

4.0 Consultation and Coordination

This chapter reviews agency and public consultation and coordination that occurred prior to and during preparation of this EIS. It also includes the list of agencies and individuals to receive the Draft EIS document.

4.1 Public Participation and Scoping

This environmental document was prepared in consultation and coordination with various federal, state, and local agencies, organizations, and individuals. Agency consultation and public participation have been accomplished through a variety of formal and informal methods, including scoping meetings, responses to e-mails, meetings with individual public agencies and non-governmental organizations. This section summarizes these activities.

Public involvement in the EIS process includes the steps necessary to identify and address public concerns and needs. The public involvement process assists agencies in: 1) broadening the information base for decision making; 2) informing the public about proposed actions and potential long-term impacts that could result from projects; and 3) ensuring that public needs are understood by the agencies.

Public participation in the EIS process is required by NEPA at four specific points: scoping period, review of Draft EIS, review of Final EIS, and receipt of the ROD.

- **Scoping:** The public is provided a 30-day scoping period to disclose potential issues and concerns associated with the Proposed Action. Information obtained by the agencies during public scoping is combined with issues identified by the agencies which form the scope of the EIS.
- **Draft EIS Review:** A 45-day Draft EIS comment period is initiated by publication of a NOA for the Draft EIS in the FR.
- **Final EIS Review:** A 30-day Final EIS review period is initiated by publication of a NOA for the Final EIS in the FR.
- **ROD:** Subsequent to the 30-day review period for the Final EIS, a ROD would be prepared.

The BLM initiated the scoping process by publishing a NOI to prepare an EIS in the FR on February 12, 2008. A public scoping meeting was held for the EIS on February 27, 2008, in Battle Mountain, Nevada.

The scope of this EIS reflects input received from the public and the appropriate government agencies. Key issues identified during the scoping process include the following:

- Potential contamination of surface water and groundwater from leakage or spillage of process solutions or reagents;
- Potential contamination of water in Willow Creek drainage during flood events from the operation of the proposed Phoenix Copper Leach Facility;
- Potential increases in local atmospheric particulates resulting from haul traffic and increased disturbance of soil surfaces;
- Potential atmospheric emissions of sulfuric acid mist and other process chemicals;
- Increased fragmentation and loss of wildlife habitat;

- Potential contribution to cumulative water quality issues within the Battle Mountain mining district;
- Permanent alteration of local landforms, visible over a considerable distance;
- Potential impacts to cultural resources and resources important to Native Americans; and
- Potential socioeconomic impacts.

4.2 Public Review of the Draft EIS

The 45-day public comment period on the Phoenix Copper Leach Project Draft EIS will begin upon publication of a NOA in the FR. The public also will be allowed a 30-day review of the Final EIS.

4.3 Consultation and Coordination with Federal, State and Local Agencies, and Tribes

Issues related to agency consultation and review included mining regulation and reclamation, biological resources, cultural resources, socioeconomics, and land and water management. Cultural resource consultations apply to the potential for impacts to important historic, archaeological or traditional sites important to Native Americans.

The USFWS provided input on the potential for federally listed, proposed, and candidate species within the proposed project area. Additional comments included ground-clearing concerns to species protected under the MBTA.

The USEPA provided comments on a wide variety of topics including: the development of alternatives mitigation measures, surface water and groundwater quality and quantity, management of leachate, waste rock management, closure and reclamation, air quality, waters of the U.S., sensitive species, ecological risk, environmental justice, and socioeconomic.

As the state agency with jurisdiction and special expertise related to impacts on wildlife, the NDOW participated as a cooperating agency in the preparation of this EIS. The NDOW was concerned with the important big game ranges, small game including sage-grouse brooding and nesting habitat, sensitive species, nongame species, habitat loss, closure and reclamation, and surface water and groundwater quality and quantity.

Under EO 13084, the BLM is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on the development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities. On May 7, 2008, the BLM sent letters to the following tribes, bands and interested parties notifying them of the Project:

- Battle Mountain Band Council
- Duck Valley Sho-Pai Tribes
- Duckwater Shoshone Tribe
- Elko Band Council
- Fallon Paiute-Shoshone Tribe
- Lovelock Paiute Tribe
- South Fork Band Council
- Te-Moak Tribe of Western Shoshone
- Western Shoshone Committee

- Winnemucca Paiute Tribe
- Wells Band Council
- Yomba Shoshone Tribe

Letters were sent to inform the various tribal groups of the proposed undertaking and to request the tribes to contact the BLM if they had any concerns, interests, or resources in the study area. Additionally, the BLM offered to arrange a field tour of the study area or meet with the tribes, if requested. Three of the contacted tribal groups responded to the letters: Battle Mountain Band, Yomba Shoshone, and Duckwater Shoshone. In response to a request by the Battle Mountain Band, the BLM conducted a field tour of the study area with members of the Battle Mountain Band on August 29, 2008. Several concerns were expressed by the tribal participants, in particular their concern with mining and its impact on natural resources. None of the tribal members identified any specific sites or resources of concern in the study area.

Due to the extensive time delays associated with the proposed project, the BLM sent letters to the following tribes, bands, and interested parties on February 9, 2011, to re-initiate consultation:

- Battle Mountain Band Council
- Duck Valley Sho-Pai Tribes
- Duckwater Shoshone Tribe
- Te-Moak Tribe of Western Shoshone
- Western Shoshone Committee
- Winnemucca Paiute Tribe
- Yomba Shoshone Tribe

4.4 List of Agency Contacts

While preparing the EIS for the proposed project, the BLM communicated with and received input from various federal, state, and local agencies, and tribal and private organizations. The following sections list these contacts.

4.4.1 Federal Agencies

U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service

4.4.2 State Agencies

Nevada Bureau of Air Pollution Control
Nevada Department of Wildlife
Nevada Division of Environmental Protection
Nevada Natural Heritage Program
State Historic Preservation Office

4.4.3 Local Agencies

Lander County

4.4.4 Tribal Organizations

Battle Mountain Band Council
Confederated Tribes of the Goshute Reservation

Duck Valley Shoshone-Paiute Tribes
Duckwater Shoshone Tribe
Elko Band
Ely Shoshone Tribe
South Fork Band
Te-Moak Tribe of Western Shoshone
Timbisha Tribe
Wells Band
Western Shoshone Committee of Duck Valley
Winnemucca Paiute Tribe
Yomba Shoshone Tribe

4.4.5 Private Organizations and Companies

Center for Biological Diversity
Great Basin Resource Watch
Western Shoshone Defense Project
Western Watersheds Project

4.5 List of Agencies, Organizations, and Persons to Whom Copies of this EIS are Sent

4.5.1 Federal Agencies

BLM, Carson City Field Office
BLM, Elko Field Office
BLM, Ely Field Office
BLM, Las Vegas Field Office
BLM, Pocatello Field Office
BLM, Tonopah Field Office
Death Valley National Park
U.S. Army Corps of Engineers
U.S. Bureau of Reclamation
U.S. Environmental Protection Agency
U.S. Forest Service, Austin/Tonopah Ranger District

4.5.2 State Agencies

Nevada Department of Agriculture
Nevada Department of Conservation & Natural Resources, Division of State Lands
Nevada Department of Transportation
Nevada Department of Wildlife
Nevada Division of Environmental Protection
Nevada Division of Environmental Protection, Bureau of Mining Regulation & Reclamation
Nevada Division of Forestry
Nevada Division of Minerals
Nevada Fish and Wildlife Office
Nevada State Clearinghouse

4.5.3 Elected Officials

Shelley Berkley, Congresswoman
Dean Heller, U.S. Senator
Harry Reid, U.S. Senator

4.5.4 County and Local Agencies

Eureka County Department of Natural Resources
Eureka County Nuclear Waste Program
Lander County Commissioners
Lander County Executive Director
Lander County Public Land Use Advisory Commission
Lander County Wildlife, PLUAC, Planning, HRBWA
Nye County Department of Planning
Nye County Air Quality Compliance Officer
Nye County Public Works
Town of Tonopah

4.5.5 Tribal Organizations

Battle Mountain Band Council
Bureau of Indian Affairs – Eastern Nevada Agency; Western Nevada Agency
Duck Valley Sho-Pai Tribes
Duckwater Shoshone Tribe
Elko Band Council
Ely Shoshone Tribe
Fallon Paiute-Shoshone Tribe
Lovelock Paiute Tribe
Round Mountain Shoshone
South Fork Band Council
Summit Lake Paiute Tribe
Te-Moak Tribe of Western Shoshone
Timbisha Shoshone Tribe
Wells Band Council
Winnemucca Paiute Tribe
Yomba Shoshone Tribe

4.5.6 Newspapers and Libraries

Battle Mountain Bugle
Elko Daily Free Press
Humboldt Sun

4.5.7 Other Organizations

Beatty Historical Museum Society
Committee for the High Desert
Earth Knowledge
EarthWorks
Eureka Moly LLC
Great Basin Resource Watch
Greater Austin Chamber of Commerce
Mojave – Southern Great Basin Reserve Advisory Council
Natural Resources Defense Council
Nevada Cattlemen's Association
Nevada Mining Association
Railroad Symposium
Resource Concepts, Inc.
The Toiyabe Chapter of the Sierra Club

Western Shoshone Committee
Western Shoshone Defense Project
Western Shoshone Descendants of Big Smoky
Western Watersheds Project
Wild Horse Preservation League
Wild Horse Wildness and Wildlife

4.5.8 Industry/Business

Becker Realty
Cortez Gold Mines Cyprus Minerals Company
Cortez Joint Venture – DBA Dean Ranch
Hecla Ventures Corp.
JBR Environmental Consultants
Julian Tomera Ranches, Inc.
C Ranches
Kuipers and Associates
Manhattan Advisory Board
McLeod Ranch & Fishery
Nevada Land and Resource Company
Permits West, Inc.
Rodeo Creek Gold Inc.
Round Mountain Gold Corporation
Sansinena Ranch
NV Energy
Summa Minerals
Synergy Resource Solutions, Inc.
Twin Springs Ranch
Western Action Mining Project

4.5.9 Individuals

Leon Abrams
Gary Adams
Seth Anderson
Mark Bennett
Bob Bottom
Paul Burkett
Steven Carter
Rex Cleary
Roy E. Clifford
Joe Dahl
Leo Damele
Norma Darrough
Bruce Delaney
Al Drayton
John and Ginger Fareio
Aaron Foxworthy
Alan Gubanich
Carl or Carole Hanks
Jerry Hepworth
Stanley Hooper

James Ithurralde
Bud Johns
Brent Jones
Bill Kohlmoos
James Kuipers
Dawn Lappin
Frank Lewis
Ruby Lingelbach
John Livermore
J. Locke
Sara Locke
Robert M. Long
Paul Mattinen
Suzy McCoy
Joe McGloin
Diane Mihal
William J. Miller
Durk Pearson
Daniel Petterson
Bruce Piscitello
Valerie Randall
Trish Rippie
Norman Sharp
Sandy Shaw
Marjorie Sill
Randy Spevak
David Spicer
Beth Swartz
Kimberly Wolf
Ed and Miriam Yist