed to determine route location; the impact of surface disturbance for above and below ground pipelines would need to be considered; contracting to install the pipeline; operation and maintenance costs of the pipeline; temporary mitigation measures would need to be designed and developed, change application on the water use permits would need to be filed and approved; and the list goes on. All of these items take time and money which should be paid by EML. Further, given that the time between the mitigation triggering event and mitigation implementation is likely years, temporary mitigation measures need to be implemented to place water in the creek, stream, or spring channel before the delay of long-term mitigation measures causes irreparable harm.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 92

How does the elimination of natural flow in perpetuity comply with ELM multiple use and sustainable use objectives for resource management?
Disposition: Comment acknowledged; does not provide new information

Response

The analysis of effects to seeps, springs, and streams in this section of the EIS does not indicate that the impacts would continue in perpetuity. No change has been made in the EIS in response to this comment.

Letter 859, Comment 93

The I-7EIS should consider alternative means to carry out the proposed action that do not completely eliminate sources of water?
Disposition: Comment acknowledged; does not provide new information

Response

CC-071-Alternatives to Water Use

Letter 859, Comment 94

How are the historical uses and yields determined in the DEIS at p. 3-99; PDF 241,114? Historic yield" can imply different values depending on whether the data is derived from long-term data collection or a recent short-term study. If the SRI((SRK 2008a) studies are used, the FEIS should consider whether or not the values in the SRK studies are adequate to determine "historic yield".
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-004-Baseline Data Adequacy

Letter 859, Comment 95

The FEIS and any decision document must address the long term impacts and "significance" of eliminated flows in perpetuity to the natural resources. Alternate mitigation measures, and/or alternate proposed actions, must be considered wherein the total elimination of water resources does not occur.
Disposition: Comment acknowledged; does not provide new information

Response

CC-007-Regional Hydrological Model

Letter 859, Comment 96

The DEIS states, under Mitigation Measure 3.2.3.3-2c, "If the BLM determines that the Project impacts perennial stream segments or springs" after the Project is finished, one of two mitigation measures will be required (p. 3-99; PDF 241, li4).
a. The first mitigation measure requires "installation of a well and pump at affected stream or spring locations to restore historic yield..." The current wording of the DEIS requires only that a well and pump be installed, not that the well and pump restore the historic yield. The DEIS also fails to identify who will be responsible for maintaining these improvements over time.
b. The FEIS should clarify that mitigation must restore water flow to impacted streams and springs. If a well and pump are installed and unable to restore sufficient water flow, the FEIS should require that additional mitigation be implemented until water is successfully restored to historic levels. The FEIS should also identify the party responsible for maintaining range improvements beyond the scope of the Project.
c. The second mitigation option under Mitigation Measure 3.2.3.3-2c requires "Posting of an additional financial guarantee to provide for potentially affected water supplies in the future" (p. 3-99; PDF 241,116). The DEIS in unclear in how the financial guarantee will be posted or to what level financial compensation will be made available for future effects on water sources.
d. The FEIS should provide more clarity for this mitigation. This detail should include a definition for "potentially affected water supplies," a description of how the "financial guarantee" will be posted, how financial compensation will be awarded, and to what degree financial compensation will be awarded. The FEIS should specify, for instance, if the financial guarantee will be sufficient to cover failed attempts to replace water-flow until a dependable method of water restoration is found.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-057-Funding for Reclamation/Closure Bond

Letter 859, Comment 97

DEIS Impact 3.2.3.3-3 recognizes that there will be significant impacts on certain ground water wells, which it is predicted will not recover to less than 10 feet drawdown for at least 100 years after the end of the Project (p. 3-103; PDF 244,1[2). As stated in DEIS Section 3.2.3.3.2, drawdown is predicted to be 2,250 feet at the mine and 120 feet in the well field. Additionally, the levels are predicted to recover to pre-Project levels between 400 years and 1,580 years later (p. 3-100; PDF 242, 111).
a. DEIS Mitigation Measure 3.2.3.3.3a provides for compensation of certain ground water users for deepening wells and additional pumping costs "if the difference [between the screened interval and pumping below the ground water table] is greater than maximum predicted drawdown," or if the difference is "greater than ten feet." It is unclear what is meant by "the distance of the screened interval and the pumping below the ground water table" (p. 3-103; PDF 244,111).
b. Additionally, why is mitigation and compensation to the ground water users limited to the two scenarios identified above?
c. The DEIS fails to consider that effects of the proposed action will be seen in areas that show "less than a ten-foot drawdown." Yet these areas will be impacted. The DEIS fails to consider that any and all impacts due to the proposed action should he mitigated as water law does not allow for injury to other water users when a water user, such as EMI-, is changing existing water right points of appropriation and places of use in a manner that will cause injury to existing water users. Any impact to an existing water user will be significant and should be mitigated. The FEIS should require mitigation upon any dewatering within and/or caused by the Kobeh Valley Well Field.
d. Some water users or uses are exempt under the law from use permitting, and therefore do not have a water right determined by the Nevada State Engineer.
The DEIS fails to consider valid water uses that may be exempt from permitting requirements. These uses must be mitigated upon any lowering of the ground water table.
c. Further the DEIS confuses water terminology by calling permits water rights, when in fact they are not a right, but a permitted use. Only upon certification of a water permit, will a water use become a right. The FEIS should reflect the proper use and terminology relating to water rights and water law.
There are several filed and perhaps unfiled vested water claims that have not been adjudicated by the Nevada State Engineer, but are nonetheless valid existing water uses that cannot be injured by newer, junior uses. The FEIS must consider the effect of these filed and unified vested claims when considering impacts to water users. Mitigation under the FEIS and any decision document must be considered for these vested uses.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 859, Comment 98

The DEIS fails to consider how compensation will be paid to affected
water right holders and public water users if the Project causes adverse effects and mitigation efforts do not fully protect those persons.
a. Will farmers and ranchers be paid market value for any cattle that die as a result of lack of water? Will damages paid include that of the future loss to the cow/calf crop if it is a heifer or cow that dies as a result of the lack of water?
b. Will water right holders be compensated for loss of use of a real property interest in water? Will this compensation extend to the

loss of future use of that real property?
c. Will mitigation after the fact (such as mitigation triggered only when springs cease flowing) require EML to compensate other users who suffered reduced water access up until water access ceased?
d. Given that some injury will occur and be realized several years after EMI, active mining operations, compensation mechanisms must consider the need for compensation out to 400-1,580 years later. Given the unknowns associated with injury 1,500 years from now, funds need to be set aside to account and pay for these injuries in the future.
Disposition: Comment acknowledged; does not provide new information

Response
CC-072-Mitigation Impacts to Water Users

Letter 859, Comment 99

DEIS Impact 3.2.3.3-5 determines that the recognized effect of the Project on the amount of water available in Diamond Valley is not significant when compared to all other uses of water in the Valley (p. 3-108; PDF 249, 113). Why does the comparison to ALL OTHER uses in the entire valley mean that the proposed use is not significant? This is only ONE Project and could significantly effect interbasin flows and the availability of water within Diamond Valley, which is already experiencing overdraft challenges. Furthermore, the effects in Diamond Valley are significant as any additional water uses from a hydrographic basin that is already over appropriated will have severe and significant impacts. The FEIS should recognize that the effects of the proposed action on water in Diamond Valley arc significant and thus require adequate mitigation.
Disposition: Comment acknowledged; does not provide new information

Response
CC-009-Water Rights

Letter 859, Comment 100

DEIS Impact 3.2.3.3--6 states that losses of ground water may be lost at a rate of 161 afa from the open pit lake in perpetuity, that EML may need to acquire a water right for such a consumptive use of water, and that a permit could be issued because the water use would constitute a beneficial use for mining operations (p. 3-108; PDF 249,117).
a. How would ground water loss in perpetuity of 161 afa be considered a beneficial use when the mine would only be operational for 44 years? Wouldn't the water use constitute waste after all mining operations cease? The BLM or EMI, cannot determine which beneficial uses of water are more important than other beneficial uses of water. It is the responsibility to the Nevada State Engineer to issue permits and determine beneficial uses. In the local of the mine, there are several current issues, including the current state of overdraft in Diamond Valley, that limit and prohibit the issuance of new permitted water uses. The FEIS cannot make a statement that a new permit would be issued when the BLM nor EMI, has no jurisdiction to issue said permits.
Disposition: Comment acknowledged; does not provide new information

Response
EML has already acquired and gained approval from the State Engineer for permanent transfer of ground water rights in Diamond Valley, in the amount of 385 acre-feet per year, to the pit portion of the project after the duty is adjusted down for crop consumptive use (State Engineer Ruling 6127 dated July 15, 2011). The State Engineer's ruling was affirmed by a Nevada District Court on June 18, 2012. The State of Nevada has deemed post-mining pit lake filling and evaporative losses as part of the overall beneficial use derived from the mining project and not a waste of water. This determination is consistent with numerous open pit mining projects throughout Nevada. There is no new appropriation of groundwater in Diamond Valley, as EML acquired actively used irrigation rights in Diamond Valley for transfer to the pit. There is no detrimental impact to the available groundwater in Diamond Valley because the State Engineer reduced the duty of the rights being transferred to the pit to be equal only to the crop consumptive use portion of the irrigation rights. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 101

The FEIS should explain why the backfill alternative actions were not chosen to prevent the anticipated water waste?
Disposition: Comment acknowledged; does not provide new information

Response
CC-076-Partial Backfill Alternative Impacts

Letter 859, Comment 102

The loss associated with pit lake evaporation is not considered a substantial impact in the DEIS, yet the loss is 161 afa, an amount far greater than impacts to other spring sources that require mitigation. The loss of 161 afa is enough water to irrigate a quarter-quarter section of land for a year and successfully raise a crop. The FEIS should be reflect that 161 afa of ground water lost is significant
Disposition: Comment acknowledged; does not provide new information

Response

In the context of impacts to basin water budgets, the long term evaporative loss of 161 acre-feet per year is not significant. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 103

Water flows into the pit lake from Diamond Valley, a hydrographic basin in a current state of overdraft. The DEIS fails to consider long-term effects on Diamond Valley water rights as a consequence of wasted water in perpetuity from the open pit mine.
Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 859, Comment 104

DEIS Section 3.2.3.5 is the Partial Backfill Alternative which appears to allow the mining with least adverse effects on other water users and faster recovery to ground water resources (p. 3-123; PDF 261, 2). The FEIS should explain why this is not the preferred alternative when the results are the same with less adverse effects at the end of the Project?
Disposition: Comment acknowledged; does not provide new information

Response

CC-076-Partial Backfill Alternative Impacts

Letter 859, Comment 105

DEIS Section 3.3 considers water quality. DEIS Section 3.3.3.1.1 lists the triggers for determining whether a significant impact on surface water quality has occurred (p. 3- 196; PDF 319, ¶2). The first bullet point discusses releases creating significant impacts, but only discusses releases "into drainages." Why must the release be into a drainage to be considered a significant impact on water quality? While discharge into drainages may be important to determine whether or not a NPDES permit is required, there can be effects on ground water quality by the proposed action that result in other than discharge into drainages. What is the DEIS' s definition of "drainage"? The term should either be defined broadly or changed so that all releases of the identified substances are considered significant impacts.
Disposition: Comment acknowledged; does not provide new information

Response

The EIS is correct in establishing the significance criteria as spills into a drainage because the section referenced is surface water quality. In order to affect surface water quality, a spill would have to be discharged to a surface water or, in the case of a dry drainage, discharged in amounts that would cause soil contamination sufficient to affect the quality of subsequent water flows in that drainage. A spill outside of a drainage could not logically affect surface water quality. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 106

DEIS Section 3.3.3.1.2 lists the triggers for determining whether a significant impact on ground water quality has occurred. DEN Chapter 3, page 3-196. The first bullet point limits the trigger to degradation of water quality "by chemicals" (p. 3-196; PDF 319, 114). Why is degradation limited to only chemicals? Do "chemicals" include biological materials or other substances? Additionally, the Paragraph states that if ground water does not meet water quality standards in the baseline, then degradation would only be considered significant if it renders the water unsuitable for an existing or potential beneficial use. This is contrary to the Clean Water Act's anti-degradation and anti-backsliding policies. The trigger should be modified to occur when water quality is degraded rather than when the degradation renders the source unsuitable for beneficial uses.
Disposition: Comment acknowledged; does not provide new information

Response

CC-103-Water Quality Significance Criteria

Letter 859, Comment 107

DEIS Section 3.3.3.3.1 states that increased erosion due to surface disturbances are predicted to be significant, but can be reduced to less than significant if the "standard erosion prevention and maintenance procedures" are followed, and the DEIS cites Section 2.1.15 for said procedures (p. 3-198; PDF 321, ¶1). However, Section 2.1.15 relates to Monitoring activities and incorporates EML's Water Resources Monitoring Plan (in Appendix B) by reference (p. 2-70; PDF 136, Ill). The Plan does not address "standard erosion prevention and maintenance procedures. Thus, the FEIS should consider bow significant impacts on surface waters caused by erosion will be addressed and mitigated.
Disposition: Other (SEE RESPONSE)

Response

The Section reference has been changed to Section 2.1.14.11, which is a new section that incorporates text from the Plan of Operations on erosion and sediment control.

Letter 859, Comment 108

DEIS Mitigation Measure 3.13.3-1 states that the significant impacts from erosion could be reduced to that less than significant via a design to reduce run-on from the north so that a pond could contain storm events (p. 3-198; PDF 321,4115). No design or plan has been submitted to BLM yet. How can the DEIS rely on a hypothetical diversion plan to determine significant impacts will be reduced? What action will BI,M take if, after studies and design, the diversion plan is not adequate to reduce significant impacts? The FEIS should outline the authority and jurisdiction of the BLM to require changes to plans, mitigation, and other Project aspects after the Project is permitted.

Disposition: Comment acknowledged; does not provide new information

Response

The diversion structure would be designed, as required by the BLM and NDEP, to divert the designed storm event. It would be appropriate to design this facility with information (such as precipitation) that would be current at the time the facility is to be constructed (i.e., approximately 30 years in the future). No change has been made in the EIS in response to this comment.

Letter 859, Comment 109

DEIS Section 3.3.3.3.2 determines that because Mn exceeds regulatory standards in the ground water beneath the site, that Mn in the draindown would not degrade ground water beneath non-acid generating rock waste rock piles (p. 3-205; PDF 325,4116). Why, if the water already exceeds standards for Mn, does the DEIS conclude that Mn releases in the draindown cannot degrade water quality? The FEIS should outline and consider the amount of additional degradation that can occur from Mn in the draindown.

Disposition: Comment acknowledged; does not provide new information

Response

CC-103-Water Quality Significance Criteria

Letter 859, Comment 110

DEIS Impact 3.3.3.3-3 (p. 3-206; PDF 326,115) notes "The pit lake would be a water of the State of Nevada, and applicable water quality standards would depend on the present and potential beneficial uses of the lake" (p. 3-206; PDF 326,118). What are the implications of this statement? What does it mean to be a "water of the State of Nevada"? 'low does this affect (if at all) management and use? The FEIS must consider these impacts of the proposed action.

Disposition: Other (SEE RESPONSE)

Response

All water within the State of Nevada is by definition waters of the State of Nevada. Nevada determines the benifical use for the water of the state.

Letter 859, Comment 111

DEIS Section 3.3.3.3.3 discusses how the pit lake would have good quality water at first, but water quality would decrease below applicable water quality standards due to evaporation (p. 3-206; PDF 326, 118). The DEIS fails to consider and address that fact as a potential impact of the Project. The LEIS should disclose and address the changing water quality impacts of pit lake.

Disposition: Comment acknowledged; does not provide new information

Response

A Screening Level Environmental Risk Assessment (SLERA) was performed to assess risks to environmental receptors from the post-mining pit lake, as described in the EIS. The SLERA considered changes in water quality as projected by the pit lake geochemistry model. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 112

DEIS Section 3.3.3.5.3 explains that the partial backfill alternative would create long-term degradation of ground water resources because contaminated materials placed back in the pit would eventually contaminate water quality (p. 3-220; PDF 335, 1110). The DEIS does not consider placing materials other than contaminated materials back in the pit. What is the feasibility for obtaining alternative materials to fill the pit? What is the cost-benefit analysis for obtaining alternative materials given the accelerated recovery time for ground water quantity if the pit is filled? The LEIS should consider the alternative of filling the pit with non-contaminated materials in order to attempt to avoid serious consequences to existing ground water uses and rights.

Disposition: Other (SEE RESPONSE)

Response

The development of a mine for "clean fill" to backfill the open pit is beyond the scope of analysis for this EIS.

Letter 859, Comment 113

DEIS Section 3.11.3.2 discusses how the Project could result in removal or disturbance of riparian and wetland communities, and that indirect effects could also occur from lowering of water table due to the Project (p. 3-387; PDF 505, 1[3). However, DEIS Impact 3.11.3.3-1 states that the Project "would not result in the removal or disturbance of wetlands in the Project Area" (p. 3-387; PDF 505,116). The two paragraphs appear to make the distinction between the wetlands inside the project area and not those within the drawdown area. If wetland plants and communities are removed, and the water table is lowered, then how will no wetlands be removed or disturbed? Additionally, the DEIS fails to consider the effects of loss of riparian vegetation along stream banks such as instability of soils in washes, creating a greater potential for blow-outs and gully formation during precipitation events. The FEIS should outline how wetlands will be protected taking into account the issues outlined herein.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-020-Impacts to Phreatophytes

Letter 859, Comment 114

DEIS Section 3.11.3.3 states that the ten-foot drawdown contour does not intersect any mapped phreatophyte vegetation in Diamond or Antelope Valleys (p. 3-388; PDF 506,113). However, the ten-foot drawdown contour does not relate to the definition of a wetland or the amount of water necessary to infiltrate land for classification as a wetland. Why does the DEIS utilize the ten-foot drawdown contour for determining which wetlands will be affected? The LEIS should use a more relevant standard that will incorporate and identified known affected wetlands, clearly the ten-foot contour is not useful in this circumstance.
Disposition: Comment acknowledged; does not provide new information

Response

CC-096-Ten-Foot Isopleth

Letter 859, Comment 115

Also, what is the DEIS definition of "phreatophytc"?
Disposition: Other (SEE RESPONSE)

Response

The definition of phreatophytes is included in Section 6.2 of the EIS. The definition has been revised to read, "Phreatophytes - Plants (including, but not limited to, greasewood, rabbitbrush, saltgrass in the Project Area) whose root systems tap into the water table."

Letter 859, Comment 116

DEIS Mitigation Measure 111.3.3-2, (p. 3-388; PDF 506,1f6) determines that mitigation for lowering the water table to a level that cannot support wetland plants and communities will be for -FILM to provide a seed mix for EML to plant to reduce long-term impacts from loss of phreatophyte vegetation. The mitigation measure does not, however, reduce the loss of wetlands. Are there other mitigation measures that could be utilized to reduce loss of wetlands? Can this "mitigation" measure really be considered mitigation if it does not reduce the loss of wetlands due to ground water pumping? The LEIS should consider alternate mitigation measures that will effectively protect wetlands.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-020-Impacts to Phreatophytes

Letter 859, Comment 117

DEIS Mitigation Measure 3.11.3.3-3 concludes that the mitigation proposed in Table 3.2-9 will also mitigate impacts caused to wetland and riparian communities due to lowered ground water table (p. 3-389; PDF 507, 1f3). However, the mitigation triggers in Table 3.2-9 require the cessation of flow from the specific water source (p. 3-37; PDF 229). The FEIS should consider and describe the effects caused by reduced flows, and outline mitigation measures necessary to prevent significant impacts to all wetland and riparian communities.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 118

DEIS Section 3.11.3.3.1 discusses residual impacts to wetlands and riparian areas, including the gradual return of flows to springs, seeps and perennial stream (p. 3¬39; PDF 507, 15). DEIS Mitigation Measure 3.2.3.3-2c and the Effectiveness of Mitigation and Residual Effects section (below the Measure) states that some effects will extend beyond the life of the mining operations and some

springs would experience reduced or eliminated flows in perpetuity (p. 3-99; PDF 241, 14)• Therefore, some flows may never return to support wetlands. The FEIS must consider the permanent removal/loss of wetlands as a Project impact.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-020-Impacts to Phreatophytes

Letter 859, Comment 119

DEIS Impact 3.12.3.3-2 explains that there will be impacts on grazing within the Project Area due to decrease in available water sources from fencing of the Project Area and lowering of the ground water table (p. 3-402; PDF 519, 112). The proposed mitigation in 3.2.3.3-2 only takes effect when water flow has completely ceased, and thus the DEIS fails to consider mitigation for when water flows are lowered, but not stopped, and are inadequate to supply water for livestock and feed. Additionally, mitigation proposed in 3.2.13-3 only provides for compensation of certain ground water users for deepening wells and additional pumping costs "if the difference [between the screened interval and puttying below the ground water table] is greater than maximum predicted drawdown," or if the difference is "greater than ten feet." It is unclear what is meant by "the distance of the screened interval and the pumping below the ground water table." Additionally, why is mitigation and compensation limited to the two scenarios identified above? How will affects in areas with less than a ten-foot drawdown be compensated? The FEIS should clarify and address these issues.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-118-Range Mitigation

Letter 859, Comment 120

DEIS Mitigation Measure 3.13.3.371 (p. 3-412; PDF 529, 15) assumes that EML will use water from its production wells to supply wild horses with additional water sources. Do EML's water right permits allow EMI, to use production well water to supply water to wildlife and stock? Does EML contemplate applying for additional water rights for that purpose, or to transfer certain water rights to that purpose? The FEIS should outline and state from which water source **Disposition**: Analysis modified (SEE RESPONSE)will EML, be supplying water to wild horses, wildlife, and stock.

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 121

DEIS Impact 3.23.3.3-10 (p. 3-629; PDF 737, ¶6) recognizes that reduced flows to Henderson Creek may affect Lahontan Cutthroat Trout ("LCT") recovery under the Endangered Species Act. The DEIS states that any impacts will be mitigated as set forth in Paragraph 3.2.3, however, Table 3.2.9 provides that mitigation is triggered only when there is cessation of flows. The DEIS therefore fails to adequately address the impact on I ,CT from reduced flows and the mitigation measures necessary at that stage of impact. In the FEIS, the mitigation triggers in Table 3.2.9 should be amended to reflect the triggers as stated in the DEIS text, and therefore updated to provide for mitigation prior to flow cessation and irreversible damage to I,CT due to NO water in the creek system.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 122

DEIS Section 4.2 states that cumulative effects were studied for "the three hydrographic subbasins" (p. 4-2; PDF 767,14). It is not clear which three subbasins were studied/considered (p. 4-18; PDF 781, 12). The preceding portion of the DEIS discusses Diamond, Kobeh and Antelope Valleys, but the Cumulative Impacts Section appears to discuss Diamond, Kobeh and Pine Valleys. Why was Pine Valley not considered in the preceding sections of the DEIS and why is Antelope Valley not considered in the Cumulative Impacts section? What will be the significant impacts in Pine Valley? Will mitigation and compensation apply equally to Pine Valley? What will be the remedy if it is found that the Project does have impacts on water resources in Pine Valley? What will be the cumulative impacts in Antelope Valley? The FEIS should clarify which Basins are being discussed and further separately outline the effects associated to Pine Valley.
Disposition: Comment acknowledged; does not provide new information

Response

Section 4.2 of the EIS references Table 4.2-1 which states that the three basins analyzed for cumulative effects are Hydrographic Basins 53 (Pine), 139 (Kobeh), and 153 (Diamond), also shown on Figure 4.2-1. The ten foot drawdown contour would be several miles north of Antelope Valley, and the minimal amount of potential drawdown does not warrant inclusion of that basin in the cumulative effects analysis. As described in the EIS, mitigation would not be restricted to projected effects, but would be based on actual impacts. No changes to the text of the EIS have been made to address this comment.

Letter 859, Comment 123

DEIS Section 4.4.2.2 discusses how agricultural and mining activities in Diamond, Kobeh and Pine Valleys have the potential to discharge chemicals or materials that can migrate into ground water and degrade water quality (p. 4-50; PDF 807,16). The Paragraph then concludes noting that the cumulative impacts would not be significant, based upon the "criteria above." It is not clear what criteria the Paragraph refers to, as no criteria are listed in the Paragraph. The FEIS should reference which paragraphs it is referring to for the stated impacts.
Disposition: Other (SEE RESPONSE)

Response

The criteria are the significance criteria outlined in Chapter 3 for each resource.

Letter 859, Comment 124

What cumulative impacts could occur? Why are the impacts insignificant? flow will cumulative impacts be increased based on addition of the proposed Project? Please outline the stated impacts in the FEIS.
Disposition: Other (SEE RESPONSE)

Response

Chapter 4 of the FEIS addresses the potential cumulative impacts associated with the Proposed Action.

Letter 859, Comment 125

Mitigation Measure 1 notes that EML will update the ground water model as determined by BLM. The FEIS should require the ground water model to be updated regularly, at least once every 5 years during the active life of the Project, or more often if so required by the BLM. In addition, this measure notes that EML will only be responsible for monitoring and annual reporting for 30 years post mining. Given that some impacts will last 400-1500 years after active mining, EMI, should be required to provide for long-term monitoring, at a minimum, through the 400 years post active mining. The FEIS should explain and resolve why the monitoring and mitigation plans stop after 30 years, when known impacts will last through, at least, 400 years. Further, the FEIS should consider the need for long-term monitoring.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 126

Mitigation Measure 2 notes that upon indication of flow reduction, certain mitigation measures would be invoked. Yet, Table 3.2-9 (p. 3-87; PDF 229) only calls for mitigation upon cessation of stream flow. The FEIS should rectify the difference in mitigation triggers in the mitigation plan and in the Tables of the FEIS document.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-011-Monitoring and Mitigation

Letter 859, Comment 127

c. Mitigation Measure 2, 1 2 notes that mitigation plans would be submitted to BLM identifying "the excess amount of drawdown or drawdown impacts to surface water resources" (p. C-4; PDF 959). However, "excess amount" is not defined. The FEIS should define what factors, or amounts of drawdown, are considered in excess so there is an explicit indicator of what should be reported.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 128

Mitigation Measure 2, Ili 2 outlines several methods to enhance or replace impacted perennial water resources, however Table 3.2-9 does not consider all the methods identified. The FEIS should rectify the methods stated in the Mitigation Summary Plan with those in the Table and Chapter 3 of the drafted DEIS.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 129

Mitigation Measure 2, Ili 3 notes that an "approved site-specific mitigation plan" would be created, followed by monitoring and reporting to measure the effectiveness (p. C-4; PDF 959). The DEIS does not state who would "approve" the mitigation plan, though it is assumed the BLM, as the permitting agency, would approve such plan. There are several surface water sources within the Roberts Mountain Allotment in Pine Valley and in Kobeh Valley that Etcheverry Family LTD Partnership relies upon. The []EIS does not consider the need or ability in these instances (where a source is relied upon by a known entity) to work with the permittee or landowner in creating a mitigation plan, cooperation in monitoring, and reporting on mitigation effectiveness. The FEIS should allow BLM to cooperate with and seek out information from permittees when considering methods, means, and effectiveness of mitigation measures.

Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 130

Mitigation Measure 3 outlines two mitigation measures for impacts to perennial streams post-operational phases of the mine.
i. The first measure outlined does not consider that the installation of a well at the stream or spring location will require a water permit and given the current state of water use in the Project Area, a new water permit will be difficult to obtain. The FEIS should state that EML will be required to transfer a portion of its water permits for these mitigation needs. Further, it may be impracticable to install a well in a mountain location that vehicles cannot access. Thus, the FEIS should consider the practicability of such mitigation measure.
ii. The second measure outline contemplates posting a financial guarantee; however, posting a financial guarantee for an effect that may not be realized for several decades is likely not a reasonable means for mitigation. Further, when discussing a perennial stream, how is a financial guarantee going to replace water supplies in the future after EML has left Eureka County?

Disposition: Analysis modified (SEE RESPONSE)

Response

CC-057-Funding for Reclamation/Closure Bond

Letter 859, Comment 131

Mitigation Measure 4 considers one of two options, either lowering pumps in wells or constructing new wells, so that water can be pumped from a depth below the maximum predicted drawdown. This measure does not account for other effects, such as subsidence, that may occur and negatively affect well construction so that regardless of well depth, water cannot be appropriated. The FEIS should add that EML will pay for a new well should the impacts of the Project affect well construction so as to render a current well inoperable. Furthermore, this mitigation measure only considers mitigation to water-righted wells, and does not consider any mitigation for exempt wells, such as those used to supply water for domestic purposes. The FEIS should require mitigation for exempt domestic wells.

Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Letter 859, Comment 132

Mitigation Measure 5 considers mine-induced impacts to a well associated with a water right. Again the MIS should require mitigation for other ground water wells that are not "water righted" in the strict sense. Note that a water right refers to a water use that has been certificated, though there are state-issued water permits that allow for water use, as issued by the State Engineer. The definition of water right in the FEIS should include all State Engineer permitted uses. The PETS should require that site-specific plans prepared by EML be done in connection and cooperation with the water user. If the water user does not agree with EML's plan, the PETS should state that it will allow individual water users to submit an alternate plan, for BLM's consideration.

Disposition: Comment acknowledged; does not provide new information

Response

CC-009-Water Rights

Comment 133

Mitigation Measure 5 1f3 notes that mitigation will be followed by monitoring and reporting on mitigation effectiveness. The FE'S should include means for water users to submit their own report, or appeal, to the BLM should implemented mitigation not be effective.

Disposition: Analysis modified (SEE RESPONSE)

Response

CC-082-Mitigation to Water Resource Impacts

Letter 859, Comment 134

Mitigation Measure 6 discusses effects caused by the mining operations that are not realized until post-Project. One of the measures stated is the purchase of that water right by EML. How will the price be set for this water right, and what will ensure that EML offers a realistic or "market" price to begin with? Upon which point in time will the market price be based? The FEIS should outline some parameters upon which a price will be set. Another option is the installation of a deeper well and pump at the affected location to restore the historical yield of the well. The DEIS does not consider that well levels may continue to decline for several hundred years post-Project. The PETS should consider parameters to ensure that a new well can adequately provide water in sufficient quantity to fulfill the full water righted rate and duty for present and future use.
Disposition: Analysis modified (SEE RESPONSE)

Response

CC-82-Mitigation to Water Resource Impacts

Letter 860

Comment 1

I Am Sure In Your Heart of Hearts You Do Realize That These Are God's Precious Creations, Just As We Are. In the Bible He Gives Us "Stewardship" (Which Is A Far Cry From "Dominance") Over His Creations. We Have A Responsibility To Take Proper Care Of Each Other, The Animals (Who Cannot Speak For Themselves) And All Of Our Earth. It Is To Our Own Advantage, As Well, To Keep Protecting Our Earth And The Animals For The Purpose Of Our Own Existence, For Without THEM, There Will Be No "Us!" The "Delicate (May I Emphasis "Delicate") Balance Of Nature/Eco-Systems" (Of Which We Are A Major Part) Must Be Dealt With Very Carefully, With A Compassionate Heart, Moral Conviction And Complete Common Sense! I Beg Of You To Pray About Your Choices, And Then Do As Your God Given Conscience Guides You. There Is Way Too Much Cruelty In This World As It Is! Man Is The Ultimate And Most Destructive Predator! Here Is Your Chance And Your Obligation, To Make A Positive Difference In Every One's Lives, Especially Our Wonderful And Beautiful Fellow Inhabitants, All The Animals. How Can We Face The Future With Animals Becoming Extinct In Rapid Numbers In Our Lifetime Or Animals Being Neglected, Abused, Tortured And Murdered? This Is Mostly Caused By Many Evil People Who Are Obsessed With Insatiable Greed, Self-Centeredness And Selfish Ambition. The Reality Is Frightening! How Are We Going To Be Able To Look Our Children And Grandchildren (Including Future Generations) In The Eyes And Then Explain To Them That It Is OUR Fault That We Allowed This To Happen? Do You Not Think They Will Fault Us For Being So Selfish And/Or Complacent About The Wellbeing Of God's Gifts And Blessings To Us (And This Goes For Humans, As Well). As We ALL Suffer The Consequences Of Our Actions Or Lack Of Action?

The History Of Mankind (Although Man Has Been Scarcely Kind To Them) Has Been Linked Hand And Hoof With Horses, Mules, Burros And Donkeys. The Path Of Civilization Is Laid On The Bones Of Equines. "From Sea To Shining Sea" (As Sung In The Song "Oh, Beautiful," Which Is About America) Would Have Been A Long, Difficult, Arduous And Impossible Walk Without Them! They Have Enhanced Our Lives In So Many Ways That It Is Impossible To Put It All Into Words In This Format. I Cannot Imagine What Our World Would Be Like Without Them, Especially The Wild Equines. We/You Owe It To ALL Horses, Mules, Burros And Donkeys To Protect Them By ALL Means Possible, At ALL Costs And Nothing Less.
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 860, Comment 2

The proposed impact to the populations of effected wild horseHMA's is unacceptable. The population numbers are already below genetic viability and the potential impact to water and legal grazing area is not acceptable.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 860, Comment 3

One foot and five foot water draw down maps must be created before any decisions can be proposed for the project. To formulate a record of decision without this information is inappropriate and negligent to the mandate of "thriving ecological balance."
Disposition: Comment acknowledged; does not provide new information

Response

CC-023-Ten-Foot Drawdown Contour

Letter 860, Comment 4

This project encroaches on considerable acreage within three HMA's. Roberts Mountain has over 13,000 acres within the scope of the project with over 5,000 acres of proposed surface disturbance. Whistler Mountain HMA has more than 8,000 acres within the project scope and over 3,000 projected for surface disturbance. Fish Creek also has areas that would have surface disturbance.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 860, Comment 5

As the populations in this area are confined (predominately re: Fish Creek) by boundary lines that include limited to no water and move from those HMA's the impact to these areas and consequence to any future populations must be of primary focus as "multiple use" is mandated under law
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 860, Comment 6

The project will require 7000 gallons of water per minute for the lifetime of the proposed use (40-50 years) and will remove more than 11,300 acre feet of water annually. This is not acceptable considering the already fragile sources available to wild herds.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 860, Comment 7

The known patterns of movement of these horses in these three areas indicates that HMA boundary lines were/are flawed. The lack of water sources within the boundary lines indicate they were faulty in their inception.
Disposition: Not within document/decision scope (SEE RESPONSE)

Response

CC-092-Wild Horse Movement Patterns within HMA

Letter 860, Comment 8

It is not enough to mitigate for spring repair after the projects construction phase has ended. If the project is to be considered new boundary lines should be mitigated to ensure that populations do not go any lower than they already are. Mitigation needs to ensure that the horses do not lose any grazing acreage available to them. In the event of impact that adjacent, equal acreage is provided.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 860, Comment 9

This project does not fully study the impacts and potential areas for mitigation for Wild Horses.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 860, Comment 10

The "No Action" Alternative must be chosen until the full impacts to this legally mandated use is appropriately assessed.
Disposition: Comment acknowledged; does not provide new information

Response

CC-022-General Opposition to the Project

Letter 861

Comment 1

The proposed impact to the populations of effected wild horse HMA's is unacceptable. The population numbers are already below genetic viability and the potential impact to water and legal grazing area is not acceptable.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 861, Comment 2

One foot and five foot water draw down maps must be created before any decisions can be proposed for the project. To formulate a record of decision without this information is inappropriate and negligent to the mandate of "thriving ecological balance."
Disposition: Comment acknowledged; does not provide new information

Response

CC-023-Ten-Foot Drawdown Contour

Letter 861, Comment 3

This project encroaches on considerable acreage within three HMA's. Roberts Mountain has over 13,000 acres within the scope of the project with over 5,000 acres of proposed surface disturbance. Whistler Mountain HMA has more than 8,000 acres within the project scope and over 3,000 projected for surface disturbance. Fish Creek also has areas that would have surface disturbance.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 861, Comment 4

The known patterns of movement of these horses in these three areas indicates that HMA boundary lines were/are flawed. The lack of water sources within the boundary lines indicate they were faulty in their inception.
Disposition: Not within document/decision scope (SEE RESPONSE)

Response

CC-092-Wild Horse Movement Patterns within HMA

Letter 861, Comment 5

As the populations in this area are confined (predominately re: Fish Creek) by boundary lines that include limited (to no water) and therefore move from those HMA's the impact to these areas, and consequence to any future populations, must be of primary focus as "multiple use" is mandated under law. The Project may well create an artificial stochastic event and cause animals to move from their designated area making them subject to immediate removal. There must be a contingent option during construction and flexibility as the area destabilizes from the impacts of construction/implementation.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 861, Comment 6

The project will require 7000 gallons of water per minute for the lifetime of the proposed use (40-50 years) and will remove more than 11,300 acre feet of water annually. This is not acceptable considering the already fragile sources available to wild herds.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 861, Comment 7

It is not enough to mitigate damages with spring repair after the projects construction phase has ended. If the project is to be considered new boundary lines should be determined to ensure that populations do not go any lower than they already are. Mitigation of damages needs to ensure that the horses do not lose any grazing acreage available to them. In the event of impact that adjacent, equal acreage is provided.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 861, Comment 8

This project does not fully study the impacts and potential areas for mitigation of damages to Wild Horse habitat.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 861, Comment 9

The "No Action" Alternative must be chosen until the full impacts to this legally mandated use are appropriately assessed.
Disposition: Comment acknowledged; does not provide new information

Response
CC-022-General Opposition to the Project

Letter 862

Comment 1

I strongly urge the BLM to choose the No Action Alternative. This project does not fully study the impacts and potential areas for mitigation for wild horses, wildlife, the range, the farmers and ranchers, the local communities regarding short and long-term loss of water from the surface and aquifer.
Disposition: Comment acknowledged; does not provide new information

Response
CC-022-General Opposition to the Project

Letter 862, Comment 2

The proposed impact to the populations of affected wild horse HMA's. The population numbers are already below genetic viability and the potential impact to water and legal grazing area is not acceptable.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 862, Comment 3

One foot and five foot water draw down maps must be created before any decisions can be proposed for the project. To formulate a record of decision without this information is inappropriate and negligent to the mandate of "thriving ecological balance." A proper "draw down" study is essential in an area that receives so little precipitation. According to USGS maps, the deepest water in the aquifer is 100'. There needs to be a projected surface water evaporation study as well.
Disposition: Comment acknowledged; does not provide new information

Response
CC-023-Ten-Foot Drawdown Contour

Letter 862, Comment 4

This project encroaches on considerable acreage within three HMA's. Roberts Mountain has over 13,000 acres within the scope of the project with over 5,000 acres of proposed surface disturbance. Whistler Mountain HMA has more than 8,000 acres within the project scope and over 3,000 projected for surface disturbance. Fish Creek also has areas that would have surface disturbance
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 862, Comment 5

As the populations in this area are confined (predominately re: Fish Creek) by boundary lines that include limited to no water and move from those HMA's the impact to these areas and consequence to any future populations must be of primary focus as "multiple use" is mandated under law.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 862, Comment 6

The project will require 7000 gallons of water per minute for the lifetime of the proposed use of 40-50 years, and will remove more than 11,300 acre feet of water annually. This is not acceptable considering the already fragile sources available to wild herds.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 862, Comment 7

The known patterns of movement of these horses in these three areas indicates that HMA boundary lines were/are flawed. The lack of water sources within the boundary lines indicate they were faulty in their inception.
Disposition: Not within document/decision scope (SEE RESPONSE)

Response
CC-092-Wild Horse Movement Patterns within HMA

Letter 862, Comment 8

It is not enough to mitigate for spring repair after the projects construction phase has ended. If the project is to be considered new boundary lines should be mitigated to ensure that populations do not go any lower than they already are. Mitigation needs to ensure that the horses do not lose any grazing acreage available to them. In the event of impact that adjacent, equal acreage is provided.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 863

Comment 1

The "No Action" Alternative must be chosen on the Mt. Hope Project until the full impacts to wild horse Herd Management Areas (HMA) and grazing areas are assessed.'
Disposition: Comment acknowledged; does not provide new information

Response
Comment noted.

Letter 863, Comment 2

My main concern is the amount of water that will be required. The project will use 7000 gallons of water per minute for the lifetime of the proposed use (40-50 years) and will remove more than 11,300 acre feet of water annually. This is not acceptable considering the already fragile sources available.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 863, Comment 3

One foot and five foot water draw down maps must be created before any decisions can be proposed for the project. To formulate a record of decision without this information is inappropriate and negligent to the mandate of "thriving ecological balance."
Disposition: Comment acknowledged; does not provide new information

Response
CC-023-Ten-Foot Drawdown Contour

Letter 863, Comment 4

The proposed impact to the populations of effected wild horse HMA's is unacceptable. The population numbers are already below genetic viability and the potential impact to water and legal grazing area is not acceptable.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 863, Comment 5

This project encroaches on considerable acreage within three HMA's. Roberts Mountain has over 13,000 acres within the scope of the project with over 5,000 acres of proposed surface disturbance. Whistler Mountain HMA has more than 8,000 acres within the project scope and over 3,000 projected for surface disturbance. Fish Creek also has areas that would have surface disturbance.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 863, Comment 6

The known patterns of movement of these horses in these three areas indicates that HMA boundary lines were/are flawed. The lack of water sources within the boundary lines indicate they were faulty in their inception.
Disposition: Not within document/decision scope (SEE RESPONSE)

Response
CC-092-Wild Horse Movement Patterns within HMA

Letter 863, Comment 7

As the populations in this area are confined (predominately re: Fish Creek) by boundary lines that include limited (to no water) and therefore move from those HMA's the impact to these areas, and consequence to any future populations, must be of primary focus as "multiple use" is mandated under law. The Project may well create an artificial stochastic event and cause animals to move from their designated area making them subject to immediate removal. There must be a contingent option during construction and flexibility as the area destabilizes from the impacts of construction/implementation.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 863, Comment 8

It is not enough to mitigate damages with spring repair after the projects construction phase has ended. If the project is to be considered new boundary lines should be determined to ensure that populations do not go any lower than they already are. Mitigation of damages needs to ensure that the horses do not lose any grazing acreage available to them. In the event of impact that adjacent, equal acreage is provided.
Disposition: Comment acknowledged; does not provide new information

Response
CC-079-Impacts to Wild Horses

Letter 863, Comment 9

This project does not fully study the impacts and potential areas for mitigation of damages to Wild Horse habitat.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 863, Comment 10

The "No Action" Alternative must be chosen until the full impacts to this legally mandated use are appropriately assessed.
Disposition: Comment acknowledged; does not provide new information

Response
CC-022-General Opposition to the Project

Letter 864

Comment 1

I urge BLM to select the "No Action" alternative for the Mount Hope Project. The EIS fails to evidence that the mine could operate without devastating, long-term effects on the environment and the human population residing within many miles of the site. For this reason, BLM must choose the "No Action" option. My comments address just some of the factors weighing against the project.
Disposition: Comment acknowledged; does not provide new information

Response

CC-022-General Opposition to the Project

Letter 864, Comment 2

Although the draft EIS is neatly organized, it lacks the important thing: Substance. Massive, long-term environmental impacts were given short shrift. Analysis was shallow and perfunctory. Promised mitigation measures appeared vague, weak, and ineffectual to compensate for the destructive activities they are supposed to ameliorate. Indeed, the devastation the mine would cause cannot be mitigated. BLM must reject the proposal.
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 864, Comment 3

Surely drawing down so much water will affect natural springs, seeps, creeks, and the water table itself in an area much larger than just the 8,318 acres despoiled by the mine project. These water sources could dry up and the water table become significantly lowered, negatively impacting residents, livestock, wildlife, and wild horses.
Disposition: Comment acknowledged; does not provide new information

Response

CC-007-Regional Hydrological Model

Letter 864, Comment 4

Some glaring omissions were noted. BLM required the applicant to submit merely a 10-foot water drawdown map. Where are the 1-, 5-, 20-, 30-, and 40-foot draw-down maps? Their conspicuous absence suggests that the results might not be favorable to the applicant. Complete sets of maps in regard to water drawdowns must be submitted.
Disposition: Comment acknowledged; does not provide new information

Response

CC-023-Ten-Foot Drawdown Contour

Letter 864, Comment 5

To approve this project would be irresponsible. Therefore, the Mount Hope mine proposal must be rejected.
Disposition: Comment acknowledged; does not provide new information

Response

CC-022-General Opposition to the Project

Letter 864, Comment 6

The dangers of toxic exposure to molybdenum -- dust inhalation, ingestion -- are reported by the Centers for Disease Control and Prevention, which caution: "Human data: Mining and metallurgy workers chronically exposed to 60 to 600 mg Mo/m³ reported an increased incidence of nonspecific symptoms that included weakness, fatigue, headache, anorexia, and joint and muscle pain [Lener and Bibr 1984]."
• http://www.cdc.gov/niosh/idlh/moly-mo.html

Additional precautions and warnings about inhalation and ingestion of molybdenum at the sites linked below.
• http://en.wikipedia.org/wiki/Molybdenum#Precautions
• http://en.wikipedia.org/wiki/Molybdenum#cite_note-71
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 864, Comment 7

Cattle can develop copper -- Cu -- deficiency from excess Mo in their diet. Symptoms include:
- Scouring
- Weight loss
- Depigmentation
- Reproductive impairment
- Death.

Calves are most susceptible. Early symptoms are often irreversible. While Cu mineral blocks may offset the Mo excess somewhat, administering Cu boluses or injections to ensure health -- while not overdoing it and thereby causing copper toxicity -- might be problematic for livestock operators Out West. Their counterparts Back East keep their stock in relatively small pastures, while Nevada ranchers have vast expanses of rangeland (often unfenced) with which to contend. It would also seem difficult to identify calves beginning to show signs of molybdenosis out on the range and get them treated before permanent damage had occurred. The potential for weight loss, reproductive failure, and mortality in livestock from excess Mo could also harm the Western cattle operators economically. One solution -- feeding properly cured hay -- would be financially infeasible per their business model.

The availability of Mo to plants correlates strongly with soil pH. Out West, soils tend to be alkaline, and alkaline soils enhance Mo's availability. In fact, Nevada's native soil may itself contain sufficient Mo to cause molybdenosis. Mining spoils along with dust carried away by the wind from an open pit at Mount Hope could worsen problems in this regard, impacting animals as well as humans over the 50-year life of the project.

Sheep apparently can tolerate higher levels of Mo. However, lambs may suffer ataxia and lesions similar to those in swayback disease, if the ewes ingest high levels of Mo during their pregnancy.

Horses do not seem to suffer from molybdenosis, but may develop osteodystrophic conditions if their forage contains high Mo levels over an extended period. This scenario would certainly apply to wild horses and burros living in the area around the proposed mine. Domesticated horses could also be affected.

Other wildlife could also be adversely impacted by molybdenosis, especially other ruminants such as mule deer.
•
http://www.sdgs.usd.edu/pubs/PAPERS_PUBLICATIONS/Copper%20Deficiency%20in%20Harding%20County/Copper%20Deficiency%20in%20Harding%20County%20-%20Molybdenosis.pdf
Disposition: Already addressed in planning documents

Response

Air quality modeling conducted for the Project (Section 3.6.3 in the EIS) shows that there is limited generation of fugitive dust from mining and waste rock management activities. The intent of the operation is to recover the molybdenum not release it in dust and disposal of waste rock. No change has been made in the EIS in response to this comment.

Letter 864, Comment 8

Evidently, most molybdenum compounds have low solubility in water. However, the molybdate ion $MoO4^{2-}$ is soluble and forms when molybdenum-containing minerals are in contact with oxygen and water. Have the potential dangers of contaminating both the groundwater and the produced water with molybdenum been studied? Winged wildlife will surely make use of the pit, despite fences. How will it impact their health?
Disposition: Other (SEE RESPONSE)

Response

Potential impacts to wildlife as a result of the open pit are analyzed in Section 3.23.3 of the EIS. The analysis indicates that the risk to wildlife (including terrestrial and avian) are low. No change has been made to the EIS in response to this comment.

Letter 864, Comment 9

The WHO advises that, "Molybdenum is not removed from drinking-water by normal treatment processes and appears to require specialist treatment such as ion exchange." Eureka Moly reportedly has no plans to treat its produced water by any method.
Disposition: Comment acknowledged; does not provide new information

Response

The Project is designed as Zero-Discharge facility so treatment of process water is not warranted. No change has been made to the EIS in response to this comment.

Letter 864, Comment 10

BLM currently keeps the wild horse populations of the three herd management areas -- Roberts Mountain, Whistler Mountain, and Fish Creek -- at genetically non-viable levels. This deficiency must be resolved whether or not the Mount Hope Mine were approved, but would be much more difficult if it were.

It is invalid and unacceptable merely to combine HMAs on paper, and then declare them to constitute a metapopulation, a "complex." This ploy is proffered by numerous BLM offices so that individual herd numbers can be kept well below what is needed for them to be genetically viable while pretending that they are right-sized. The alleged metapopulation -- referred to as the Wild Horse Complex -- along with BLM's tales of horses cleverly getting around fences and through closed gates -- does not pass muster. The stories are disingenuous. True reform is urgently required. These herd populations need to grow.

BLM can offset the increased wild horse numbers by using the agency's adaptive management mandate and its discretion, per 43 CFR 4710.3-2 and per 43 CFR 4710.5(a), to reduce or even eliminate the grazing of privately-owned animals in order to improve conditions and forage availability for wild horses. The Agency can restore range unfairly zeroed-out or negotiate land swaps.
Disposition: Not within document/decision scope (SEE RESPONSE)

Response

CC-091-Wild Horse Analysis

Letter 864, Comment 11

The proposed mine would fence off or otherwise eliminate 15,322 acres of wild-horse range across the three HMAs. Thus, many currently-available grazing areas would be lost. Further, access routes to water resources, and many of those watering sites themselves, would be eliminated by the proposed mine. Even springs, seeps, and streams that would remain physically accessible probably would no longer flow once the mine started drawing down 7,000 gallons a minute from the aquifer. As a result of these disturbances, a change in vegetation could occur -- and in an area significantly wider than just the immediate site of the project. Such losses of watering sites, combined with a decline in rangeland forage, could impact the survival of wild horses as well as other wildlife.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 864, Comment 12

If the project went forward and the above disastrous scenario materialized, then BLM would be duty-bound to expand the HMA boundaries to mitigate the true loss in grazing and water access. Further, it would be poor planning to wait to schedule mitigations to restore springs until after the project's construction phase had ended. Abundant additional water sources should be created before construction began. Ownership, operation, and maintenance of all such new watering devices should transfer to the BLM immediately. In addition, whether or not there ever is a molybdenum mine at Mount Hope, BLM should, on its own, commence construction and installation of a system of guzzlers throughout the HMAs.
Disposition: Comment acknowledged; does not provide new information

Response

CC-078-Impacts to Wild Horses

Letter 864, Comment 13

The "No Action" alternative must be chosen because the proposed Mount Hope Mine would negatively impact the environment, the residents, livestock, wildlife, and wild horses. I urge BLM to deny the permit application for the mine. Would you please respond to these substantive comments.
Disposition: Comment acknowledged; does not provide new information

Response

Comment noted.

Letter 865

Comment 1

I am writing to urge BLM to choose the "No Action" alternative in this HMA. By doing anything less, BLM will fail in its obligation to protect and prioritize wild horses and burros on their ranges while maintaining the multiple use standard in accordance with the 1971 Act as originally drafted and as modified by the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978.

Disposition: Comment acknowledged; does not provide new information

Response
CC-022-General Opposition to the Project

Letter 865, Comment 2

I am incorporating below comments I have borrowed from Laura Leigh's Wild Horse Education review since they perfectly reflect my personal knowledge and concerns about this wonderful area. I ask that this my letter be given the same weight and consideration as though I had penned every word myself.
Disposition: Comment acknowledged; does not provide new information

Response
CC-024-General Comments with No Specified Actions

Letter 865, Comment 3

The proposed impact to the populations of effected wild horseHMA's is unacceptable. The population numbers are already below genetic viability and the potential impact to water and legal grazing area is not acceptable.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 865, Comment 4

One foot and five foot water draw down maps must be created before any decisions can be proposed for the project. To formulate a record of decision without this information is inappropriate and negligent to the mandate of "thriving ecological balance."
Disposition: Comment acknowledged; does not provide new information

Response
CC-023-Ten-Foot Drawdown Contour

Letter 865, Comment 5

This project encroaches on considerable acreage within three HMA's. Roberts Mountain has over 13,000 acres within the scope of the project with over 5,000 acres of proposed surface disturbance. Whistler Mountain HMA has more than 8,000 acres within the project scope and over 3,000 projected for surface disturbance. Fish Creek also has areas that would have surface disturbance.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 865, Comment 6

As the populations in this area are confined (predominately re: Fish Creek) by boundary lines that include limited to no water and move from those HMA's the impact to these areas and consequence to any future populations must be of primary focus as "multiple use" is mandated under law.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 865, Comment 7

The project will require 7000 gallons of water per minute for the lifetime of the proposed use (40-50 years) and will remove more than 11,300 acre feet of water annually. This is not acceptable considering the already fragile sources available to wild herds.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 865, Comment 8

The known patterns of movement of these horses in these three areas indicates that HMA boundary lines were/are flawed. The lack of water sources within the boundary lines indicate they were faulty in their inception.
Disposition: Not within document/decision scope (SEE RESPONSE)

Response
CC-092-Wild Horse Movement Patterns within HMA

Letter 865, Comment 9

It is not enough to mitigate for spring repair after the projects construction phase has ended. If the project is to be considered new boundary lines should be mitigated to ensure that populations do not go any lower than they already are. Mitigation needs to ensure that the horses do not lose any grazing acreage available to them. In the event of impact that adjacent, equal acreage is provided.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 865, Comment 10

This project does not fully study the impacts and potential areas for mitigation for Wild Horses.
Disposition: Comment acknowledged; does not provide new information

Response
CC-078-Impacts to Wild Horses

Letter 865, Comment 11

The "No Action" Alternative must be chosen until the full impacts to this legally mandated use is appropriately assessed.
Disposition: Comment acknowledged; does not provide new information

Response
CC-022-General Opposition to the Project

Letter 866

Comment 1

As a supplier of products and/or services to the mining industry, I am extremely interested in seeing the General Moly Mt. Hope molybdenum mine in Eureka. Nevada receive its federal and state permits, commence construction, and begin operation.
We are suffering from the worst economy in decades, I understand that Nevada is at the bottom of the list and the only bright spot in the state is the mining industry. In fact, the Mt. Hope Mine will diversify the mining industry in Nevada and will bring the Silver State much needed economic development.
Unfortunately, I have read reports that the Board of Eureka County Commissioners are continually putting up unfounded and unnecessary obstacles to delay the permitting process of General Moly's Mt. Hope project. Indeed, such nonsensical actions by a government entity such as the Eureka County Commissioners, which is well-funded primarily from mining tax revenue, could not only jeopardize the Mt. Hope project, but future natural resource projects as well.
From what I understand, the Mt. Hope project is an environmentally sound project. The management at General Moly is committed to environmental stewardship and will comply with established policies and regulations enforced by the recognized agencies and authorities such as the BLM and the State of Nevada.
While the molybdenum mine at Mt. Hope will directly benefit our company, its employees and their families, it will also have a strong economic effect upon the suppliers from whom we make our purchases. Therefore, this worthwhile project will substantially augment the State of Nevada and our nation's economy during a time when our country and its citizens need it most.
We would like to add our name to those who support the much needed start-up of General Moly's Mt. Hope project in Eureka, not only for our company, but for the general well-being of the citizens of Nevada.
Disposition: Comment acknowledged; does not provide new information

Response
CC-001-General Support

Letter 867

Comment 1

I've been in the mining industry since high school. I started for Kennecott Copper Corp. in Ely, Nevada in May of 1974 and a few years later in 1976, took a transfer to SLC, Utah to work for Kennecott Minerals Corp. – Bingham Canyon Mine. I've enjoyed the mining industry and got a lot of good experience along the way. I have 26 years in the mining industry.

I moved to Eureka in 2008 and bought property here to hopefully retire here. Since I've been here in Eureka, I've seen General Moly,

LLC struggle and struggle and have to climb over several hurdles to finally get the where their at now. It sure seems odd to me that several other mines around the area haven't had to do this. It seems that the other mines, especially Homestake – Barrick Ruby Hill and Placer Gold, got their permits allright and started operating. I feel that General Moly has great revenue and assets to bring to our community –

It's time for Eureka, Nevada, as a community to grow and prosper like it should have several years ago – when all 4 mines were operating. It seems that the Eureka County Commissioners are doing everything they can to try and stop the growth, instead of helping encourage new business to prosper here. It's time to wake up and smell the coffee or roses!!!
Disposition: Comment acknowledged; does not provide new information

Response
CC-001-General Support

Letter 868

Comment 1

We support the continued practice of willing and "multiple use" on our public land and the Proposed Action Alternative, with modifications
Disposition: Comment acknowledged; does not provide new information

Response
Comment noted.

Letter 868, Comment 2

Require no Backfill. This alternative is expensive and serves no economic or significant environmental benefit in weighing the additional fuel required to backfill vs the potential evaporation from the pit lake. The BLM does not address the economic impact of this alternative on the project. In addition, a significant recreational opportunity exists from a pit lake that is not addressed. If the surface stockpiled (potential pit backfill) is sloped, contoured and allowed to be naturally seeded, over time it would be indistinguishable from the surrounding terrain.
Disposition: Comment acknowledged; does not provide new information

Response
Comment noted.

Letter 868, Comment 3

Require no Off-Site Transfer of Concentrates for Processing. There is no economic or environmental benefit to an off-site processing of concentrate. Keep all the process and the mine together! This will reduce roads, water, power and transport impact. It will allow security of one site, not two, and could reduce the total manpower requirements due to dual site labor duplication. Transport of concentrates would increase the carbon footprint and cost of the final sellable product.
Disposition: Comment acknowledged; does not provide new information

Response
Comment noted.

Letter 868, Comment 4

No Slower, Longer Project Alternative. Allow Eureka Molly, LLC to design, build and operate their mining and process facility to optimize economy of scale for mining and process. There is no economic or environmental reason to lengthen the mine and process life to be longer than that Eureka Molly, LLC proposed in their plan of operation.
Disposition: Comment acknowledged; does not provide new information

Response
Comment noted.

Letter 868, Comment 5

Any alternative to the proposed action must be based upon "sound science and engineering The BLM must economically evaluate any alternative to Mount Hope proposed action. Great socioeconomic impacts could occur from the BLM adopting any alternative, which is not thoroughly evaluated economically in the DEIS.
Disposition: Other (SEE RESPONSE)