

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment

DOI-BLM-NM-L0000-2012-0061-EA

New Mexico Copper Corporation, Pumping Test

The following discussion is organized around the Significance Criteria described at 40 CFR 1508.27. The following have been considered in evaluating intensity for this proposal:

Impacts that may be both beneficial and adverse:

The pumping test will help develop a better understanding of the characteristics of the local aquifer. Additionally, the proposed discharge could yield a potential temporary benefit to vegetation in the area. Effects also include minor impacts to soils, vegetation, wildlife, and visual resources that will occur temporarily during construction, and the pumping test. Long term effects would be insignificant due to the short duration of the test, and the design features proposed to protect the environment.

Degree of effect on public health and safety:

The risk of public health and safety being affected negatively by this proposed action is not significant. The New Mexico Copper Corporation (NMCC) is required to obtain highway entry permits from the New Mexico Department of Transportation (NMDOT), who will ensure that entry/access onto NM Highway 152 meets NMDOT's safety requirements for ingress/egress onto the right of way (ROW) to and from the highway. The ROW will be signed to notify the public of the project area, and well sites will be fenced to deter the public from entering into areas with equipment. The project will be monitored daily, so representatives will be on site daily during the 16 day pump test. The discharge of the pump test water will be approved by the New Mexico Environmental Division and the U.S. Environmental Protection Agency.

Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, wetlands, or ecologically critical areas:

The proposed action is approximately .75 mile south of Las Animas Creek, an intermittent stream, and approximately 5 miles west of Caballo Reservoir. Aquifer test water will be discharged into Greyback Arroyo, which joins with Greenhorn Arroyo, both of which are intermittent arroyos.

No effect to the surface water of Las Animas Creek is anticipated, due to the demonstrated hydrological disconnect from the Santa Fe group, the short duration of the aquifer test, and features of the proposed action designed to ensure that surface water will not be affected. Coordination between BLM, NMCC, and the New Mexico Office of State Engineer (OSE) has been on going. OSE has reviewed the Aquifer Test Work Plan, and subsequently has issued a non-consumptive use water permit for the aquifer test.

Effects to Greyback and Greenhorn Arroyos, which will result from of the placement of erosion control measures and discharge, are anticipated to be minimal. Placement of erosion control measures will not involve any vegetation removal, and will diffuse the flow of discharge water, which will reduce the force of water entering into the arroyo.

Effects to Caballo Reservoir are not expected. The alluvium of Greyback Arroyo is estimated to have a carrying/infiltration capacity of approximately 280 acre feet of water (130 acre feet more water than the pump test will produce) within a distance of 4 miles between the discharge point and Caballo Reservoir. Given these figures, discharge water is not expected to reach Caballo Reservoir, which is approximately 5 miles from the discharge point.

Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risk:

No highly uncertain or unknown risks to the human environment were identified during analysis of the preferred alternative.

Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

The proposed action neither establishes a precedent for future BLM actions with significant effects nor represents a decision in principle about a future consideration. However, the results of the aquifer test will be used for a ground water model, which will be used in an Environmental Impact Statement for a Mining Plan of Operation.

Whether the proposed action is related to other actions with individually insignificant but cumulatively significant impacts:

BLM has issued water facility infrastructure ROW grants NMNM 125293, and NMNM 125870, to NMCC, in this area. NMNM 125293 was granted to authorize NMCC to assess the condition of existing pipelines and wells, along with ground water quality. The condition of the infrastructure and groundwater quality was important to understand the feasibility of the use of the infrastructure and ground water quality, prior to the analysis of this proposed action.

NMNM 125870 was granted to NMCC to provide access to existing groundwater monitoring wells.

Cumulatively, NMNM 125293, NMNM 125870, and the proposed action, will not have a significant impact.

Other multiple use activities in the area are grazing and recreation, both of which will not be significantly impacted by the proposed action.

Degree to which the proposed action may adversely affect district, sites, highways, structures, or objects listed on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources:

The proposed action will have no direct or indirect effect on scientific, cultural, or historical resources.

Degree to which the proposed action may adversely affect an endangered or threatened species or its critical habitat:

The Chiricahua Leopard Frog (*Rana chircahuensis*) is known to exist in Las Animas Creek. However, since there will be no effect to the surface water of Las Animas Creek, there will be no effect to the Chiricahua Leopard Frog.

Whether the proposed action threatens a violation of federal, state, or local environmental protection law:

The preferred alternative violates no federal, state, or local environmental protection laws.

Based on the analysis of potential environmental impacts contained in the (referenced or attached) environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the issuance of ROW amendments to NMNM125293, and the issuance of a new temporary ROW grant NMNM128402, to the NMCC, for the purposes of expanding access to well pads, widening existing roadways, the placement of a temporary aboveground pipeline and ancillary facilities, and discharge of water in Greyback Arroyo (Alternative B), located in Sierra County, New Mexico,

Proposed Action:

Production Well Area:

New Mexico Principal Meridian

T. 15 S., R. 5 W.,

sec. 30, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 31, NE $\frac{1}{4}$.

Alternative B:

New Mexico Principal Meridian

T. 15 S., R. 5 W.,

sec. 31, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

/s/ David L. Wallace
Authorized Officer

July 27, 2012
Date