

# Conversation Contents

Re: 604678001\_KMC MPO

**"Eddy, David" <deddy@blm.gov>**

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**From:** "Eddy, David" <deddy@blm.gov>  
**Sent:** Wed Jul 22 2015 15:27:37 GMT-0600 (MDT)  
**To:** "Sabrina N. Perez" <sperez@ninyoandmoore.com>  
David Hawes <rhawes@blm.gov>, Amanda James  
**CC:** <ajames@blm.gov>, "Verl (Jeff) Garrett" <jgarrett@blm.gov>, Frederick Conrath <fconrath@blm.gov>  
**Subject:** Re: 604678001\_KMC MPO

Hello Sabrina,

No, nothing was inadequate. In the beginning, we figured that the whole thing would be a simple, small mineral materials sale with a CX as per the BLM manuals. However, the local "controversy" in Skull Valley over the proposal ended up causing management to elevate the NEPA analysis to a EA, with public meetings, etc. Our Field Manager, Rem Hawes, attended a meeting in Skull Valley organized by the locals where over 100 folks showed up, ostensibly all of whom were opposed to the mining proposal. Also, the Yavapai County Board of Supervisors got involved stating that they wanted the BLM to do a full environmental analysis. After that, the word we got from KMC was that they were going scrap the plans for the small ~42,000 ton sale and just do a mining plan for the full 320 acres of interest to avoid having to go through the whole process twice. But then a couple weeks ago we got another mineral materials sale application with attached revised plan (which wasn't that different from the original plan) which they wanted analyzed with a CX. In a conference call, they were told that any kind of mineral materials action would require an EA due to all of the public and political complications involved. After a lengthy discussion of the various options, we think they are now going to submit a Notice under the 3809 regulations for some additional exploration drilling and the collecting of a bulk sample of up to 1000 tons (as allowed in a Notice under the regs) for more testing and characterization of the material. There has always been a question as to the "locatability" of the material since it has been mined in past decades both as a locatable (mining claim) mineral and a saleable (mineral materials) mineral. Under the 3809 regs, a Notice is not a Federal action and so there is no "approval" involved and no NEPA analysis is performed. We only need to ensure that they've met the regulatory requirements regarding submitted information, compliance with other laws & regs, etc., and having an adequate reclamation bond in place before proceeding with their activities. If the additional data supports assertions that the deposit is locatable, then we expect that they will submit a larger Mining Plan of Operations under the 3809 regs. Unlike a mineral materials sale, which is entirely discretionary, 3809 actions are reviewed primarily by the BLM to ensure that no unnecessary or undue degradation of Public Lands occurs, all other laws & regs are followed (T&E Species, Archaeology, etc.), and adequate reclamation plans and bonds are in place. So right now we are waiting on their next submittal, which we expect to be a 3809 Notice.

Let me know if you have any other questions.

Dave

On Wed, Jul 22, 2015 at 1:33 PM, Sabrina N. Perez <[sperez@ninyoandmoore.com](mailto:sperez@ninyoandmoore.com)> wrote:

Good afternoon, Dave –

I hope all is well with you.

I heard through the grapevine that our MPO report for Kirkland Mining Company had to be resubmitted or amended. Is that true? If so, do you know why the original submittal was inadequate?

Sabrina N. Perez, EIT  
Project Manager  
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**"Sabrina N. Perez" <[sperez@ninyoandmoore.com](mailto:sperez@ninyoandmoore.com)>**

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**From:** "Sabrina N. Perez" <[sperez@ninyoandmoore.com](mailto:sperez@ninyoandmoore.com)>  
**Sent:** Wed Jul 22 2015 15:35:57 GMT-0600 (MDT)  
**To:** "Eddy, David" <[deddy@blm.gov](mailto:deddy@blm.gov)>  
David Hawes <[rhawes@blm.gov](mailto:rhawes@blm.gov)>, Amanda James  
<[ajames@blm.gov](mailto:ajames@blm.gov)>, "Verl (Jeff) Garrett" <[jgarrett@blm.gov](mailto:jgarrett@blm.gov)>,  
**CC:** Frederick Conrath <[fconrath@blm.gov](mailto:fconrath@blm.gov)>, Steven Nowaczyk  
<[snowaczyk@ninyoandmoore.com](mailto:snowaczyk@ninyoandmoore.com)>  
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David,

Thank you for the information and the thorough explanation. I wanted to ensure that we did not miss the mark and your response of what transpired is appreciated.

Have a great rest of your week.

Sabrina N. Perez, EIT  
Project Manager

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**From:** Eddy, David [mailto:deddy@blm.gov]  
**Sent:** Wednesday, July 22, 2015 2:28 PM  
**To:** Sabrina N. Perez  
**Cc:** David Hawes; Amanda James; Verl (Jeff) Garrett; Frederick Conrath  
**Subject:** Re: 604678001\_KMC MPO

Hello Sabrina,

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