· Appendix A-2 ·

Notice of Preparation/Notice of Intent and Reponses

Prepared by BRG, Inc., December 1998.

Notice of Intent and Responses

December 28, 1998

Work in Progress

[Federal Register: December 28, 1998 (Volume 63, Number 248)]
[Notices]
[Page 71499]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr28de98-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
[CA-067-1990; CA-40204]

Notice of Intent To Prepare an Environmental Impact Statement (EIS) on the Proposed Expansion of an Existing Gold Mining/Processing Operation

AGENCY: Bureau of Land Management.

ACTION: Notice of intent.

SUMMARY: Newmont Gold Company (NGC), operator of the Mesquite gold mine located in Imperial County, California, has proposed to expand mining operations by a plan modification submitted to the Bureau of Land Management (BLM), El Centro field office, on November 30, 1998. Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM will direct the preparation of an environmental impact statement (EIS) by a third party contractor on the impacts of an expansion of this gold mining/processing operation. Comments are being requested to help identify significant issues or concerns related to the proposed action, to determine the scope of the issues (including alternatives) that need to be analyzed, and to eliminate from detailed study those issues that are not significant. Supporting documentation should be included with comments recommending that the EIS address specific environmental issues. Public scoping meetings will be held (see below).

DATES: For scoping meetings and comments: Three public scoping meetings will be held during 1999 on the following dates and locations: January 26, from 7-10 pm, at the Best Western Yuma Inn Suites, Palm Canyon Room, 1450 Castle Dome Ave., Yuma, Az. ph (520) 783-8341; January 27, from 7-10 pm, at the El Centro Community Center, 375 South First Street, El Centro, Ca. ph (760) 337-4555; and January 28, from 7-10 pm, at San Diego State University, Aztec Center-Backdoor Room, 5500 Campanile Drive, San Diego, Ca. ph (619) 594-5278. Written comments must be postmarked no later than Monday, February 8, 1999.

ADDRESSES: Written comments should be addressed to the Field Manager, Bureau of Land Management, El Centro Field Office, 1661 South 4th Street, El Centro, California 92243, ATTN: Geologist.

FOR FURTHER INFORMATION CONTACT: Kevin Marty, Bureau of Land Management, El Centro Field Office, 1661 South 4th Street, El Centro, California 92243, (760) 337-4400.

SUPPLEMENTARY INFORMATION: This Mesquite Mine began operations under an approved plan of operations during 1985. Since this time, several expansions and plan modifications have occurred, which are summarized within the approved Mesquite Mine consolidated plan of operations dated October, 1995. According to the Code of Federal Regulations found at Title 43 CFR 3809.1-7, a significant modification of an approved plan must be reviewed and approved by the authorized officer (i.e., BLM) in the same manner as the initial plan. Pursuant to Title 43 CFR 3809.1-7, Newmont has submitted a plan of operations for their proposed mine expansion for approval by the Bureau of Land Management.

This plan modificat' is now under review by the BL' and other Federal, State and loca agencies. The public may revie his document at the BLM, El Centro Field Office, 1661 South 4th Street, El Centro, CA 92243, or at the Imperial County Planning Department, 939 Main Street, Suite B-1, El Centro, CA 92243.

The expansion would allow the company to continue extracting and processing economical gold deposits, delineated by drilling programs' initiated during 1988 and continuing to date. Current ore reserves would be depleted by the end of year 2000, while expansion would increase the mine life a projected seven years into year 2006. The plan modification proposes to process approximately 60 million tons of ore and 180 million tons of waste rock by the expansion of two existing pits: the Big Chief and Rainbow open pits. The pit expansions would encompass approximately 300 acres of Federal, State and private (patented) land, of which 150 acres would be new land disturbance. The plan amendment also describes expansion of an existing heap leach facility on approximately 70 acres of private land to accommodate the new leach material; alternative methods for storage of waste rock, either in existing mined-out open pits, at new or expanded out-of-pit storage areas, or a combination of both; and construction of ancillary facilities including roads, fencing and drainage diversions.

Dated: December 18, 1998.
Thomas Zale,
Acting Field Manager.
[FR Doc. 98-34248 Filed 12-24-98; 8:45 am]
BILLING CODE 4310-40-P

Parsons
Behle &
Latimer

A Professional
Law Corporation

201 South Main Street
Suite 1800
Salt Lake City, Utah
84111-2218
Post Office Box 45898
Salt Lake City, Utah
84145-0898
Telephone 801 532-1234
Facsimile 801 536-6111
E-Mail: pbl@pblutah.com

January 5, 1999

Kevin Marty
Bureau of Land Management
El Centro Field Office
1661 South 4th St.
El Centro, CA 92243

Re: Request for Placement on Mailing List

Dear Mr. Terry:

This letter is to request that David L. Deisley be place on your mailing list concerning the project referred to on the attached Federal Register notice. Please use the following address:

David L. Deisley
PARSONS BEHLE & LATIMER
P.O. Box 45898
Salt Lake City, UT 84145-0898

Thank you for your attention to this matter. If you have any questions, please feel free to call.

Very truly yours,

PARSONS BEHLE & LATIMER

Julie Mounteer
Secretary to David L. Deisley

jpm

271923_1

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 4, 1999

Thomas Zale, Acting Field Manager
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, California 92243

Dear Mr. Zale:

The U.S. Environmental Protection Agency (EPA) has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for a proposed **Expansion of an Existing Gold Mining/Processing Operation– Mesquite Gold Mine, Imperial County, California**. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

The Mesquite Mine has been in operation since 1985. The current proposed expansion would allow Newmont Gold Company (NGC), to continue extracting and processing economical gold deposits, developed through ongoing exploration. BLM must decide whether to approve the modifications to an existing consolidated plan of operations. Approval of the modifications would allow NGC to process approximately 60 million tons of ore and 180 million tons of waste rock by expanding two existing pits. An existing heap leach facility would also be expanded by about 70 acres.

The scope of subjects that should be included in the EIS is described in the comments attached. Topics include, water resources, biologic resources, air quality, mining waste and site reclamation/remediation, and discussion of applicable regulations/permits. In its scoping process and as a matter of Federal policy, BLM should strive to identify other environmental review and consultation requirements so the lead, and any cooperating agencies, may prepare other required analyses and studies concurrently with, and integrated with, the EIS (40 CFR 1500.2(c) and 40 CFR 1501.7(a)(6)). The EIS should include a thorough section on direct, indirect and cumulative impacts (see 40 CFR 1508.7 -- "past, present, and reasonably foreseeable impacts") taking into full consideration impacts from the existing operation, the planned expansion, and any other nearby activities. The EIS should strive for accurate scientific analysis [40 CFR 1500.1(b)] in the collection/compilation of baseline data, in order to understand the environmental consequences of the ongoing mining operation, and the proposed expansion. EPA encourages BLM to summarize previous NEPA documentation and reference all previous studies. We expect that due to the long history of the project BLM has ample data to document existing mining-related impacts, and should do so, in the EIS.

Please send two copies of the Draft EIS to this office at the letterhead address (Attention David Farrel, CMD-2) when it is officially filed with our Washington, D.C., office. If you have questions, please call me at (415) 744-1483, or Jeanne Geselbracht at (415) 744-1576.

Sincerely,

Karl Kanbergs, Geologist
Office of Federal Activities

Enclosure
MI: 003210
cc: Mark Durham, U.S. Army Corps of Engineers, Los Angeles

General Comments and NEPA

Information regarding the potential adverse environmental impacts of hard rock mining and ore processing operations, and techniques for mitigating these effects have been collected over the last several years. Although EPA acknowledges that, for the most-part, today's mine operators strive for compliance with environmental laws and integrate environmental planning into their operations, the sheer magnitude and complexity of many operations pose difficult environmental problems and questions. In particular, much uncertainty remains regarding the long-term effects of mine waste and mine water disposal, groundwater withdrawals, and related indirect and cumulative impacts to biologic resources and human health and activities. The EIS/EIR (hereafter called the EIS) offers an opportunity to document baseline conditions, predict future potential impacts, and to conduct a thorough analysis of environmental impacts of the selected alternatives to the proposed action. In the EIS, BLM should provide mitigation measures and a foundation for allowing current and future planning and permitting decisions. The EIS should strive for "accurate scientific analysis and expert agency comments" [40 CFR 1500.1(b)] and emphasize "full and fair discussion of significant environmental impacts..." [40 CFR 1502.1].

1. EPA recommends that the EIS provide a thorough baseline report regarding water resource status (chemical and physical), and known impacts to biologic resources, related to current and/or past project activities. The EIS should also strive to determine to what extent natural background conditions (non-mining related) influence the above-mentioned resources and impacts.

2. The EIS should demonstrate that all reasonable alternatives to proposed actions have been examined and that appropriate mitigation measures have been thoroughly considered and incorporated into the project. The EIS should provide substantial detail on the means of implementing mitigation measures, and should also identify how monitoring would proceed to ensure compliance and assess effectiveness of mitigation.

6. BLM should provide, preferably in table form, information on all applicable permits and responsible agencies. The EIS should also contain a list of all used and generated hazardous materials. We recommend including a mitigation and monitoring table, organized by resource category.

Alternatives

9. The EIS should rigorously explore and objectively evaluate all reasonable alternatives, including reasonable alternatives not within the jurisdiction of your agency, pursuant to 40 CFR 1502.14. Reasonable alternatives could include, but are not necessarily limited to, alternative sites or alternative designs for major mining facilities (e.g., pits, waste rock piles, tailings impoundments,

processing facilities, etc.), a smaller project, different waste treatment designs; as well as any alternatives evaluated for purposes of obtaining a Clean Water Act (CWA) Section 404 permit, pursuant to 40 CFR Part 230.

Water Resources

The project is located within an extremely arid environment. As such, groundwater and surface water resources are particularly valuable and important. The EIS should address potential water quality and resource issues, and related biologic resources, under description of affected environment [40 CFR 1502.15], direct and indirect effects [40 CFR 1508.8(a)(b)], environmental consequences [40 CFR 1502.15] and cumulative impacts [40 CFR 1508.7]. In this process, the EIS should include baseline data from past/current water quality monitoring, and any information on water table draw-downs. Any observable trends should be discussed. Specific water resource issues are listed below.

1. The EIS should describe the potential impacts on groundwater and surface water, estimating rates of water produced and/or consumed by the proposed project as well as all other related projects. It should identify direct, indirect, and cumulative impacts to surface and groundwater flow, water supply wells, springs and seeps, vegetation, wildlife, and other groundwater-dependent resources as a result of groundwater pumping and any mine water/process water discharge associated with the proposed project. Any expected adverse impacts to down-wash riparian corridors from emplacement of diversion channels should be thoroughly discussed. If adverse impacts are expected, the EIS should provide a mitigation and monitoring plan. In particular, the EIS should address the potential cumulative effects.

2. For each alternative, the EIS should discuss the project's compliance with state-adopted, EPA-approved water quality standards. The project planning should be fully coordinated with all of the appropriate Federal and State offices (e.g, U.S. Army Corps of Engineers and California Regional Water Quality Control Board) to ensure that water quality is protected and beneficial uses are maintained.

3. The EIS should discuss whether a National Pollution Discharge Elimination System (NPDES) permit would be required or exists for discharges to surface waters.

4. The EIS should note that, under the Clean Water Act, any project disturbing a land area greater than five acres requires a storm water discharge permit. BLM should document the project's consistency with applicable storm water permitting requirements. Furthermore, a storm water pollution prevention plan should be included. The EIS should discuss specific mitigation measures that may be necessary.

5. The EIS should completely describe the original (natural) drainage patterns in the project locale, as well as the drainage patterns of the area during project operations and following reclamation. It should include hydrologic and topographic maps of the areas. This discussion should encompass effects of the project on erosion potential and sedimentation. Furthermore, the EIS should identify whether any components of the proposed project would fall within 50 or 100 year flood plains and discuss the potential for flash floods to transport sediment from disturbed areas to stream channels.

6. The EIS should include a discussion on how accidental releases of hazardous materials, including pipe rupture or overflow from ponds, would be handled and is being handled. It should identify the potential impacts resulting from failure of components of the solution containment systems and leaching facilities, methods for discovering such failures, and the degree to which impacts would be reversible.

7. The acid generation/neutralization potential (AGNP) and potential for meteoric water to leach toxic constituents from wallrock, waste rock, stockpiles, tailings, and backfill at the site, and appropriate mitigation measures should be included in the EIS. If sulfide ore or waste is recognized or anticipated to be excavated in the future, this should be fully discussed. A description of applicable leach tests (e.g. meteoric mobility) to be conducted on ore and waste rock and test data, including sample locations, is also requested. BLM should also describe the quality of waters at any other mining sites nearby, under cumulative impacts. The EIS should include a Waste Rock Characterization and Disposal Plan (or an appropriate summary).

8. The EIS should describe in detail the proposed facility design and operation, and maintenance and monitoring activities, to ensure integrity of facilities throughout project operations and closure. Locations of all points of compliance and monitoring wells on the site, including screening intervals, parameters to be monitored, and monitoring frequencies should be noted.

9. The EIS should discuss if any of the open pits would extend below the existing water table, and if so, whether a future pit lake would be likely to develop. If any pit lakes are likely to develop, EPA encourages a reclamation option to backfill above the water table. If this is economically unfeasible (and should be demonstrated), then expected pit lake chemistry and potential adverse impacts to beneficial uses, including biologic resources, should be thoroughly analyzed in the EIS.

10. BLM should consult with the U.S. Army Corps of Engineers to determine if any component of the proposed project requires a Section 404 permit under the CWA. Section 404 of the CWA regulates the discharge of dredge or fill material into waters of the United States.

EPA strongly recommends avoidance of waters of the United States, and encourages BLM to

fully explore alternatives that avoid siting of project facilities in waters of the United States. However, if a permit is required, EPA will review the project for compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the Clean Water Act. Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative available to achieve the project purpose. If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the EIS should discuss alternatives to avoid those discharges. This discussion of alternatives should be rigorously done to show compliance with the CWA 404 Guidelines.

If a discharge cannot be avoided, the EIS should discuss how remaining impacts would be minimized and mitigated. This discussion should include (a) assessment of the area impacted by type, function and habitat, (b) acreage and habitat type and function of waters of the U.S. that would be created or restored; (b) water sources to maintain the mitigation area; (c) the revegetation plans including the numbers and age of each species to be planted; (d) maintenance and monitoring plans, including performance standards to determine mitigation success; (e) the size and location of mitigation zones; (f) the parties that would be ultimately responsible for the plan's success; and (g) contingency plans and financial assurance that would be enacted if the original plan fails. Mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.

Vegetation and Wildlife

The BLM should work closely with the U.S. Fish and Wildlife Service (FWS) and the California Department of Fish and Game in order to determine existing and future potential impacts of the project on plant and wildlife species, especially species classified rare, threatened, or endangered on either state or federal lists. We also request that you provide information on potential impacts to candidate species. We encourage BLM to complete the consultation process with FWS prior to completion of the Final EIS. Particular attention should be paid to potential adverse impacts to birds from use of cyanide-bearing solutions. Any history or case studies documenting previous adverse effects to birds should be noted, and appropriate mitigation measures discussed.

In addition to jurisdictional waters of the U.S., the EIS should identify riparian habitat as well as other unique or important habitat areas that could be affected by the project. If applicable, the EIS should discuss avoidance, minimization, and mitigation of losses or modification of habitat and plant and animal species composition, and include a detailed mitigation plan.

Cumulative Impacts

52 The EIS should address potential cumulative impacts to resources, considering the proposed project in the context of past, current, and reasonably foreseeable future mining and other activities in the project vicinity. The analysis should include a discussion of impacts to 53 water and air quality, hydrology, soils, vegetation, wildlife, biodiversity and human health. The CEQ report, *Considering Cumulative Effects Under the National Environmental Policy Act*, contains useful information on ways which BLM could use to craft an effective cumulative impacts section. The complete document may be down loaded from the following URL address: http://ceq.eh.doe.gov/nepa/ccenepa/ccenepa.htm. According to the CEQ, the principles of 54 cumulative impacts analysis are: inclusion of past, present and future actions, inclusion of federal, nonfederal, and private actions, focus on each affected resource, ecosystem, and human community, and focus on truly meaningful effects. Determination of the affected environment should not be based on a predetermined geographic area, but rather on perception of meaningful impacts and natural boundaries.

Air Quality

1. 55 The EIS should discuss if the project area is in an attainment area for priority air pollutants. The EIS should discuss the National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments applicable to air quality in the project 56 area. PSD increments exist for sulfur dioxide, total suspended particulates, and oxides of nitrogen. BLM should discuss impacts to the NAAQS and PSD increments from estimated 57 emissions, considering the cumulative effects from all aspects of mine excavation, construction, operation, and support activities, such as vehicle traffic. BLM should closely coordinate with the 58 appropriate California air pollution control district regarding regulatory requirements and controls. The EIS should also discuss whether a PSD permit will be required for the project and 59 discuss any mitigation measures necessary to comply with NAAQS and PSD.

2. 60 PSD increments are highly protective of air quality in Class I areas such as wildernesses and national parks. The EIS should identify any Class I PSD areas located within at least 100 kilometers of the proposed project site. Class I areas even further away could 61 potentially be affected as well. The BLM should consult with the U.S. Forest Service and the National Park Service for a determination of which areas could be adversely affected by the proposed action. Potential impacts to Class I PSD areas, including visibility impacts, should be discussed. 62

3. 63 Since the Clean Air Act prohibits federal approval of a project for which conformity with the State Implementation Plan (SIP) cannot be assured, the EIS should explain

how the proposed project is in conformity with the California SIP.

64 4. The EIS should discuss the possibility of an air quality monitoring program which would be implemented to ensure project compliance with all applicable air quality standards and permits.

Mining Waste Management and Land Reclamation

1. 65 The EIS should minimally discuss the following components of reclamation : (a) a detailed account of measures taken to decommission mine operations, and neutralize or cap waste rock, tailings, and other process facilities; (b) identification (including estimated acreage) of the areas targeted for reclamation, and clarification of the intended degree of treatment in each area; (c) estimation of any irrigation requirements; (d) timing of reclamation relative to mining operations and duration of reclamation treatment; (e) standards for determining and means of assuring successful reclamation; and (f) means of assuring that any maintenance required for reclaimed areas would continue after operations cease or while operations are suspended.

2. 66 We recommend that BLM require that revegetation be accomplished with only native species indigenous to the area in order to restore the ecosystem to as natural a state as possible after mine closure. We also recommend that revegetation success be monitored and enforced for at least five years following revegetation efforts. First or second year success in 67 meeting the revegetation standards is not necessarily indicative of long-term success.

3. 68 We recommend that the EIS discuss provisions that would be made for post-operation surveillance to ensure that neutralization and/or stabilization of mining waste sites has been effective. BLM should describe the mitigation actions that would be taken should de-stabilization or contamination be detected, and identify who would be responsible for these 69 actions.

4. 70 The EIS should specify the bonding requirements to ensure that appropriate funding is available for reclamation should the mining company fail to carry out all required reclamation activities and identify who would be responsible for any post-closure cleanup actions should they be necessary. EPA also recommends that BLM review bonding requirements for early mine closure contingency and handling of pit lakes. 71

Environmental Justice/Tribes and Archeological/Cultural Resources

In keeping with Executive Order 12898, "Federal Actions to Address Environmental 72 Justice in Minority Populations and Low-Income Populations" (EO 12898), the EIS should

describe the measures taken by the BLM to: 1) fully analyze the environmental effects of the proposed federal action on minority communities and low-income populations, and 2) present opportunities for affected communities to provide input into the NEPA process. The EIS should state whether the analysis meets requirements of your agency's environmental justice strategy. 73
The EIS should also indicate the efforts made by the BLM to enter into government to government consultations with potentially affected Tribes, particularly in regard to sacred sites and traditional cultural properties. The results of those consultations should also be presented in the EIS. BLM should also discuss their Federal trust responsibilities. A thorough archeological and paleontological survey should be conducted. 74 75 76

Land Use

The EIS should refer to appropriate BLM natural resource and land use plans and in particular identify any special uses that would be displaced by the proposed project, and discuss the proposed project's specific potential impacts to these uses. 77

Toxic Releases Inventory

BLM and Newmont should note that on May 1, 1997, EPA added metal mining to the list of industries that will be subject to the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990. (See 40 CFR Part 372, Addition of Facilities in Certain Industry Sectors; Revised Interpretation of Otherwise Use; Toxic Release Inventory Reporting; Community Right-to-Know; Final Rule, Federal Register: May 1, 1997, pages 23833-23892). Reporting for mining facilities will be effective beginning with the 1998 reporting year. The first reports from all metal mining facilities must be submitted to EPA and the State by July 1, 1999. For specific information regarding the final rule, you may wish to call Mr. Tim Crawford, EPA Headquarters, at (202)260-1715; e-mail: crawford.tim@epamail.epa.gov.

NOI

(2)

RECEIVED 6 comments total

El Centro Chamber of Commerce & VISITORS BUREAU

1095 South 4th Street
Post Office Box 3006
El Centro, CA 92244-3006
(760) 352-3681
(760) 352-3246
http://www.elcentrochamber.com
E-mail: generalinfo@elcentrochamber.com

February 8, 1999

Tom Zale, Acting Field Manager
Bureau of Land Management
El Centro Field Office
1661 S. 4th Street
El Centro, CA 92243

RE: EIS for the proposed expansion of Mesquite Mine

Dear Mr. Zale:

1. The El Centro Chamber of Commerce & Visitors Bureau, representing close to 600 businesses throughout the Imperial Valley, wishes to register its official support for proposed expansion of the Mesquite Mine in Imperial County.

As you know, the Imperial Valley has an unemployment rate hovering at about 27 - 30%, and the lowest per capita income in the state.2 The expansion of Mesquite Mine will guarantee that up to 190 high paying jobs will be secure in Imperial County at least through 2006. With an annual payroll of $9.7 million, the mine is a significant employer in Imperial County. Keeping jobs here in the county also means money will continue to be circulated in our local community — 3. helping to stimulate our local economy.

4. Newmont Gold Company, operator of the Mesquite Gold Mine, is committed to thoroughly studying the environmental impacts, and will mitigate any impacts that may be identified through the EIS. With the assurance that measures to protect our environment are put into place, we believe it would be beneficial to the local area and economy to approve the proposed mine expansion.

5. Mining has been an important and beneficial contributor to the businesses represented by the Chamber for nearly 20 years. We look forward to the continued presence of mining as a good neighbor in Imperial County, and we encourage responsible development of the mineral resources at the Mesquite Mine. 6.

Sincerely,

Larry M. Bratton
President

Allen Tyler, Chair
Economic Development Committee

cc: Lisa Wade, Mesquite Mine

NSI

RECE... FEB 17 ... 7:57

1 comment total

February 8, 1999

Field Manager
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA 92243
Attn: Geologist

Re: Mesquite Mine Proposed Expansion Scoping Comments

Dear Field Manager:

As I stood atop Osborne's Overlook on the Algodones Dunes, the view was marvelous, 360 degrees of purple mountains, craggy peaks, and - what is this? - dirty brown rectangles marring the otherwise perfect vista. Any Mesquite Mine expansion must be predicated on the removal of these eyesores!

1. Please have the Newmont Gold Company reclaim the viewshed so that the heap leach and overburden piles blend into the mountainous terrain as a pre-condition to the mine expansion.

Thank you very much for the opportunity to comment on the preparation of the draft EIS for the proposed expansion of the Mesquite Mine.

Sincerely,

Steven L. Hartman

Steven L. Hartman
6117 Reseda Blvd. Suite H
Reseda CA 91335

NOI

Thank (5)

7 comments total

February 2, 1999

United States Department of the Interior
Bureau of Land Management
El Centro Resource Area
1661 South 4th Street
El Centro, California 92243-4561

1. I am appalled to learn of the proposed expansion of the Mesquite mine. What will the people of Imperial County get? What will the citizens of California receive? What will Americans gain? Only an incredibly large pit, a hole in the ground a mile wide, one that will never be restored to its original natural beauty.

2. The area into which the Mesquite Mine wants to expand has a long historical tradition as the Mesquite "Diggins'" and this historical tradition will be lost to historians of mining history.

3. There are many early man and pre-Columbian sites in the area, Native American sleeping circles, shrines, trails, and petroglyphs on the many rocks and boulders in the area. All will be lost.

4. Ecological and environmental concerns indicate destruction and danger, increased noise, dust, destruction of flora and fauna, more traffic, loss of open space and wilderness, and lowered water tables.

5 The mine currently has numerous problems which will be compounded if the expansion is allowed. For example, the mining operation cannot dispose of its own waste. Discarded oversized tires remain in gigantic piles on the site because the mining operators have found no feasible way to dispose of them. Mountains of crushed rock, actually several stories high, which remain after cyanide leaching, destroys the beauty of the area.

6 The mine proper is hemmed in with high fences and razor wire, under the pretense that the confines perserve the desert tortoise, a species the workmen have never seen! When driving along the highway the fencing reminds one of a state penitentiary, destroying the beauty of the desert so loved by tourists and residents alike. 7 We do not need this destruction of one of California's last wildernesses, the great desert and the Mesquite "Diggins.'"

Dr. Robert T. Fisher, Ed.D., J.D.
Instructor San Diego State University
Class: Gold in Them Thar Hills
1878 Rancho Jorie
Alpine, CA 91901
(619) 445-5537

Re: Mesquite Gold Mine Enlargement/Imperial County

r Manager Salt: 1/15/9?

NO, no more mining by anyone in the desert. That land belongs to US, the people, you and me. There is no reason, other than greed, to give our land away to private parties, for their gain, and our loss.

So, get the Newmont Gold Company out of our land.

You are perfectly well aware, Mr. Salt, that the people want their land left alone. Why don't you follow their wishes? But, no, you permit the land's ruination by private parties for profit. WHY?

Most sincerely, F. Martin

Frances Martin
5711 Denny Avenue
North Hollywood, CA 91601

NO I

(12) 1 hdl

Brubaker-Mann, INC.
NATURAL COLORED CRUSHED ROCK

MINED AND MILLED IN BARSTOW, CALIF.
LARGE SELECTION OF NATURAL COLORS

36011 Soap Mine Road • Barstow, California 92311 • (760) 256-2520 • (760) 256-8317 • Fax (760) 256-0127

January 14, 1998

Field Manager
Bureau of Land Management
El Centro Field Office
1661 South 4th Street
El Centro, CA 92243
ATTN: Geologist

Dear Sir:

I strongly support the expansion of the Mesquite Gold Mine, operated by Newmont Gold Company. I recommend that the EIS include the benefits to the economy that this project will provide.

Sincerely,

Julie Mann

Julie Mann
President

(15)

SIERRA CLUB

California/Nevada RCC Mining Committee
P.O. Drawer W, Independence, CA 93526
Stan Haye, Chair. (619)

12/31/98

Field Manager
BLM El Centro Field Office
1661 S. 4th St
El Centro, CA 92243
Attn: Geologist

Dear Sir:

Please add our name to the mailing list for the expansion DEIS for the Mesquite mine in Imperial County.

Although we are interested in all of the issues surrounding this expansion, we are most concerned that the DEIS evaluate the costs and
1. other environmental consequences of complete or partial backfill of the existing and new pits. We believe that a significant opportunity exists for sequential backfilling, and believe this issue should be evaluated in detail.

Sincerely,

Stan Haye

Stan Haye

Scoping Comment Sheet
Mesquite Mine Expansion Project EIR/EIS

Please Print Legibly

Name: Edie Harmon

Organization: (if applicable) Sierra Club

Address: P.O. Box 444

Ocotillo CA 92259

Comments: Written comments will be submitted by the deadline. Please send written materials and a copy of the Draft EIS/EIR when available. I was unable to attend the scoping meetings because I was at the Wilderness And Lands Restoration training Course in Nevada.

By filling out this comment form, you will be put on a mailing list to receive information regarding this project.

☐ Check here if you do not wish to be put on mailing list.

February 28, 1999

To: Field Manager, BLM ECFO, El Centro CA 92243 Attn.: Kevin Marty, Geologist

From: Edie Harmon, P.O. Box 444, Ocotillo, CA 92259

Re: Newmont Gold Co., Mesquite Mine Expansion, Scoping issues for Draft EIS/EIR

I appreciate the opportunity to submit written comment for consideration by Newmont Gold Company and for the Draft EIS/EIR for Newmont's proposed expansion of the Mesquite Gold Mine on Hwy 78 east of Glamis in Imperial County, CA. I am not familiar with the details of the proposed Mesquite mine expansion and I understand that there was no printed information provided at any of the Public scoping Meetings held in late January 1999. I was not able to attend any of the scoping meetings because they were at the same time as the training course on "Wilderness Arid Lands Restoration" which I attended in Nevada.

The issues addressed in these comments are result from having reviewed cyanide heap-leach, and open-pit mining operations in Imperial County, in other southern California locations and in Nevada, and having completed courses in mine reclamation (by Dr. Ray Franson at the Castle Mountain mine) and the 1/99 wilderness arid land restoration course conducted in Nevada by the Carhart Center. Both courses had intensive lectures in addition to spending a day in the field to view revegetation and restoration successes and learn what techniques worked best. I have also had the opportunity to visit the tall pot nurseries at Joshua Tree National Park and Castle Mountain Mine.

1. This proposal and other open pit operations and proposals have necessitated a review of the SMARA regulations, BLM's 3809 regulations, the adequacy of financial assurances and need for longer term bonding to enable reclamation work to be done by an independent third party contractor or by government employees. Such precautions are good policy in the event an operator abandons the mining operation or sells to another company which later abandons the site without completing reclamation or completing remediation to "clean-up" off-site adverse environmental impacts. Reclamation and reclamation bonding should be consistent with at least the minimum requirements of both SMARA and the anticipated changes in BLM's 3809 regs. There are numerous and well known mining operations which have shown the inadequacies of accessible financial assurances and bonding necessary for federal or state clean up.

Because Newmont has numerous profitable mining operations in Nevada at locations where groundwater issues are of major concern, I believe the company has both the financial resources and the expertise to make its expansion of the existing Mesquite Mine an example of what reclamation and clean-up can be done when a company exhibits the will to do what is necessary to undo some of the impacts that exist at the mine site and to minimize the long term consequences of its planned expansion. As we learned at the arid lands restoration course "the devil is in the details", but restoration can succeed because as BLM Arizona staff's closing restoration course comments stated, "the desert and mountains want restoration".

2. The Draft EIS/EIR should contain a chronological history of the Mesquite Mine and the associated permits, including dates granted and expiration or renewal dates. To which operator was each permit issued? Which, if any, of the existing permits will or may carry over to cover the expanded mining operations and increased production output without any changes or updates? Which agencies have jurisdiction over such permits, and what activities of the mine expansion trigger the necessity for amending or modifying said existing permits or approved Plans of Operation? 3. Does the mine expansion include increased output from the Mesquite Mine (both two existing pits or expansion of existing pit boundaries and a new pit site physically not connected to the existing pits), transport of ore and waste rock from the pit(s) where extraction will occur to a processing site or facility (heap-leach pile or ore processing structure), and the expanded or continued operations at the processing structure(s) prior to transport away from company owned and operated structures in Imperial County, CA? In other words will the Newmont Mesquite Mine operations be 4. reviewed as a single project or will they be impermissibly piecemealed? All operations associated with the mining and processing of the gold at Imperial County site should be considered as a single project and be the subject of a joint single NEPA/CEQA review process and all concerned and responsible public agencies should be provided with the NEPA/CEQA documentation at the beginning of the official comment period. 5.

What is the pattern of land ownership? Which lands are BLM managed, State lands or patented lands? Please provide a chronology of land transfers of public lands managed by BLM to either patented lands or State lands. What is the history of the state lands from early uses by native Americans to early gold exploration, withdrawal for military uses and transfer to the State? Will Newmont be continuing with plans for exploratory drilling on State lands not planned for development with the current expansion plans? If so, what is the time frame for that future exploration and or development? Any such plans should be considered a "reasonably foreseeable" actions as part of a cumulative impacts analysis.

What are the estimated proven and probable ore grades in the areas proposed for mining? It is assumed that the ore grade must be rich enough for mining to be profitable with the anticipated 3:1 strip ratio indicated in the BLM Public Notice. What is the break-even ore grade necessary for mining to be profitable at today's depressed gold prices and in compliance with all the current environmental regulations of the various federal, state and local requirements? If the open pit mine operations are to be conducted in association with pits on BLM managed lands will the claims pass a validity examination, whether or not required by BLM at the present time of patenting moratorium? Are the waste rock and heap leach piles to be located on existing patented lands? If not, does Newmont hold mill sites in the appropriate number and ratio to lode or placer claims to meet the mill site requirement of the mining law as spelled out in the recent Solicitor's Opinion and BLM Instruction Memorandum?

Past Mesquite Mine operators have significantly altered and degraded the once beautiful physical topography and denuded the area of a once rich and abundant diverse boulder strewn habitat with magnificent *Echinocactus polycephalus*, *Mammillaria tetrancistra*, *Opuntia basilaris*, chollas, ocotillos, numerous perennial shrubs on high ground interspersed with washes with mature and healthy specimens of microphyll woodland trees. No meaningful reclamation seems to have been required or completed. Furthermore, there appears to have been loss of downgradient mature ironwood trees as an unintended result of diversion of washes where mining activities have occurred.

What was the original hydrological profile in these downgradient washes and what is it today? Have downgradient and surrounding areas been dewatered by mining in or in close proximity to the original washes? If so, to what extent? What was the original water quality (both in terms of TDS and chemical profile) both under the various portions of the mining operation and downgradient? How has water quality been altered by the mining below the original water table and as a result of the formation of pit lakes in each pit? What is the water quality in each of the pit lakes and how does this impact downgradient water quality? How frequently are water quality/water chemistry analyses made of water in the pit lakes in each of the pits? To what extent does water quality in each of the pit lakes change over time? What are the impacts of altered water quality in pit lakes related to water quality in monitoring wells off-site? What are the long term (30 to 50 years) consequences on downgradient vegetation both in and out of the wash systems that are the result of pit lakes in this area? I recently learned that creosote roots have been found at a depth of 221 feet below surface. This means that native vegetation in non-wash areas may be impacted by both dewatering and by changes in water quality at considerable depth. Accordingly, it's extremely important to monitor downgradient and surrounding water levels and water quality.

Is off site downgradient loss of mature microphyll woodland vegetation related to diminished water table resulting from below gradient mining and diversion of washes or more the result of changed water quality resulting from existing Mesquite Mine operations? Did Newmont assume all the liabilities of former mine operators or can residual financial resources from bond requirements of previous operators be used to minimize those off-site adverse impacts on microphyll woodland vegetation?

Reclamation for the mine expansion should include frequently monitored and long term monitored test plots of significant size and in different locations to ascertain the most effective technique for revegetation at this location. So much terrain has already been impacted that there seems to be considerable acreage available to begin a revegetation test plot program at this time. For this site and its varying terrains and locations, which are the most effective techniques in conjunction with resoiling: ripping, pitting, planting tall (32-48") pot container grown trees and shrubs with deep roots in thoroughly wetted augered pits, vertical mulching, or other earlier customary attempts featuring mulching and hand broadcasting seed,

etc.? There should be annual written reports submitted with independent review so that successes or failures of different revegetation efforts can be shared. Such is part of the mitigation program at the Castle Mountain Mine in the East Mojave.

23 Reclamation would require stockpiling of topsoil by taking the uppermost surface of the living microorganisms and then the next several inches of soil for reseeding. Salvaged soils and crusts should be stored separately and kept completely dry so living material will remain dormant until reseeding occurs. Will 28 salvaged soil materials be covered with waterproof covering or placed in white plastic buckets during the storage period? 29 Will tall pot plants be grown from local or onsite collected seed at a nursery on site or grown from local or onsite seed at another nursery site? What is the definition of "local" stock? How far does "local" mean from the Mesquite Mine site? 30 Will supplemental deep watering of tall pot plants be required at some test plots, if so with what frequency? Will it be on a schedule or determined by some monitoring criteria? If based on monitoring criteria, who determines the criteria? There should be independent third party or BLM biologist monitoring for revegetation reclamation success with specific test criteria. 31

32 Should Newmont consider making different terraces and locations at the Mesquite Mine available for researchers or university students to study revegetation techniques and to determine the best/most successful techniques for reclamation and restoration of low elevation hot desert areas? (There are tall pot creosote bushes transplanted in the Yuha that were observed still green more than 18 months without supplemental watering during a drought cycle.) 33 How can be meaningful criteria for density, diversity and cover to 34 conclude that reclamation is successful? Have the baseline vegetation studies been conducted, at the 35 appropriate time of year and during both wet and dry years? There must be independent monitoring for revegetation success and the monitoring should continue for up to 20 years, estimated to be long enough to assess survival through several cycles of drought to be determined successful enough for bonding release. The 10 year period for revegetation success was the period repeatedly emphasized during the restoration course. If revegetation efforts do not survive a drought cycle, then another technique should be tried with continuing monitoring. Bonding should not be released for 10 years so if company efforts fail, revegetation efforts can be continued by government control. 36 These are the messages we learned from the wilderness acid leach restoration training course!)

37 Will there still baseline vegetation and wildlife surveys be conducted? 38 Will surveys of the area be compared with surveys of comparable undisturbed habitat nearby? 39 What are the cumulative impacts of this and other mining operations in or adjacent to designated Critical Habitat for the threatened desert tortoise in Southern California? 40 What is the amount of countervalue mitigation monies, expended for relocation of individual tortoises? What is the survival or mortality rates for relocated tortoises? How relocated tortoises displayed different threats to habitat? Have the social interactions and health or survival of tortoises in the site of relocation been monitored? With what results? What are the criteria upon which USFWS makes its decision for jeopardy or non-jeopardy opinion for tortoise populations within an identified portion of critical habitat? 41 What is the health status of the tortoise population within the Chuckwalla bench Critical habitat? 42 Are numbers increasing or decreasing? What is the health status of this population? If decreasing, what are the suspected causes of the decline and what is the potential effect of expanding mining operations into critical habitat? 46

47 What are the potential impacts of increased dust deposition on both vegetative growth and wildlife forage in such a dry area where rains seldom rinse the dust off vegetation? 48 Does increased dust deposition reduce photosynthetic capability such that the quality of wildlife forage and density of cover or shelter for wildlife including migratory birds are adversely impacted? Yes, there has been more than adequate dust suppression at the Mesquite Mine when visitors were known to be present, but I have also climbed the mine overlook and observed considerable clouds of particulate matter being churned airborne as the heavily laden trucks left the pit and as faster moving empty trucks returned to the pit. After some time at the overlook, water trucks always seemed to appear to begin rewetting the roads to suppress dust, but clouds of dust from the roads and from dumping waste rock and ore on their respective piles always seems to occur visible particulate matter. With what frequency and at what locations are air quality monitoring conducted? 49 Are 50 these adequate, or will additional monitoring stations need to be sited to monitor the expansion of

operations? What are the background monitoring levels? How does background air quality change during times of heavy off-road vehicle use in the nearby South Algodones Dunes during winter holiday periods? Where are those additional ORV monitoring stations located and who is responsible for that monitoring ? Is such data available for public review? It should be included in the upcoming DEIS/EIR because ORV activity is a major contributor to cumulative air quality impacts, even if such activity is not regulated. Which agency has regulatory authority or jurisdiction to air quality impacts of the ORV activity in Imperial County? Does increased particulates from agricultural operations, including soil preparation, travel on unpaved farm roads and agricultural burning impact background air quality monitoring at the Mesquite Mine site? If so, what is the percentage of impact attributed to agricultural operations in general and to agricultural burning specifically? Is background ambient air quality noticeably different at the mine site on agricultural burn versus non-burn days? How many days per month are mine operations shut down because of high wind conditions? Are any special measures taken to reduce airborne entrainment of dust from the waste rock piles and surrounding disturbed lands during high wind times? Are these measures deemed adequate to prevent off-site deposition of particulates and dust on off-site vegetation?

What is the depth of the proposed pit expansion? Will expansion be to greater depths or to expanded pit acreage? How will this expansion impact drainages and groundwater beneath the project site? See above for questions related to groundwater concerns.

Should there be reconsideration of diversion patterns for major washes? What, if anything can be done to stop the loss of off-site down-gradient mature microphyll woodland vegetation? Has loss of this vegetation and associated cover had an adverse impact on the local deer population using the area? If so, how? Will expansion of the existing pits exacerbate the existing problems associated with disruption of the wash system and the subsurface groundwater flow? What is the estimated depth to groundwater in the various washes and upland habitat? The reclamation plan for the mine expansion should include attempts to reclaim and restore the off-site microphyll woodland vegetation that has been impacted by the existing Mesquite Mine. New, higher levels of bonding should be included and a more realistic revegetation and reclamation program should be part of the Mesquite Mine expansion and additional off site groundwater level and quality monitoring should be added and monitoring continued for 30 years because it may take a long time before off-site groundwater impacts are detected, simply because groundwater moves so slowly and patterns of groundwater movement through wash systems will be different from groundwater movement through the fractured bedrock both under the site and off-site. I specifically recommend that BLM request an independent analysis of the groundwater issues by Tom Myers, Ph.D., a Nevada groundwater geologist who specializes in mining impacts on groundwater systems. It is my understanding that Dr. Myers has done consulting work for BLM in Nevada, and he has reviewed the groundwater analysis for the nearby proposed Imperial Project.

Waste rock piles should be recontoured and so should leach piles after operations cease. It is critically important to require long term monitoring for revegetation survuval success of heap leach piles after cessation of use. To date there is no such long term monitoring data available from any mine. Initially there is likely to be good success after rinsing and breakdown of the leached cyanide solution and saturated piles. But what happens after moisture has all evaporated and this extremely porous substrate no longer has a residual high moisture content and residual nitrogen from the break-down of cyanide? What vegetation will survive over the 30 year monitoring period?

To what depths will pits be backfilled to ensure that they do not become the breeding grounds for tanarisk in this part of the desert? What efforts will be required to monitor for accidential introduction of invasive weed species in the pits and at the bases of abandoned piles of waste rock or leached ore?

How will the expanded mining operations impact the nearest designated wilderness areas and any proposed wilderness areas nearby? Please prepare a visual resources impacts analysis using view points from several locations abutting the Mesquite Mine perimeter fence on Hwy 78, not simply sites many miles away. What will be the view for those traveling along Hwy 78?

Are there important archeological and cultural resources and resource values that will be impacted by the planned mine expansion? Will there be off-site trail systems or other spiritual or cultural resource

values that will be potentially impacted by the planned mine? What mitigation is possible and how effective will it be? Will consultation with Native Americans, including the nearby Quechans or other tribes along the Colorado River be necessary? If so, please learn from the mistakes that were made in handling the consultation process at the proposed Imperial Project site.

What are the planned hours of operation? Please make sure that employees are not working such long periods that drivers fall asleep when driving large vehicles or while loading up on fuel at the mine site. These types of employee actions have been the cause of a number of accidents related to the handling of hazardous materials and spills that have been documented by BLM offices and at the Regional Water Quality Board files for a number of mines in Southern California.

Thank you for the opportunity to raise questions and share concerns. I look forward to another site visit at the Mesquite Mine. Please send copies of the Draft EIS/EIR and notices of all future public hearings. Please establish a public comment period that is the maximum rather than the minimum required by law.

cc:
CA OMR

Comment No.	Commentor – Date of Letter NOI Comment	Category	EIR/EIS Section / Remarks
	U.S. Environmental Protection Agency, Region IX – February 4, 1999		
1.	Provide baseline report regarding water resource status (chemical & physical), and known impacts to biological resources, related to current / past project activities. Strive to determine to what extent natural background conditions (non-mining related) influence the above-mentioned resources and impacts.	A	Chapters 3.2 &3.3
2.	Demonstrate that all reasonable alternatives to proposed actions have been examined.	A	Chapter 2.2
3.	Demonstrate appropriate mitigation measures have been thoroughly considered and incorporated into the project.	A	Chapter 4.1.X.3
4.	Provide substantial detail on the means of implementing mitigation measures.	A	Chapter 4.1.X.3
5.	Identify how monitoring would proceed to ensure compliance and assess effectiveness of mitigation.	A	Chapter 4.1.X.3
6.	Provide information (preferably in table format) on all applicable permits and responsible agencies.	A	Chapter 1.7
7.	Provide list of all used and generated hazardous materials.	A	Chapter 3.1.12
8.	Include a mitigation & monitoring table organized by resource category.	A	MMRP
9.	Rigorously explore and objectively evaluate all reasonable alternatives, including reasonable alternatives not within the jurisdiction of the BLM.	A	Chapter 2.2
10.	Address potential water quality and resource issues, and related biologic resources under description of affected environment, direct / indirect effects, environmental consequences, and cumulative impacts. Discuss observable trends.	A	Chapters 3.2 & 4.2.3.1
11.	Describe potential impacts on groundwater and surface water, estimating rates of water produced and / or consumed by the proposed project and other related projects.	A	Chapter 4.1.2.2
12.	Identify direct, indirect, and cumulative impacts to surface and groundwater flow, water supply wells, springs and seeps, vegetation, wildlife, and other groundwater-dependant resources as a result of groundwater pumping and any mine water / process water discharge	A	Chapters 4.1.2.2 & 4.2.3.1

	associated with the proposed project.		
13.	Discuss any expected adverse impacts to down-wash riparian corridors from emplacement of diversion channels.	A	Chapter 4.1.2.2
14.	Provide a mitigation and monitoring plan if adverse impacts are expected.	A	Chapter 4.1.2.3
15.	For each alternative, discuss the project's compliance with state-adopted, EPA-approved water quality standards.	A	Chapter 4.1.2.2
16.	Project planning should be fully coordinated with all appropriate Federal and State offices to ensure water quality is protected and beneficial uses are maintained.	A	Chapters 1.7 and 6.0
17.	Discuss whether a National Pollution Elimination System (NPDES) permit would be required or exists for discharges to surface waters.	A	Chapter 1.7
18.	Note that under the Clean Water Act, any project disturbing a land area greater than five acres requires a storm water discharge permit.	A	Chapter 1.7
19.	Document the project's consistency with applicable storm water permitting requirements.	A	Chapter 4.1.2.2
20.	Provide a storm water pollution prevention plan.	C	SWPPPs are prepared upon completion of environmental review and preparation of final construction plans and specifications; therefore, it is premature to prepare a SWPPP at this time. Best Management Practices to control stormwater pollution will be identified in Chapter 4.1.2.3 of this EIR/EIS.
21.	Discuss specific mitigation measures that may be necessary.	A	Chapter 4.1.X.3
22.	Describe the original (natural) drainage patterns in the project locale, as well as drainage patterns of the area during project operations and following reclamation.	A	Chapters 2.1.5 & 3.2
23.	Include hydrologic and topographic maps of the areas.	A	Chapter 3.2 & Appendix B
24.	Discuss effects of the project on erosion potential and sedimentation.	A	Chapters 3.2.2 & 4.1.2.2
25.	Identify whether any project components would fall within 50 or 100 year flood plains.	A	Chapter 4.1.2.2
26.	Discuss potential for flash floods to transport sediment from disturbed areas to stream channels.	A	Chapter 4.1.2.2
27.	Discuss how accidental releases of hazardous materials, including	A	Chapters 2.1.8 & 4.1.2.2

	pipe rupture or overflow from ponds, would be handled and are being handled.		
28.	Identify potential impacts resulting from failure of components of the solution containment systems and leaching facilities, methods for discovering such failures, and the degree to which impacts would be reversible.	A	Chapter 4.1.12
29.	Include acid generation / neutralization potential and potential for meteoric water to leach toxic constituents from wallrock, waste rock, stockpiles, tailings, and backfill at the site, and appropriate mitigation measures.	A	Chapter 2.1.2.2
30.	Discuss whether or not sulfide ore or waste is recognized or anticipated to be excavated in the future.	A	Chapter 2.1.2.2
31.	Describe applicable leach tests (e.g. meteoric mobility) to be conducted on ore and waste rock and test data, including sample locations.	A	Chapter 2.1.2.2
32.	Under cumulative impacts, describe the quality of waters at any other mining sites nearby.	A	Chapter 4.3.3.1
33.	Include a Waste Rock Characterization and Disposal Plan or an appropriate summary.	B	Appendix D-2
34.	Describe the proposed facility design and operation, and maintenance and monitoring activities, to ensure integrity of facilities throughout project.	A	Chapter 2.1.2.2 & Appendix B
35.	Note locations of all points of compliance and monitoring wells on site, including screening intervals, parameters to be monitored, and monitoring frequencies.	A	Chapter 2.1.2.4
36.	Discuss if any of the open pits would extend below the existing water table, and if so, whether a future pit lake would be likely to develop.	A	Chapters 4.1.2.2
37.	If any pit lakes are likely to develop, EPA encourages a reclamation option to backfill above the water table. If this is economically unfeasible (demonstrate economic unfeasibility), then analyze expected pit lake chemistry and potential adverse impacts to beneficial uses, including biologic resources.	A	Chapter 4.1.2.2 & Appendix D-2
38.	Consult the Army Corps of Engineers to determine if any component of the proposed project requires a Section 404 permit under the CWA. (Section 404 of the CWA regulates the discharge of dredge or fill material into waters of the U.S.)	A	Chapters 1.6.1.5 & 2.4.5
39.	EPA recommends avoidance of Waters of the U.S. and encourages	A	Chapters 2.4.1 & 2.4.5

	BLM to explore alternatives that avoid siting of project facilities in waters of the U.S.		
40.	If a Section 404 permit is required, EPA will review the project for compliance with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b)(10) of the Clean Water Act.	A	Chapters 1.6.1.5 & 2.4.5
41.	Pursuant to 40 CFR 230, any permitted discharge into waters of the U.S. must be the least environmentally damaging practicable alternative to achieve the project purpose.	A	Chapter 2.4.5
42.	If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., discuss alternatives to avoid those discharges.	A	Chapter 2.4
43.	Rigorously discuss alternatives to show compliance with the CWA 404 Guidelines.	A	Chapter 2.4
44.	If a discharge into waters of the U.S. cannot be avoided, discuss how remaining impacts would be minimized and mitigated. Discussion should include: 1. Assessment of the area impacted by type, function, & habitat; 2. Acreage & habitat type & function of waters of the U.S. that would be created or restored; 3. Water sources to maintain the mitigation area; 4. Revegetation plans including the numbers & age of each species to be planted; 5. Maintenance & monitoring plans, including performance standards to determine mitigation success; 6. Size & location of mitigation zones; 7. Parties that would ultimately be responsible for the plan's success; and 8. Contingency plans & financial assurance that would be enacted to avoid habitat losses due to the lag time between occurrence of the impact & successful mitigation.	A	Chapters 4.1.2.2, 4.1.2.3, 4.1.3.3, 4.1.3.4 & Appendix B
45.	Work closely with U.S. Fish & Wildlife Service and the California Department of Fish and Game to determine existing and future impacts of the project on plant and wildlife species, especially species classified rare, threatened, or endangered on either state or federal lists.	A	Chapter 4.1.3.3
46.	Provide information on potential impacts to candidate species.	A	Chapter 4.1.3.3

47.	EPA encourages BLM to complete the consultation process with FWS prior to completion of the Final EIS.	A	Chapter 6.2.1
48.	Particular attention should be paid to potential adverse impacts to birds from cyanide-bearing solutions.	C	All ponds/channels are covered.
49.	Any history or case studies documenting previous adverse effects to birds should be noted, and appropriate mitigation measures discussed.	C	All ponds/channels are covered.
50.	Identify riparian habitat as well as other unique or important habitat areas that could be affected by the project.	A	Chapter 4.1.3.3
51.	If applicable, discuss avoidance, minimization, and mitigation of losses or modification of habitat and plant and animal species composition, and include a detailed mitigation plan.	A	Chapters 4.1.3.3 & 4.1.3.4
52.	Address potential cumulative impacts to resources, considering the proposed project in the context of past, current, and reasonably foreseeable future mining and other activities in the project vicinity.	A	Chapter 4.3
53.	In the cumulative impact section, include discussion of impacts to water and air quality, hydrology, soils, vegetation, wildlife, biodiversity and human health.	A	Chapter 4.3
54.	According to the CEQ Report, *Considering Cumulative Effects Under the National Environmental Policy Act*, the principles of cumulative impacts analysis are: inclusion of past, present and future actions; inclusion of federal, nonfederal, and private actions; focus on each affected resource, ecosystem, and human community; and focus on truly meaningful effects. Determination of the affected environment should not be based on a predetermined geographic area, but rather on perception of meaningful impacts and natural boundaries.	A	Chapter 4.3
55.	Discuss if the project is in an attainment area for priority air pollutants.	A	Chapters 3.8 & 4.1.8.5
56.	Discuss the National Ambient Air Quality Standards (NAAQS) and Prevention of Significant Deterioration (PSD) increments applicable to air quality in the project area. PSD increments exist for sulfur dioxide, total suspended particulates, and oxides of nitrogen.	A	Chapters 3.8 & 4.1.8.5
57.	Discuss impacts to the NAASQ and PSD increments from estimated emissions, considering the cumulative effects from all aspects of mine excavation, construction, operation, and support activities, such as vehicle traffic.	A	Chapter 4.1.8.5

58.	Closely coordinate with the appropriate California air pollution control district regarding regulatory requirements and controls.	A	Chapters 1.4.2, 3.8.2 & 6.2
59.	Discuss whether a PSD permit will be required for the project and discuss and mitigation measures necessary to comply with NAASQ and PSD.	A	Chapter 4.1.8.5
60.	PSD increments are highly protective of air quality in Class I areas such as wilderness and national parks. Identify and Class I PSD areas located within at least 100 kilometers of the proposed project site.	A	Chapter 3.8.2.2
61.	Class I areas further than 100 kilometers could potentially be affected as well. The BLM should consult with the U.S. Forest Service and the National Park Service for a determination of which areas could be adversely affected by the proposed action.	A	Chapter 3.8.2.2
62.	Potential impacts to Class I PSD areas, including visibility impacts, should be discussed.	A	Chapter 4.1.8.5
63.	Since the Clean Air Act prohibits federal approval of a project for which conformity with the State Implementation Plan (SIP) cannot be assured, the EIS should explain how the proposed project is in conformity with the California SIP.	A	Chapter 4.1.8.5
64.	Discuss the possibility of an air quality monitoring program that would be implemented to ensure project compliance with all applicable air quality standards and permits.	A	Chapter 3.8
65.	Discuss the following components of reclamation: 1. A detailed account of measures taken to decommission mine operations, and neutralize or cap waste rock, tailings, and other process facilities; 2. Identification (including estimated acreage) of the areas targeted for reclamation, and clarification of the intended degree of treatment in each area: 3. Estimation of any irrigation requirements; 4. Timing of reclamation relative to mining operations and duration of reclamation treatment; 5. Standards for determining and means of assuring successful reclamation; 6. Means of assuring that any maintenance required for reclaimed areas would continue after operations cease or while operations are suspended.	A	Chapter 2.1.6 & Appendix B

66.	Recommend that BLM require revegetation be accomplished with only native species indigenous to the area in order to restore the ecosystem to as natural a state as possible after mine closure.	A	Chapter 2 & Appendix B
67.	Recommend that BLM monitor and enforce revegetation success for at least five years following revegetation efforts. First or second year success in meeting the revegetation standards is not necessarily indicative of long-term success.	A	Chapter 2.1.7 & Appendix B
68.	Discuss provisions that would be made for post-operation surveillance to ensure that neutralization and / or stabilization of mining waste sites has been effective.	A	Chapter 2.1.7 & Appendix B
69.	Describe the mitigation actions that would be taken should destabilization or contamination be detected, and identify who would be responsible for these actions.	A	Chapters 1.6.2.1, 2.1.7, 4.1.2.2, 4.1.12.3 & Appendix B
70.	Specify the bonding requirements to ensure that appropriate funding is available for reclamation should the mining company fail to carry out all required reclamation activities and identify who would be responsible for any post-closure cleanup actions should they be necessary.	A	Chapters 2.1.4.2 & 4.1.13.2
71.	Recommend BLM review bonding requirements for early mine closure contingency and handling of pit lakes.	A	Chapters 2.1.4.2 & 4.1.13.2
72.	In keeping with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (EO 12898), the EIS should describe the measures taken by the BLM to: 1. Fully analyze the environmental effects of the proposed federal action on minority communities and low-income populations: 2. Present opportunities for affected communities to provide input into the NEPA process.	C	There would be no adverse offsite impacts to such groups.
73.	State whether the analysis meets requirements of your agency's environmental justice strategy.	C	See Comment No. 72
74.	Indicate efforts made by the BLM to enter into government to government consultations with potentially affected Tribes, particularly in regard to sacred sites and traditional cultural properties. Results of those consultations should be presented in the EIS.	A	Chapter 6.2.3
75.	Discuss Federal trust responsibilities.	A	Chapter 1.5
76.	Conduct a thorough archeological and paleontological survey.	A	Chapter 3.4 & 3.5

77.	Refer to appropriate BLM natural resource and land use plans and in particular, identify any special uses that would be displaced by the proposed project, and discuss the proposed project's specific potential impacts to these uses.	A	Chapter 4.1.9.2
78.	BLM and Newmont should note that on May 1, 1997, EPA added metal mining to the list of industries that will be subject to the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990. (See 40 CFR Part 372, Addition of Facilities in Certain Industry Sectors; Revised Interpretation of Otherwise Use: Toxic Release Inventory Reporting; Community Right-to-Know; Final Rule, Federal Register: May 1, 1997, pages 23833-23892). Reporting for mining facilities will be effective beginning with the 1998 reporting year. The first reports from all metal mining facilities must be submitted to EPA and the State by July 1, 1999.	C	BLM and Newmont are aware of these new regulations. EPA has not requested that this information be provided in the EIR/EIS; therefore, no further action is warranted.
	El Centro Chamber of Commerce and Visitors Bureau – February 8, 1999		
1.	El Centro Chamber of Commerce & Visitors Bureau registers its official support for proposed expansion of the Mesquite Mine in Imperial County.	C	Support for the project is noted. No further action is warranted.
2.	Mine expansion will guarantee that up to 190 high paying jobs will be secure in Imperial County at least through 2006.	A	Chapter 4.1.13.2
3.	Mine expansion will help stimulate our local economy.	A	Chapter 4.1.13.2
4.	Newmont Gold Company is committed to thoroughly studying the environmental impacts and will mitigate any impacts that may be identified through the EIS.	C	This comment is noted. No further action is warranted.
5.	Mining has been an important and beneficial contributor to the businesses represented by the Chamber for nearly 20 years.	A	Chapter 3.13
6.	The Chamber encourages the responsible development of the mineral resources at the Mesquite Mine.	C	Support for the project is noted. No further action is warranted.
	Steven L. Hartman – February 8, 1999		
1.	Newmont Gold Company must reclaim the viewshed so that the heap leach and overburden piles blend into the mountainous terrain.	A	Chapter 4.1.11.2

	Dr. Robert T. Fisher, Ed.D., J.D., Instructor San Diego State University		
1.	Appalled to learn of the proposed expansion of the Mesquite mine.	C	Opposition to the project is noted. No further action is warranted.
2.	The area into which the Mesquite Mine wants to expand has a long historical tradition as the Mesquite "Diggins" and this historical tradition will be lost to historians of mining history.	A	Chapters 3.4, 4.1.4.3 & Appendix F
3.	There are many early man and pre-Columbian sites in the area, Native American sleeping circles, shrines, trails, and petroglyphs on the many rocks and boulders in the area. All will be lost.	A	Chapters 3.4, 4.1.4.3 & Appendix F
4.	Ecological and environmental concerns indicate destruction and danger, increased noise, dust, destruction of flora and fauna, more traffic, loss of open space and wilderness, and lowered water tables.	A	Chapters 4.1.2.2, 4.1.3.3, 4.1.6.2, 4.1.7.2, 4.1.8.4, 4.1.9.2, 4.1.12.2 & Appendix D-3
5.	The mine currently has numerous problems that will be compounded if the expansion is allowed. For example, the mining operation cannot dispose of its own waste. 1. Discarded oversized tires remain in gigantic piles on the site because the mining operators have found no feasible way to dispose of them. 2. Mountains of crushed rock, actually several stories high, which remain after cyanide leaching, destroys the beauty of the area.	A	Chapter 4.1.11.2 & 4.1.14.2
6.	The mine proper is hemmed-in with high fences and razor wire, under the pretense that the confines preserve the desert tortoise, a species the workmen have never seen! When driving along the highway, the fencing reminds one of a state penitentiary, destroying the beauty of the desert so loved by tourists and residents alike.	A	Chapter 4.1.11.2
7.	We do not need this destruction of one of California's last wildernesses, the great desert and the Mesquite "Diggins."	A	Chapter 4.1.4.3 & Appendix F
	Frances Martin, North Hollywood, California – January 15, 1999		
1.	No, no more mining by anyone in the desert. That land belongs to us, the people, you and me. There is no reason, other than greed, to give our land away to private parties, for their gain, and our loss. Get	C	Opposition to the project is noted. No further action is warranted.

	the Newmont Gold Company out of our land.		
2.	You are perfectly aware that the people want their land left alone. Why don't you follow their wishes? But, no, you permit the land's ruination by private parties for profit. Why?	C	Opposition to the project is noted. No further action is warranted.
Brubaker-Mann, Inc., Barstow, California, Julie Man, President – January 14, 1999			
1.	I strongly support the expansion of the Mesquite Gold Mine, operated by Newmont Gold Company. I recommend that the EIS include the benefits to the economy that this project will provide.	A	Chapter 4.1.13.2
Sierra Club, California / Nevada RCC Mining Committee, Independence, California – December 31, 1998			
1.	We are most concerned that the DEIS evaluate the costs and other environmental consequences of complete or partial backfill of the existing new pits. We believe that a significant opportunity exists for sequential backfilling, and believe this issue should be evaluated in detail.	A	Chapter 2.4.2.1 & Appendix D-2
Sierra Club, Ocotillo, California – February 28, 1999			
1.	This proposal and other open pit operations and proposals have necessitated a review of the SMARA regulations, BLM's 3809 regulations, the adequacy of financial assurances and need for longer term bonding to enable reclamation work to be done by an independent third party contractors or by government employees. Such precautions are good policy in the event an operator abandons the mining operation or sells to another company which later abandons the site without completing reclamation or completing remediation to "clean-up" off-site adverse environmental impacts. Reclamation and reclamation bonding should be consistent with at least the minimum requirements of both SMARA and the anticipated changes in BLM's 3809 regulations. There are numerous and well known mining operations which have shown the inadequacies of accessible financial assurances and bonding necessary for federal or state clean-up.	A	Chapter 2.1.4.2 & 4.1.13.3
2.	The Draft EIS / EIR should contain a chronological history of the	A	Chapter 1.3.4

	Mesquite Mine and the associated permits, including dates granted and expiration or renewal dates. To which operator was each permit issued? Which, if any, of the existing permits will or may carry over to cover the expanded mining operations and increased production output without any changes or updates? Which agencies have jurisdiction over such permits, and what activities of the mine expansion trigger the necessity for amending or modifying said existing permits or approved Plans of Operation?		
3.	Does the mine expansion include: 1. Increased output from the Mesquite Mine (Both existing pits or expansion of existing pit boundaries and a new pit site physically not connected to the existing pits); 2. Transport of ore and waste rock from the pit(s) where extraction will occur to a processing site or facility (heap-leach pile or ore processing structure); and 3. The expanded or continued operations at the processing structure(s) prior to transport away from company-owned and operated structures in Imperial County, California?	A	Chapter 2.1.2 & 2.1.3
4.	Will the Newmont Mesquite Mine operations be reviewed as a single project or will they be impermissibly piecemealed? All operations associated with the mining and processing of gold at the Imperial County site should be considered as a single project and be the subject of a joint single NEPA / CEQA review process.	A	Chapter 1.1
5.	All concerned and responsible public agencies should be provided with the NEPA / CEQA documentation at the beginning of the official comment period.	C	All agencies that are known by Imperial County and the BLM to have jurisdiction over aspects of the project or otherwise are interested in the project will be provided with the EIR/EIS at the beginning of the official comment period.
6.	What is the pattern of land ownership? Which lands are BLM managed, state lands or patented lands?	A	Figure 1.3-4
7.	Please provide a chronology of land transfers of public lands managed by BLM to either patented lands or State lands.	C	BLM to provide.
8.	What is the history of the state lands from early uses by native Americans to early gold exploration, withdrawal for military uses	A	Appendix F

	and transfer to the State?		
9.	Will Newmont be continuing with plans for exploratory drilling on state lands now planned for development with the current expansion plans? If so, what is the time frame for that future exploration and / or development? Any such plans should be considered "reasonably foreseeable" actions as part of a cumulative impacts analysis.	A	Chapters 1.3.4, 2.1.1 & 2.1.3
10.	What are the estimated proven and probable ore grades in the areas proposed for mining? It is assumed that the ore grade must be rich enough for mining to be profitable with the anticipated 3:1 strip ratio indicated in the BLM public Notice.	A/C	Chapter 2.4.4/Proprietary information that the company provides if deemed necessary.
11.	What is the break-even ore grade necessary for mining to be profitable at today's depressed gold prices and in compliance with all the current environmental regulations of the various federal, state, and local requirements?	A/C	Chapter 2.4.4/Proprietary information that the company provides if deemed necessary.
12.	If the open pit mine operations are to be conducted in association with pits on BLM managed lands, will the claims pass a validity examination, whether or not required by BLM at the present time of patenting moratorium? Are the waste rock and heap leach piles to be located on existing patented lands? If not, does Newmont hold mill sites in the appropriate number and ratio to lode or placer claims to meet the mill site requirement of the mining law as spelled out in the recent Solicitor's Opinion and BLM Instruction Moratorium?	A/C	Chapter 1.1/If sensitive resources would not potentially be impacted by a mining plan, BLM has no reason to conduct a validity examination if they are not exercising any rights or interests in the land against the claimant. Prior to the patent moratorium, mining claimants could seek patent on their claims if they met certain requirements. The patent process is not done to determine the validity of mining claims, but is a distinct process to transfer title of land to a private entity, which is allowed under the General Mining Law.
13.	What was the original hydrological profile in these downgradient washes and what is it today?	A	Chapters 3.1.2, 4.1.1.2 & 4.1.2.2
14.	Have downgradient and surrounding areas been dewatered by mining in or in close proximity to the original washes? If so, to what extent?	A	Chapters 3.1.2 & 3.2.3 & Appendix D-2
15.	What was the original water quality (both in terms of TDS and	A	Chapters 2.1.2.2 & 4.1.2.2 &

	chemical profile) both under the various portions of the mining operation and downgradient?		Appendix D-2
16.	How has water quality been altered by the mining below the original water table and as a result of the formation of pit lakes in each pit?	A	Chapter 3.2.3.5 & Appendix D-2
17.	What is the water quality in each of the pit lakes and how does this impact downgradient water quality?	A	Chapters 3.1.2 & 3.2.3.5 & Appendix D-2
18.	How frequently are water quality / water chemistry analysis made of water in the pit lakes in each of the pits?	A	Chapters 2.1.2.4 & 3.1.2 & Appendix D-2
19.	To what extent does water quality in each of the pit lakes change over time?	A	Chapter 3.2.3.5
20.	What are the impacts of altered water quality in pit lakes related to water quality in monitoring wells off-site?	A	Chapters 2.1.2.4 & 4.2.2
21.	What are the long-term (30 to 50 years) consequences on downgradient vegetation both in and out of the wash systems that are the result of pit lakes in this area?	A	Chapter 4.2.2
22.	I recently learned that creosote roots have been found at a depth of 221 feet below surface. This means that native vegetation in non-wash areas may be impacted by both dewatering and by changes in water quality at considerable depth. Accordingly, it is extremely important to monitor downgradient and surrounding water levels and water quality.	A	Chapters 4.1.2.2 & 4.1.3.3
23.	Is off-site downgradient loss of mature microphyll woodland vegetation related to diminished water table resulting from below gradient mining and diversion of washes or more the result of changed water quality resulting from existing Mesquite Mine operations?	A	Chapter 4.1.3.3 & Figure 4.1.3-1 & Appendix E-2
24.	Did Newmont assume all the liabilities of former mine operators or can residual financial resources from bond requirements of previous operators be used to minimize those off-site adverse impacts on microphyll woodland vegetation?	A	Chapters 2.1.4.2, 4.1.13.2 & 4.1.13.3
25.	Reclamation for the mine expansion should include frequently monitored and long-term monitored test plots of significant size and in different locations to ascertain the most effective technique for revegetation at this location. So much terrain has already been impacted that there seems to be considerable acreage available to begin a revegetation test plot program at this time.	A	Chapter 2.1.7 & Appendix B
26.	For this site and its varying terrain and locations, which are the most	A	Appendix B

	effective techniques in conjunction with resoiling, ripping, pitting, planting tall (32-48") container grown trees and shrubs with deep roots in thoroughly wetted augured pits, vertical mulching, or other earlier customary attempts featuring mulching and hand broadcasting seed, etc? There should be annual written reports submitted with independent review so that successes or failures of different revegetation efforts can be shared. Such is part of the mitigation program at the Castle Mountain Mine in the East Mojave.		
27.	Reclamation must require stockpiling of topsoil by taking the uppermost surface of the living microorganisms and the next several inches of soil for resoiling. Salvage soils and crusts should be stored separately and kept completely dry so living material will remain dormant until resoiling occurs.	A	Chapter 2.1.7 & Appendix B
28.	Will salvaged soil materials be covered with waterproof covering or placed in white plastic buckets during the storage period?	A	Appendix B
29.	Will tall pot plants be grown from local or onsite collected seed at a nursery on site or grown from local or onsite seed at another nursery site?	A	Chapter 2.1.7 & Appendix B
30.	What is the definition of "local seed?" How far does "local" mean from the Mesquite site?	A	Chapter 2.1.7 & Appendix B
31.	Will supplemental deep watering of tall pot plants be required at some test plots, if so with what frequency? Will it be on a schedule or determined by some monitoring criteria? If based on monitoring criteria, who determines the criteria? There should be independent third party or a BLM biologist monitoring for revegetation reclamation success with specific, set criteria.	A	Chapter 2.1.7 & Appendix B
32.	Would Newmont consider making different terrain and locations at the Mesquite Mine available for researchers or university students to study revegetation techniques and to determine the best / most successful techniques for reclamation and restoration of low elevation, hot desert areas?	C	Making terrain and locations available for research may be considered by Newmont. This activity would not mitigate any impacts associated with the proposed project/action; and therefore, will not be addressed in this EIR/EIS.
33.	There must be meaningful criteria for density, diversity, and cover to conclude that reclamation is successful	A	Chapter 2.1.7 & 4.1.3.3 & Appendix B
34.	Have the baseline vegetation studies been conducted, at the	A	Chapter 2.1.7 & Appendix B

	appropriate time of year and during both wet and dry years?		
35.	There must be independent monitoring for revegetation success and the monitoring should continue for up to 30 years, estimated to be long enough to assure survival through several cycles of drought to be determined successful enough for bonding release.	B	Chapters 2.1.7 & 4.1.3.3 & Appendix B
36.	If revegetation efforts do not survive a drought cycle, then another technique should be tried with continuing monitoring. Bonding should not be released for 30 years, so if company efforts fail, revegetation efforts can be continued by government contract.	B	Chapter 2.1.7 & 2.1.8 & Appendix B
37.	Where will baseline vegetation and wildlife surveys be conducted?	A	Chapters 2.1.7 & 3.3
38.	Will surveys of the area be compared with surveys of comparable undisturbed off-site habitat nearby?	A	Chapters 2.1.7 & 3.3 & Appendix B
39.	What are the cumulative impacts of this and other mining operations in or adjacent to designated Critical Habitat of the threatened desert tortoise in Southern California?	A	Chapter 4.3.3.2
40.	What is the success of desert tortoise mitigation measures, especially relocation of individual tortoises? What is the survival or mortality rate for relocated tortoises?	C	The appropriate agency is currently reviewing this issue.
41.	Have relocated tortoises displaced tortoises already in habitat? Have the social interactions and health or survival of tortoises in the site of relocation been monitored? With what results?	C	The appropriate agency is currently reviewing this issue.
42.	What are the criteria upon which U.S. Fish and Wildlife makes its decision for jeopardy or non-jeopardy opinion for tortoise populations within an identified portion of Critical Habitat?	C	The appropriate agency is currently reviewing this issue.
43.	What is the health status of the tortoise population within the Chuckwalla Bench Critical Habitat?	C	The appropriate agency is currently reviewing this issue.
44.	Are overall desert tortoise numbers increasing or decreasing?	C	The appropriate agency is currently reviewing this issue.
45.	What is the health status of the population within the Chuckwalla Bench Critical Habitat?	C	The appropriate agency is currently reviewing this issue.
46.	If decreasing, what are the suspected causes of the decline and what is the potential effect of expanding mining operations into Critical Habitat?	C	The appropriate agency is currently reviewing this issue.
47.	What are the potential impacts of increased dust deposition on both vegetative growth and wildlife forage in such a dry area where rain seldom rinses the dust off of the vegetation?	A	Chapter 4.1.3.3
48.	Does increased dust deposition reduce photosynthetic capability such	A	Chapter 4.1.3.3

	that the quality of wildlife forage and density of cover or shelter for wildlife, including migratory birds, is adversely impacted?		
49.	With what frequency and at what locations are air quality monitoring conducted?	A	Chapter 3.8
50.	Are these adequate, or will additional monitoring stations need to e sited to monitor the expansion of operations?	A	Chapter 3.8
51.	What are the background air quality monitoring levels?	A	Chapter 3.8.2
52.	How does background air quality change during times of heavy off-road vehicle (ORV) use in the nearby South Algodones Dunes during winter holiday periods?	A	Chapter 3.8.4.3
53.	Where are additional ORV monitoring stations located and who is responsible for that monitoring? Is such data available for public review? It should be included in the upcoming DEIS / EIR because ORV activity is a major contributor to cumulative air quality impacts, even if such activity is not regulated.	B	Chapter 3
54.	Which agency has regulatory authority or jurisdiction over air quality impacts of the ORV activity in Imperial County?	B	Chapter 3
55.	Does increased particulate matter from agricultural operations, including soil preparation, travel on unpaved farm roads, and agricultural burning impact background air quality monitoring at the Mesquite Mine site? If so, what is the percentage of impact attributed to agricultural operations in general and to agricultural burning specifically?	C	Irrelevant to this document.
56.	Is background ambient air quality noticeably different at the mine site on agricultural burn versus non-burn days?	B	Chapter 3
57.	How many days per month are mine operations shut down because of high wind conditions?	C	Not part of their permit.
58.	Are there any special measures taken to reduce airborne entrainment of dust from the waste rock piles and surrounding disturbed lands during high wind times? Are these measures deemed adequate to prevent off-site deposition of particulates and dust on off-site vegetation?	A	Chapter 4.1.8.6
59.	What is the depth of the proposed pit expansion?	A	Chapter 2.1.4
60.	How will this expansion impact drainages and groundwater beneath the project site?	A	Chapter 4.1.2.2 and Appendix D-2
61.	Should there be reconsideration of diversion patterns for major washes?	A	Chapters 2.1.4.3 and 4.1.2.2

A = Already Addressed B = New Scoping Issue C = Not to be Included in this EIR/EIS

N/A = Not Applicable

62.	What, if anything, can be done to stop the loss of off-site down gradient mature microphyll woodland vegetation?	A	Chapter 4.1.3.3 & Figure 4.1.3-1 & Appendix E-2
63.	Has the loss of this vegetation and associated cover had an adverse impact on the local deer population using the area? If so, how?	B	Chapter 3.1.3.2
64.	Will expansion of the existing pits exacerbate the existing problems associated with disruption of the wash system and the subsurface groundwater flow?	A	Appendix D-2
65.	What is the estimated depth to groundwater in the various washes and upland habitat?	A	Chapter 3.2.3
66.	The reclamation plan for the mine expansion should include attempts to reclaim and restore the off-site microphyll woodland vegetation that has been impacted by the existing Mesquite Mine.	A	Chapter 2.1.7 and Appendix B
67.	New, higher levels of bonding should be included and a more realistic revegetation and reclamation program should be part of the Mesquite Mine expansion.	A	Chapter 2.1.7 & Appendix B
68.	Additional off-site groundwater level and quality monitoring should be added. Monitoring should be continued for 30 years because it may take a long time before off-site groundwater impacts are detected. Groundwater moves so slowly and patterns of groundwater movement through wash systems will be different from groundwater movement through the fractured bedrock both under the site and off-site.	A	Appendix D-2
69.	I specifically recommend that BLM request an independent analysis of groundwater issues by Tom Myers, Ph.D., a Nevada groundwater geologist who specializes in mining impacts on groundwater systems. It is my understanding that Dr. Myers has done consulting work for BLM in Nevada, and he has reviewed the groundwater analysis for the nearby, proposed Imperial Project.	A/C	Appendix D-2/Issue reviewed by professional staff at the appropriate agency.
70.	Waste rock piles and leach piles should be recontoured after operation cease. It is critically important to require long-term monitoring for revegetation survival success of heap leach piles after cessation of use. To date there is no such long-term monitoring data available from any mine. Initially there is likely to be good success after rinsing and breakdown of the leached cyanide solution and saturated piles. What happens after moisture has evaporated and this extremely porous substrate no longer has a residual high moisture content and residual nitrogen from the breakdown of cyanide? What	A	Chapter 2.1.7 and Appendix B

	vegetation will survive over the 30-year monitoring period?		
71.	To what depths will pits be backfilled to ensure they do not become the breeding grounds for tamarisk in this part of the desert?	A	Chapters 2.4.2.1 & 2.1.7
72.	What efforts will be required to monitor for accidental introduction of invasive weed species in the pits and at the bases of abandoned piles of waste rock or leached ore?	A	Chapters 2.1.7 & 4.1.3.3
73.	How will the expanded mining operations impact the nearest designated wilderness areas and any nearby proposed wilderness areas?	A	Chapter 4.1.10.2
74.	Please prepare a visual resources impacts analysis using view points from several locations abutting the Mesquite Mine perimeter fence on Highway 78, not simply sites many miles away. What will be the view for those traveling along Highway 78?	A	Chapter 4.1.11.2
75.	Are there important archaeological and cultural resource values that will be impacted by the planned mine expansion?	A	Chapter 4.1.4.3
76.	Will there be off-site trail systems or other spiritual or cultural resource values that will be potentially impacted by the planned mine? What mitigation is possible and how effective will it be?	A	Chapter 4.1.4.3
77.	Will consultation with Native Americans, including the nearby Quechans or other tribes along the Colorado River be necessary? If so, please learn from the mistakes that were made in handling the consultation process at the proposed Imperial Project site.	A	Chapter 6
78.	What are the planned hours of operation?	A	Chapter 1.3.2.2
79.	Please make sure that employees are not working such long periods that drivers fall asleep when driving large vehicles or while loading up on fuel at the mine site. These types of employee actions have been the cause of a number of accidents related to the handling of hazardous materials and spills that have been documented by BLM offices and at the Regional Water Quality Board files for a number of mines in Southern California.	A	Chapter 4.1.12.2