



Gila Resources Information Project

Promoting Healthy Communities by Protecting Our Environment Since 1998

March 8, 2013

Douglas Haywood
US Bureau of Land Management
Las Cruces District Office
1800 Marquess Street
Las Cruces, NM 88005

RE: Public Comment on Cobre Mine Environmental Assessment Scoping

Dear Mr. Haywood:

On behalf of the Gila Resources Information Project (GRIP), I am submitting comments related to scoping of the Environmental Assessment for the Freeport-McMoRan Mine Plan of Operation for the Cobre Mine. I serve as board president and Director of Responsible Mining for GRIP, located in Silver City, NM. Founded in 1998, our mission is to promote healthy communities in Southwest New Mexico by protecting our environment.

I have been actively involved in the process of mine permitting since the inception of the New Mexico Mining Act (NMMA) in 1992, and specifically involved in operational and Closure/Closeout plans and permitting for Phelps Dodge (now Freeport-McMoRan) mines in Grant County for the past 20 years. In 2012, I served as a member of the Copper Regulation Advisory Board, part of a legislatively mandated process whereby the New Mexico Environment Department/Ground Water Quality Bureau (NMED GWQB), Mining Environmental Compliance Section (MECS) developed draft water quality regulations specifically for copper mining in New Mexico.

Over the last 20 years I have followed the Plans of Operation for Cobre Continental Mine and associated NEPA EIS and EA processes for the various scenarios presented by the mine companies in ownership.

I have outlined below a number of issues that should be addressed by the BLM in its Environmental Assessment of the Cobre MPO.

Fully Assess and Require Adequate Financial Assurance

- Grant County has several large open pit copper mines, which preceded the NMMA and have considerable impact to regional groundwater aquifers and many other impacts associated with large-scale mining operations. GRIP believes mining companies must assure the public and the agencies that they can afford and will rise to the technical challenges of protecting the environment and cultural and natural resources in construction, expansion, operation and post closure. We believe that adequate and secure bonding must be calculated and posted in the event that corporations fail in these obligations and the state and BLM would

be responsible for the daunting task of managing pumping, potential treatment and all containment that would need immediate attention and ample funds. We do not believe that Parent Company Guarantees, self bonding, property and other less than readily available bonding mechanism should be admissible. Adequate bonding for all contingencies and all reclamation work needed to stabilize and prevent acid mine drainage with detailed and conservative cost estimations is imperative in event of the owner /operator default.

Assess and Require Full Technological Controls and Best Management Practices

The EIS should evaluate requirement of liners for any potential acid generating materials. The North Overburden Stockpile, almost entirely on BLM managed lands, should be placed on a BMP designed liner with a BMP catchment drainage system and have a detailed characterization/sampling plan.

Assess Impacts to Cultural Resources

In 1996 and 1997 I joined and assisted the Fierro Preservation Association in acquiring some protection, additional property and certain amenities for the historic St Anthony Church and cemetery both of which are shown on the Proposed Action MPO map in close proximity to proposed mining, mine administration building, and haul road. In 1996 the Office of Cultural Affairs, (OCA) had written some letters of concern about Cobre Mining Company permit deficiencies and outstanding issues regarding the operations and expansion of the Continental Mine and potential damage to the church and cemetery.

- Especially in light of the sanctity and special significance Hanover Mountain has held and still holds for people who are or who were once members of the Fierro community, the potential for damage should prompt special measures for the protection and sanctity of the church, shrine and cemetery sites.
- All cultural resources should be protected by having adequate surveys of all areas of disturbance with particular attention paid to the potential of subsidence in areas riddled by underground workings.

Assess Water Supply Impacts of Cobre Mine Project

- Protection of surface and groundwater, including springs, especially in a time of predicted drought and uncertainty regarding climate predictability, are also imperative and essential to the community's dependence on the potential affected aquifer and other water sources.

Evaluate Water Quality Impacts

Past impacts from mining at Continental have already occurred including two slurry spills in 1996 from Mill no. 2, one of which contributed an estimated 50,000 gallons of crushed ore and water were reported to extend at least 3,000 feet off permit boundary into Hanover creek. Also, a dam overtopping which took tailings material down Hanover Creek well beyond Highway 152, resulted in a significant cleanup process and fines.

The state Office of Natural Resources Trustee (ONRT) Final Groundwater Restoration Plan documented the areal extent of groundwater damages associated with Cobre Continental Mine at 528 acres. ONRT considered all groundwater affected by mining activities with sulfate concentrations exceeding 250 milligrams of sulfate to be injured because they exceed federal SDWA standards. ONRT identified groundwater plumes in alluvial and regional aquifers at Cobre Mine include: Continental Pit Regional, West Waste Rock Regional, Buckhorn Waste Rock Regional, East Waste Rock Regional, South Waste Rock Regional, Union Hill Waste Rock Regional, and Hanover Creek Alluvial. ONRT samples tested by SPLP test showed that the hazardous substances, arsenic, cadmium, copper, lead and manganese had leached into the groundwater from source material at concentrations in excess of State of New Mexico standards for human health and domestic water supply. The SPLP test also contained detectable concentrations of the hazardous substances cobalt and zinc (Daniel B. Stephens & Associates, 1997b).

ONRT investigation resulted in \$13 million in groundwater damages and \$5.5 million in wildlife damage claims against Phelps Dodge, now FMI.

- Make sure that characterization and modeling of existing contamination in soils, surface and groundwater is well documented. And assure that characterization of areas to be disturbed have well documented characterization before and during disturbance. And assure that reliable background data is established.

Transportation Issues

- Although the MPO says, **the newly proposed construction activities are expected to have a significant short-term impact**, FMI estimated over the long-term ten years of expected mining, on-average 100-125 and potentially up to 200 trucks per day, 24/7, will be crossing the ridge above the community at least partially in sight. This will undoubtedly be disruptive to the estimated 75-80 inhabitants, many elderly, and in the short-term will cause congestion and delays involved with construction of the overpasses and additional long term traffic to the mine site.
- There should be a detailed study of transportation/traffic, safety and road impacts on any highways used for haulage and/or employee and contractor traffic. The study should include Highway 152, 356 and 180 and the Fierro Road and Forest Service access road. Residents complain now about the traffic and worn condition of the Fierro Road, which should be evaluated for the additional traffic of construction and operation.

Air Quality and Noise Issues

- Wind velocities and prevailing directions should be sampled and recorded to determine potential for blowing dust and deposition of mine waste, road closures, and/or dangerous driving conditions and assure that potential dangers and the feasibility of mitigation alternatives are considered and to assure that Class II air quality regulations will be attainable and that blowing dust from construction and operations and reclamation will be adequately suppressed.
- Residents, residences and the churches and cemetery and Post Office and any other habitations should be insulated as much as possible from operational and construction operation dust, noise

and vibration including blasting. An effort to contain blasting to a daytime and weekday schedule should be included in permitting.

Visual Impacts

Evaluation of the visual impacts should be conducted and areas planned should be staked in critical areas so that the path of the haul road and overpasses, office facilities and utility corridor is demarcated and understood by the residents. The project area is located in a BLM Class II Visual area, meaning that the level of changes to the existing landscape should be low. Limiting the visibility of the haul road from residences should be a priority.

Wildlife Habitat Impacts

- Comprehensive wildlife assessment, protection, and monitoring should be assured now, and throughout mining, reclamation and post mining.

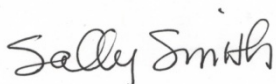
Permitting-related Issues

- Efforts should be made to work in full cooperation with state of New Mexico and other permitting agencies and scheduling and timing of permitting should be coordinated.
- According to Table 4. of the MPO, Applicable Permits, DP-181 expired 3/2/12, DP-1403, the Supplemental Discharge Permit has been administratively extended. DP- 1056 expires 9/29/13. These NMED permits may be altered or delayed in renewal by the hearings slated to begin April 9, 2013 before the NM Water Quality Control Commission for the amendment to the Water Quality Act requiring new water quality regulations for copper mining.
- MMD permit GR002RE is also in the process of renewal, which may be delayed by the determination necessary by NMED. Outstanding issues delaying the approval of renewal of the Stand by Status are not yet resolved including; full containment of impounded water, inadequate reporting of the economic viability of the mine, a completed closeout plan for the Magnetite Tailings Impoundment and additional details regarding the amount and viability of cover material available. Also, the engineering of the haul road and the conjunction of 152 with the Fierro Road are not complete, according to the MPO, which makes evaluation of impacts and calculation of Financial Assurance impossible.

The wellbeing and safety of the residents, the wildlife and natural resources of the Fierro /Hanover area should be considered throughout the current NEPA process and in the subsequent years of mining and reclamation.

I thank you for consideration of my comments.

Sincerely,



Sally Smith
Director of Responsible Mining