

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management
Las Cruces District Office

1 PROJECT INFORMATION

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|------------------------------------------|------------------------------------------------------|
| 1.1 Project Name: | Little Rock Mine Plan of Operations DNA |
| 1.2 Case or Serial Number: | NMNM091644 |
| 1.3 BLM Preparer: | Michael Smith |
| 1.4 Project Location/Legals: | Sec 16 T. 19 S. R. 15 W.
Sec 17 T. 19 S. R. 15 W. |
| 1.5 Date Project Initiated: | January 12, 2010 |
| 1.6 Possible Concerns and Issues: | Wildlife, groundwater |
| 1.7 Primary Program(s): | 3809 (Locatable Minerals) |
| 1.8 Affected Counties: | Grant |
| 1.9 NEPA Log Number: | DOI-BLM-NM-L0000-2010-0045-DNA |

2 DESCRIPTION OF THE PROPOSED ACTION

Freeport-McMoRan Tyrone Incorporated (FMI) proposes to reestablish operations at the Little Rock open-pit copper mine approximately seven miles south-southwest of Silver City, NM. The selected action includes the construction, operation and reclamation of an open pit mine to produce an estimated 100 million tons of ore over a projected two to four year mine life. Ore will be transported from the Little Rock Mine to an off-site processing facility (Tyrone) by a new mine road. Mining would result in the diversion of an ephemeral drainage (California Gulch) and the creation of a pit lake once mining operations cease.

This action was previously analyzed in a 1997 EIS (BLM-NM-PL-97-005-1793) and approved (R.O.D. signed) on November 1, 1997. This was an externally generated EIS by a third party.

3 LAND USE PLAN (LUP) CONFORMANCE

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: Mimbres Resource Management Plan, Approved December 1993. Mimbres RMP, p. 2-6 (the remainder of the resource area is open to locatable mineral entry subject to standard stipulations.)

4 LIST AND ATTACH OTHER DOCUMENTS

1. *Final Environmental Impact Statement (FEIS): Little Rock Mine Project*, BLM-NM-PL-97-005-1793, September, 1997.
2. *Little Rock Mine Project: Hydrogeologic Investigation Technical Report*, June 1996 (volume C of project record)
3. *Little Rock Mine Project: Surface Water Hydrology Investigation Technical Report*, April 1996 (volume E of project record).
4. *Little Rock Mine Project: Cultural Resource Survey Technical Report*, October, 1993 (volume D of project record).
5. *A Threatened and Endangered Floral and Wildlife Survey of 280 Acres and 2.5 miles of Haul Road, Grant County, New Mexico*: September, 1993 (volume B of project record).
6. *Little Rock Mine Project: Geochemical Evaluation Technical Report*, October, 1995 (volume F of project record).
7. *Little Rock Mine Project: Air Quality Technical Report Supplement*, August, 1997 (volume G of project record).
8. *Environmental Analysis: Little Rock Mine Stockpile Reclamation Project*: DOI-BLM-NM-030-2009-110-EA, December, 2009.
9. *Little Rock Mine Biological Resource Analysis*: September, 2010.
10. *Memorandum: Little Rock Mine – Determination of NEPA Adequacy Analysis*, September, 2010

5 NEPA ADEQUACY CRITERIA

- 5.1 Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)?** YES: the proponent is not proposing any changes to the mine footprint, procedures or operations. The only change to the original Mine Plan of Operations (MPO) is the 2009 amendment to reclaim the pre-existing Little Rock heap leach pile in-situ. This MPO amendment does not alter the affects analysis of the proposed action because it remediates a preexisting (prior to the 1997 decision) mining disturbance.

5.2 Is the project within the same analysis area? YES: There will be no changes to the project location.

5.3 Is the *range* of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values? YES: environmental concerns, interests and resource values identified since the 1997 ROD included changes in status for several special status species (SSS), designation of critical habitat for 3 species and development of new private wells to the west of the proposed action area. Alternatives analyzed in the 1997 Little Rock EIS include the following:

- No action alternative
- Proposed action alternative
- Partial backfill alternative
- California Gulch stream diversion alternatives

This range of alternative is appropriate because newly identified environmental concerns, interests and resource values are similar to those considered in developing alternatives in the 1997 EIS. Furthermore, analysis of the new environmental concerns, interests and resource values (see section 4) did not identify any new affects which would require analysis of new alternatives.

5.4 Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action? New information and circumstances have been documented. Analysis of existing documentation and supplemental information collected as part of this DNA evaluation has determined that the new circumstances and information would not change the conclusions of the original analysis. The new (post-1997 ROD) information and circumstances associated with the Little Rock Mine EIS consists of the following:

- Current special status species (SSS) lists for Grant County (<http://nmrareplants.unm.edu>, <http://www.fws.gov/southwest/es/EndangeredSpecies/lists/> and <http://www.bison-m.org/index.aspx>) were used to evaluate the potential for impacts to species from the proposed action. Numerous changes have occurred with regard to species status designations since the 1997 EIS decision including designation of critical habitat for 3 species.
- Two new private wells were developed near the vicinity of the proposed Little Rock mine.

- Changes in atmospheric particulate sources (i.e. the shutdown of the smelter stack at Hurley, N.M.).
- Changes in National Ambient Air Quality Standards for PM_{2.5}, NO₂, SO₂ since the 1997 decision.
- Changes to the socio-economic and environmental justice situation in the local community.

Review of the 1997 project record indicated that additional information was necessary to determine if these new circumstances and information would alter the 1997 decision. This information was collected and analyzed between January and June of 2010, and is incorporated into the project record for the Little Rock Mine Plan of Operations (NMNM091644). Based on this updated analysis, it is determined that none of the new information or circumstances would have altered the 1997 decision:

- The proposed action was evaluated for all new species or new species status designations as well as for species for which there has been no change in status. New information regarding species biology, occurrences, habitat requirements, and susceptibility to environmental impacts that would occur as a result of the proposed action was considered in the DNA Biological Resource Analysis. The analysis concluded that the new wildlife and SSS information would not have altered the 1997 Decision.
- Revised biological analysis identified two of ten Gila National Forest Management Indicator Species (MIS) that could be affected by the 1997 decision. These species are the northern goshawk and the mule deer. Review of the existing project record and the updated biological analysis did not identify new affects to these species or loss of significant habitat.
- The affects on two wells developed after the 1997 record of decision were analyzed using a revised groundwater model, which accounts for changes in boundary conditions (i.e. generally lower water levels) since the 1997 ROD. This new model indicates that both wells are outside the radius defined by the modeled 1' drawdown contour. The presence of these wells therefore does not change the conclusions reached in the hydrologic analysis for the 1997 ROD.
- New information relating to air quality does not change the results of the 1997 EIS analysis. Supplemental analysis has determined that the Tyrone facility would remain in compliance with revised (effective Aug. 23, 2010) NAAQS for PM_{2.5}. The present Tyrone facility is not classified as a PSD major source and, because there is no change in the proposed action authorized in the 1997 ROD, there will not be any new stationary sources of SO₂ or NO₂.

- Revised socio-economic analysis did not identify any new adverse socio-economic affects or disproportionately high and adverse affects to minority populations. Therefore, there is no new socio-economic information or circumstances that would change the results of the 1997 ROD.

5.5 Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document? YES: There is no change to the proposed action approved in the 1997 ROD, so direct, indirect and cumulative effects will be the same. Specific changes in conditions since 1997 include status of SSS and critical habitat designations, the development of private wells, and changes in ambient air quality standards. The updated analysis in the project record did not identify any new direct, indirect or cumulative impacts associated with these new conditions.

5.6 Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Previous public review was completed as part of the 1997 ROD and is adequate because no new alternatives or issues have been identified by the DNA process. Documentation supporting this DNA has been extensively reviewed by the BLM and USFS.

6 PERSONS/AGENCIES /BLM STAFF CONSULTED

Name	Title	Expertise
Jack Barnitz	Wildlife Biologist (B.L.M.)	Wildlife, T&ES
Mark Gunn	Hydrologist (ex-B.L.M.)	Water Resources
Tom Holcomb	Archeologist (B.L.M.)	Historic and Cultural
Michael Smith	Geologist (B.L.M.)	Groundwater hydrology
Russell Ward	District Ranger	Gila N. F.

Note: Refer to the 1997 Little Rock EIS (BLM-NM-PI-97-005-1793) for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

7 MITIGATION MEASURES

Mitigation measures for the Little Rock mine have been previously defined in the 1997 Environmental Impact Statement on pages 4-54. Applicable mitigation measures must be incorporated and implemented.

8 CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation cited herein fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Project Lead _____/s/ Mike Smith_____

NEPA Coordinator _____/s/ Jennifer Montoya_____

District Manager: ___/s/ Bill Childress_____ Date _10/06/10_____

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

Please provide any comments on or questions about this DNA to Mike Smith, Geologist, LCDO:

Mike_Smith@nm.blm.gov