

**Proposed Roca Honda Uranium Mine  
Mt. Taylor Ranger District**

**Environmental Impact Statement**

**Scoping Report  
April 2011**

**Cibola National Forest  
Albuquerque, New Mexico**



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## **1.0 Introduction**

Roca Honda Resources, LLC (RHR) submitted a Plan of Operations to the Cibola National Forest proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District. The proposed mine is located within portions of Sections 9, 10, and 16, Township 13 North, Range 8 West, New Mexico Principal Meridian. In addition, a proposed utility corridor would be located on private land in Section 15.

These sections are located in McKinley County, New Mexico, approximately three miles northwest of San Mateo and 22 miles northeast of Grants. Approximately two-thirds of the proposed permit area for the Roca Honda mine is located on Sections 9 and 10 of National Forest System lands and are open to mineral entry as a locatable mineral, as established by the General Mining Law of 1872. Section 16 is State of New Mexico land, which is not subject to the regulatory jurisdiction of the Forest Service. However, the entire project is subject to the regulatory jurisdiction of the State of New Mexico. RHR proposes a mine permit area encompassing all three sections (1,920 acres) and surface disturbance associated with the mine haul roads as proposed for Sections 11, 17, and 20.

The Cibola National Forest will prepare an environmental impact statement (EIS) to assess the development of a uranium mining operation on the Mount Taylor Ranger District.

This report describes the proposed project, agency and public scoping meetings and materials, and summarizes substantive public comments received during the public scoping period held from November 24, 2010 through January 14, 2011. In addition, this document includes nine appendices as supplemental information as follows:

- Appendix A – Notice of Intent
- Appendix B – Public Meeting Newspaper Notices and Affidavits
- Appendix C – Newsletter, PSA text, list of Radio Stations
- Appendix D – Letters Sent to Agencies
- Appendix E – Public Scoping Meeting Sign-In Sheets
- Appendix F – Public Scoping Meeting Materials
- Appendix G – Public Scoping Comment Form
- Appendix H – Index of Public and Agency Comments by Source and Date
- Appendix I – Consultation Requests

## 2.0 Project Description

Roca Honda Resources, LLC submitted a Plan of Operations to the USDA Forest Service for uranium mining at the Roca Honda mining claims, located on National Forest System land within the Mount Taylor Ranger District of the Cibola National Forest about 22 miles northeast of the town of Grants, New Mexico. RHR proposes a mine permit area encompassing all three sections (1,920 acres) and a surface disturbance area of 183 acres within Sections 9, 10 and 16. Additional surface disturbance associated with the mine haul roads is proposed for Sections 11, 17 and 20 and with a utility corridor in Section 15. RHR proposes to conduct mining operations for the period of approximately 18-19 years, including mine development, operations and reclamation.

- Mine development includes baseline data gathering, initial site development and construction, which would be conducted to facilitate mine shaft construction; and depressurizing activities necessary for both construction and operation. Five ventilation shafts, 8-10 feet in diameter, and two concrete-lined production shafts, 18 feet in diameter, would be constructed.
- Mine operation consists of the activities related to production of uranium ore from the underground mine, and transport of the ore offsite for mineral processing. The production phase would last approximately 13 years.
- Mine reclamation is designed to remove surface facilities, plug the mine shafts, re-contour the disturbed area, replace stockpiled soil, and establish vegetation suitable for the post-mining land use of grazing.

The Forest Service, Cibola National Forest, Mount Taylor Ranger District issued a Notice of Intent (NOI) in the *Federal Register* on November 24<sup>th</sup>, 2010 to prepare an EIS for this project in compliance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's regulations for implementing NEPA (40 CFR Parts 1500–1508), and Forest Service mining regulations which state that “operations shall be conducted so as, where feasible, to minimize adverse environmental effects on National Forest System surface resources” (36 CFR 228.8), providing such regulation does not endanger or materially interfere with prospecting, mining, or processing operations or reasonably incidental uses (1955 Multiple Use Mining Act and case law). However, the “authorized officer...must consider economics of the operations along with other factors in determining the reasonableness of requirements for surface resources protection” (36 CFR 228.5 (a)).

To provide agencies and the public with a general understanding of the proposed Roca Honda Mine project – pursuant to Section 102 (2) (c) of NEPA – the EIS will evaluate the environmental impacts of the proposed Plan of Operations and determine whether to approve the Plan as proposed or to require additional mitigation measures to protect the environment, in accordance with Forest Service regulations for locatable minerals.

### 3.0 Notification of Scoping Meetings

As noted above, an NOI was published in the *Federal Register* on November 24, 2010, informing the public of the Forest Service’s intent to prepare an EIS. The notice also included details about the public scoping meetings held in Grants and Gallup, respectively, on December 14<sup>th</sup> and 16<sup>th</sup>, 2010. A copy of the NOI and administrative memorandum are provided in Appendix A.

Notices were printed in local newspapers in the weeks preceding the public scoping meetings, including an advertisement that identified the meeting times and locations. A list of the names of the publications and dates of these advertisements and legal notices are included in Table 1. Copies of the newspaper advertisements and legal notices are included in Appendix B.

**Table 1 – Newspapers and Dates of Public Notices**

<b>Newspaper</b>	<b>Publication Dates</b>	<b>Location</b>
<i>Albuquerque Journal</i>	December 6, 7, 8, 2010	Albuquerque, NM
<i>Gallup Independent</i>	December 7, 8, 2010	Gallup, NM
<i>Cibola Beacon</i>	December 7 and 10, 2010	Grants, NM

A project newsletter was distributed to agencies (included in Appendix D), non-governmental organizations (NGOs), and interested parties. A 30-second Public Service Announcement (PSA) was aired on local radio stations for the week prior to and the week of the public scoping meetings. A copy of newsletters, PSA text, and a list of radio stations to which the PSA was provided are included in Appendix C.

### 3.1 Tribal Consultation

Tribal leaders and Tribal Historic Preservation Officers (THPOs) received letters with similar information provided to the agencies as well as information on the Section 106 consultation process. Representatives from the Pueblo of Acoma, Pueblo of Laguna, and Pueblo of Zuni attended the public scoping meetings in December 2010. The Pueblo of Zuni, Hopi Tribe, and Pueblo of Acoma requested that they be a part of Section 106 consultation under the National Historic Preservation Act (NHPA). In addition, the New Mexico Environmental Law Center, on behalf of the Multicultural Alliance for a Safe Environment (“MASE”) requested that the Forest Service schedule additional meetings within nearby tribal and land grant communities. Consultation requests are included in Appendix I.

## **4.0 Public Scoping Meetings**

The U.S. Forest Service, Cibola National Forest and Grasslands, and the Mount Taylor Ranger District conducted two public scoping meetings in an open-house format. The first was held from 6-9 p.m. on Tuesday, December 14<sup>th</sup> in Grants at the Cibola County Convention Center on 515 West High Street; the second was held, also from 6-9 pm, on Thursday, December 16<sup>th</sup> in Gallup at the McKinley County Courthouse on 207 West Hill Street. Photos from each open house meeting are shown on the next page.

### **4.1 Purpose**

The purpose of the public scoping meetings is to provide the public with information regarding the proposed project, answer questions, identify concerns regarding the potential environmental impacts that may result from construction and operation of the project, and gather information to determine the scope of issues to be addressed in the EIS.

### **4.2 Public Scoping Meeting Materials**

An open house format was used to encourage discussion and information sharing and to ensure that the public had opportunities to speak with representatives of the U.S. Forest Service, Cibola National Forest and Grasslands, Mount Taylor Ranger District, State of New Mexico, and RHR. Several display stations with exhibits, maps and other information materials were staffed by representatives of the U.S. Forest Service, State of New Mexico Minerals and Mining Division, State of New Mexico Environment Department, RHR, and Mangi Environmental Group. Posters and informational materials were provided at the meetings by RHR, along with staff to answer questions (as seen in the first photo on p.7). Information stations at the public scoping meetings included the following:

- Sign-in and Welcome table
- project Overview, Purpose and Need
- General Roca Honda information
- Two “Parallel Processes – NEPA/EIS and New Mexico Permit Reviews” Posters
- “Cause-and-Effect-Questions” © Diagram

Sign-in sheets (Appendix E) and comment forms (Appendix G) were made available to all scoping meeting attendees. Attendees were invited to write comments and questions directly on the “Parallel Processes – NEPA/EIS and New Mexico Permit Reviews” posters and the Cause-and-Effect-Questions diagram, which are included in Appendix F.



Open house scoping meeting at the Cibola County Convention Center in Grants, Dec. 14, 2010



Open house scoping meeting at the McKinley County Courthouse in Gallup, Dec. 16, 2010

### **4.3 Collection of Comments**

Public comments were submitted using comment forms, letters, and emails. All comments were delivered directly to Cibola National Forest. A summary of the public comments received and organized by category is provided below. Appendix H is an index of comments by source and date. The items were indexed based on the source of the comments including federal, state, or local agency (A), Tribe (T), non-government organization (N), or individual (I). The item was also cataloged with a number based on the order it was received (e.g., I-02) and each comment associated with an item was given a unique number and letter representing the resource area (e.g. I-02-W), where “W” is water resources. Appendix H shows each comment that was considered under each of the categories described below.

### **4.4 Summary of Comments**

A total of two hundred and seventy-two (272) comments were received during the scoping comment period, from twenty-five (25) commenters. Most commenters submitted multiple comments on more than one topic. Public comments were submitted using letters and emails as well as comment forms distributed at the public scoping meetings. Responses included those made by private citizens, elected and tribal officials, government agencies and entities and representatives of non-governmental organizations.

#### **4.4.1 Form Letters**

Four hundred and eighty (480) form letters were submitted under one cover page in which all of the substantive comments were identical. The letters, each signed by a different stakeholder, addressed the range of potential environmental consequences caused by the proposed project, as well as questioning the purpose and need for the proposed project. As such, the form letter was counted as one commenter, though it included nine comments regarding various resources.

#### **4.4.2 Issues Identified During Scoping**

Following is a summary of issues identified through the scoping process which will be addressed in the EIS relative to the resource topic area (Table 2). A list of the commenters and the resource areas commented on are shown in Table 3.



**Table 2**  
**Summary of Scoping Comments Received on**  
**the Proposed Roca Honda Mine project**

<b>Resource Area</b>	<b>No. of Commenters</b>	<b>No. of Comments</b>	<b>Summary of Issues</b>
Water	19	45	Concern about project effects on water discharge and quality, groundwater, and water supply. Request that springs, seeps and hydrological connections in the area be identified in EIS.
Vegetation	16	29	Concern about a comprehensive reclamation plan able to return the area to pre-mining conditions, the introduction of noxious weeds, and Off Highway Vehicle (OHV) uses damaging vegetation.
Wildlife	17	25	Request for the project to examine what effect the proposed mine may have on wildlife habitats and ecosystems.
Threatened and Endangered Species	2	4	Requests that project comply with Endangered Species Act and the Bald and Golden Eagle Protection Act; and address State Threatened and Endangered Species
Land Use	10	14	Concern that the area is roadless and the project would necessitate change in use, as well as the impact to geological formations.
Recreation	3	3	Request to protect habitat for recreational uses. Concern that project may promote irresponsible OHV use.
Environmental Justice	11	21	Historical impacts from uranium mining on Native Americans need to be considered
Socioeconomics	15	24	There was a request for the project to examine what effect the proposed mine may have on range livestock, timber harvest, and other economic factors. Several commenters noted

<b>Resource Area</b>	<b>No. of Commenters</b>	<b>No. of Comments</b>	<b>Summary of Issues</b>
			that the project would provide employment and economic benefits to community, while others noted that there may also be negative impacts caused by the proposed mining project.
Cultural and Historic	12	26	Potential impact to Mount Taylor as a traditional cultural property. Preference to protect the area as a cultural resource under the National Register of Historic Places. Request that the EIS identify specific cultural attributes of the site and project effects to the area as a cultural site
Transportation	8	8	Safety concerns of transporting uranium off-site and environmental effects of constructing project roads.
Human Health and Safety	13	20	Some commenters noted that uranium mining was a health and safety risk. There were concerns about cumulative effects from historical uranium mining.
Cumulative Impacts	14	27	Request for an examination of all past, present and future uranium mining projects on all environmental resources.
Proposed Action	9	12	Many commenters support the no action alternative for the proposed mine.
Regulatory Compliance	14	14	Requests that project comply with regulations and permitting requirements.
<b>Total</b>	<b>25*</b>	<b>272</b>	

\*This figure is not a sum of the previous figures in the same column; the total of number of commenters was 25, but most submitted many comments, hence the greater number of comments than commenters.

### 4.4.3 Water Resources

#### Summary

Forty-five (45) comments were received regarding water resources, mainly focused on the proposed project's effects to water quality, groundwater resources, and water supply. Several comments were made relative to the effects of exploration and road use on watershed and downstream land areas. In addition, some comments were made regarding the contamination of water resources, and how treated and discharged waters would impact surface waters, springs, seeps, and aquifers. Concern was also expressed regarding the scarcity of water in the watershed and that the water supply could thus be impacted by mine dewatering. It was requested that springs and hydrological connections in the area be identified in the EIS, and that all draft studies – such as the groundwater modeling study – be disclosed early and fully for review prior to publication of the draft and final EIS.

#### Specific comments and concerns include:

- The use of hazardous and other toxic substances in or around intermittent streams and drainages is a concern. Suggestion to carefully evaluate the use of these substances; to have an approved spill containment kit on-site at all times; secondary contaminant treatment should be in place.
- Water quality protection is a general concern. Recommendation for geochemical analysis, which should include the following factors: preexisting water quality issues from previous exploration and mining activities in the watershed; sedimentation from roads; transportation of hazardous or toxic materials near intermittent drainages; on-site water needs; source of water; the depth and flow of water table; trench depth; the potential for chemicals and toxins to leach into surface and ground waters; waste water discharge from site; storm water runoff.
- Remobilization of contaminants could occur. The discharge of water into San Mateo Creek could remobilize the contaminants in the creek bed which were left behind from previous uranium operations. The EIS discussion should include all legal sites upstream and downstream of the proposed project, as well as other new mines in the Westwater Formation. RHR is planning to pump out up to 4,000 gallons of water per minute to relieve hydrostatic pressure during the mine development; Pumping at some rate will occur throughout the 13 years of mine operation. All of this contaminated water will be discharged into the tributary of the San Mateo Creek and will travel downstream to the Homestake site. The EIS should fully address the extent of the mine water flow impact on the San Mateo Creek alluvium including potential impacts of the Homestake Superfund Site, particularly the impacts of increased saturation on the direction and flow rates of the Homestake site's contamination plumes.

- Treatment of groundwater is a concern.
- The suggestion to include a hydrogeological study of impacts: (1) the connectivity between the San Mateo alluvium and the alluvium of the Rio San Jose, (2) the interconnection and relationship between the Dakota Sandstone and Westwater aquifers due to leakage outside of the mine site and within the mine site through drill holes, shafts and mine caverns; and (3) the probable impacts of changes in groundwater flows due to mine dewatering.
- Adequate financial assurances should be made available for emergencies such as flood events that are common occurrences in this locale.
- The Forest Service must identify the areas inside and outside of the project area where the project may directly or indirectly affect shrines, springs and other resources that contribute to the TCP's eligibility, and do so in consultation with the tribes.
- Dewatering of the proposed mine could have impacts on both water quality and quantity in the landscape. If surface water supplies outside the project area are adversely affected, this would also be an adverse effect on historic properties because it would limit the ability to understand relationships of historic properties to water quantity and quality in the past. The Forest Service needs to analyze and assess indirect effects of dewatering on the setting of eligible historic properties.
- Discharging up to 11.5 million gallons per day of water from the mine during dewatering is not acceptable and be opposed. It should be blocked by the Nuclear Regulatory Agency (NRC), the United States Environmental Protection Agency (USEPA), and New Mexico Environment Department. These agencies are responsible for seeing to the cleanup of the Homestake/Barrick Gold Superfund site and these discharges represent a potential new threat to this site.
- The operation of a uranium mine might impact groundwater, and the contamination from discharged water might be spread far downstream from the mine; the air might also be polluted by radon gas and uranium dust. The EIS should be prepared considering all of these possible impacts on a relatively large area above and beyond "surface resources" at the site itself. The Roca Honda mine application fails to analyze any hydrologic impacts associated with the withdrawal of such enormous amounts of water on groundwater resources or springs and seeps in the area.
- RHR cursorily dismisses impacts on springs and seeps as negligible, while at the same time conceding that more data are needed. Prominent examples of past dewatering flows include the Mt. Taylor Mine and the Nose Rock Mine. Each produced thousands of gallons per minute for many years even though the Mt. Taylor Mine produced very little uranium and the Nose Rock Mine produced none. Each of those two mines produced

mine water that was discharged to the surface for several years while the mines were in stand-by status, as maintaining a dewatered ore zone is critical to maintaining access to ore if and when mine operations resume.

- Many of the waters are likely to be federally reserved waters. The Forest Service must evaluate how the proposed mine will affect the amount of water in the area both in the short and long term.
- The proposed mining is likely to expose significant areas of rock to oxygen and oxidation, resulting in geochemical changes that could mobilize otherwise immobile contaminants. The Forest Service should investigate any possible geochemical changes that could result in large-scale ground or surface water contamination.

#### **4.4.4 Vegetation**

##### Summary

Twenty-nine (29) comments were received regarding potential impacts to sensitive plant species used by Native people for cultural, ceremonial and medicinal purposes. Three Native American Tribal Governments recommended that the project be altered so as to not affect these plant species; or that the No-Action Alternative be implemented to avoid disturbance altogether. It was suggested RHR reconsider grazing as the post-mining land use; that the project area should instead be returned to conditions suitable for carrying out traditional cultural activities, such as plant gathering. Some commenters expressed concern about a comprehensive reclamation plan for the project, citing impacts of past mining activities which lacked adequate restoration.

Comments also included concerns that increased vehicle use – due to mining activities – would aid in the potential spread of noxious weeds. It was suggested that mining operations include inspections and equipment cleaning in order to avoid the introduction of noxious weeds into new areas. Disturbed soils and gravel piles were also noted as potential sites for weed colonization and it was suggested that the piles be stabilized to prevent the spread of noxious weeds. It was also recommended that trained weed control work crews inspect roadways and adjacent land to help eliminate noxious weeds.

Additional concerns expressed that improving roads in the area would encourage unauthorized off-highway vehicle (OHV) use which may result in the degradation of ecosystems. It was thus recommended that the Forest Service manage, monitor, and enforce control of OHV use.

##### Specific comments and concerns include:

- The Forest Service must fully disclose the cumulative effects of livestock grazing, timber harvest, fuel break construction, thinning, prescribed fire, and road developments on

forest health, wildlife habitat, noxious weeds, and other resources. Roads have arguably the most significant impacts on the environment, in particular hydrology and noxious weed introductions.

- The timing of reclamation requirements is a concern. RHR has selected “grazing” as the “post-mining land use” for the Project, and has received the Forest Service’s approval for this use. In light of the important traditional cultural activities associated with the Mount Taylor TCP, the Forest Service should reconsider this decision. It seems entirely appropriate and in keeping with the Forest Service’s responsibilities under Sections 106 and 110 of the NHPA that, in addition to grazing, RHR should return the project area to conditions that are suitable for carrying out traditional cultural activities, such as plant gathering
- Local tribes need Mt. Taylor for the continuation of the culture, which requires the ability to obtain medical herbs and plants.
- Reclamation plans should be written so that “temporary” abandonment of the mine would be covered by final or appropriate reclamation procedures, in the event of a temporary shutdown. In the case of past mining operations, the “boom and bust” nature of the industry meant that operators walked away from the project leaving things in an unreclaimed form but were spared penalties because they ostensibly were only in temporary shutdown mode.

#### **4.4.5 Wildlife**

##### Summary

Twenty-five (25) comments were received regarding wildlife, mostly expressing concern of the potential impacts to wildlife and wildlife habitats for common species in the area during mining operations. Some commenters suggested that the proposed project avoid potential impacts to state or federally protected species and habitats.

##### Specific comments and concerns include:

- The project area includes important year-round habitat for mule deer and winter habitat for elk. These game species will be protected by the 15 mile-per-hour speed limit proposed in the Mining Operations Plan (MOP), which should be posted and enforced.
- The permit application should identify steps that will be taken to mitigate the loss of mature trees. These trees are important habitat resource for cavity-nesting birds, tree-roosting bats, and an assortment of mammals.

- Livestock fences may prohibit or inhibit big game movement and may cause injury or death to animals that unsuccessfully negotiate fences. On a statewide basis there are numerous threatened, endangered or sensitive species potentially at risk by trenching operations. Project operations should seek county species list to evaluate potential impact of projects. Risk to these species depends upon a wide variety of conditions at the trenching site, such as trench depth, side slope, soil characteristics, season, and precipitation events.

#### **4.4.6 Threatened and Endangered Species**

##### Summary

Four (4) comments were received regarding Threatened and Endangered Species. The commenters suggested that the EIS process should include consultation with the U.S. Fish and Wildlife Service to ensure that the project be in compliance with the Endangered Species Act and with the current policies for the implementation of the Bald and Golden Eagle Protection Act. It was suggested that the proposed project avoid impacts to the State Endangered wrinkled marshsnail (*Stagnicola caperata*) and the State Threatened spotted bat (*Euderma maculatum*), since the project area is considered suitable habitat for both.

##### Specific comments and concerns include:

- The project area includes suitable habitat for the State Threatened spotted bat (*Euderma maculatum*). This species roosts on cliffs and rock crevices, and is known to occur at Mount Taylor. The Roca Honda Wildlife Survey protocol for bats consisted of mist-netting over water on three occasions. Bats were caught on one survey effort and did not include any spotted bats. Due to the relative inefficiency of netting as a sampling method given the project area habitat conditions, New Mexico Department of Fish and Game (NMDGF) recommends supplementary acoustic surveys targeted to evaluate the presence or absence of this Threatened species.
- Two active Great Horned Owl nests and one active Red-tailed Hawk nest were documented at the project site. In order to avoid disturbing breeding raptors, a construction activity buffer of ½ mile for the Red-tailed Hawk nest (if active) and ¼ mile buffer for the Great Horned Owl nests (if active) should be observed. These spatial buffers can be reduced, for construction activities other than drilling or blasting, in the presence of intervening topographic or other visual barriers.
- NMDGF recommends that ground-clearing should take place outside the general avian breeding season (April-August), to avoid possible violation of the Migratory Bird Treaty

Act. Blasting and drilling should also be avoided during the nesting season to the extent feasible.

#### **4.4.7 Land Use**

##### Summary

Fourteen (14) comments were received addressing land use, recommending greater protection for roadless areas. It was stated that the USFS has authority to enforce the 2005 Roadless Rule when considering impacts caused by transportation activities from the proposed mining project. The need to comply with the Cibola National Forest Land and Resource Management Plan (LRMP) was also emphasized.

##### Specific comments and concerns include:

- The Forest Service should be enforcing the 2005 Roadless Rule.
- RHR's Sampling and Analysis Plan, which was deemed administratively incomplete by the NM Mining and Minerals Division in January 2009, only addressed data gaps and was not a comprehensive plan that addressed historic land use in the area to be mined. What has been done to correct these inadequacies and require accountability in this plan?
- The Forest Service must define the "areas of potential effect" (APE) broadly to account for the areas within the TCP where the project may directly and indirectly affect resources that contribute to the property's eligibility for the National Register. The Forest Service must also identify any areas within the TCP where traditional cultural activities, such as plant gathering or religious pilgrimages, may be affected by the project and also include those areas in the APE.
- The project must be consistent with the Cibola National Forest Land and Resource Management Plan. The National Forest Management Act (NFMA) directs the Forest Service to prepare and implement comprehensive land management plans for each national forest.

#### **4.4.8 Recreation**

##### Summary

Three (3) comments were received with regard to recreation activities and their effect on the habitat, suggesting that the proposed mining operations would allow easier accessibility to the area for OHVs.



Specific comments and concerns include:

- If roads are improved or not adequately decommissioned, exploration activities will encourage inappropriate Off Highway Vehicle (OHV) use in and around the project area. The devastating impacts of inappropriate OHV use on forest ecosystems are well established. Irresponsible OHV users degrade water quality, spread noxious weeds, fragment wildlife habitat, disturb wildlife, and displace non-motorized recreationists. The Forest Service needs to describe how they will effectively monitor and control the use of OHVs in the project area.
- Many people use Mt. Taylor for recreational activities; it can't be desecrated by uranium mining.

#### **4.4.9 Environmental Justice**

Summary

Twenty-one (21) comments were received regarding Environmental Justice, expressing that legacy uranium mining impacts need to be considered for local Native American communities, including downstream and downwind communities. Substantive comments from the Hopi Tribe, the Pueblo of Zuni, and the Pueblo of Acoma regarded recognition of their local and cultural issues and Mount Taylor as a Traditional Cultural Property.

It was recommended that an extensive number of alternatives, including the No Action Alternative, should address potentially disproportionate impacts to historically low-income and minority communities, historic and cumulative environmental impacts from previous uranium mining, and the irreparable impacts to traditional cultures.

Specific comments and concerns include:

- The Forest Service must conduct a meaningful evaluation of the possible adverse human health and environmental effects upon downstream communities that are predominantly indigenous, low income, and minority populations within the San Mateo Drainage Basin as required by numerous Environmental Justice Executive Orders and policies.
- Environmental Justice issues should include historical health impacts to regional residents, including the downstream and downwind communities of Acoma and Laguna that are only now being documented. The large numbers of Radiation Environmental Compensation Act recipients should be included in this discussion. A discussion of any

changes in the way conventional uranium mines are operated to prevent risks to health and community water supplies should be included in this section.

- Japanese citizens, who suffered from radiation through the experience in Hiroshima and Nagasaki, are strongly opposed to any further radioactive contamination or exposure of people to radiation from any process of the nuclear fuel chain stemming from uranium mining.
- The EIS on the Roca Honda project is not only a local issue. The EIS is, in a sense, a “touchstone” for the USFS and the US government to be tested as to whether or not they take seriously the issue of environmental destruction and violation of indigenous peoples’ rights under the influence of industrial development. From this point of view, not only the local stakeholders but also many people in the world have an interest in this EIS on the Roca Honda project.

#### **4.4.10 Socioeconomics**

##### Summary

Twenty-four (24) comments were received regarding socioeconomics, requesting that the EIS examine the potential direct, indirect, and cumulative, social and economic impacts from the proposed project. Several observed the costs and benefits of the proposed project, whereby the benefits may fall short when compared to the environmental costs; others noted the much-needed employment and economic benefits to the local communities, the county, and the state of New Mexico. However, it was pointed out that the social impacts of bust-and-boom economic cycles associated with mining towns should be evaluated. It was also pointed out that mine reclamation would also create jobs, as would investment in renewable, clean energy in solar, wind, and hydrothermal technologies.

Bonding and financial assurance was requested to ensure that reclamation be completed in the event of site abandonment (as has been seen in the past), and also for emergencies such as flood events that are common in this locale.

##### Specific comments and concerns include:

- In order to realistically evaluate the proposed mine’s economic impacts, the Forest Service must consider the mine’s potential costs and weigh those against the asserted economic benefits. It also should evaluate the economic losses that will result from lost resources.

- The proposed mine will almost certainly cause ground and surface water contamination and depletion of ground water and surface water supplies, including seeps and springs. The Forest Service should identify and evaluate the short and long term costs of having these resources destroyed.
- The Forest Service should evaluate the increased costs Cibola and McKinley Counties will incur due to increased prostitution , property and violent crime, domestic violence, drug addiction, drug trafficking, traffic congestion, traffic accidents and deaths, and other public costs that normally follow from extractive resource industries.
- There are significant public health costs associated with the social and economic consequences in communities subject to boom and bust development cycles. Economic downturns after a boom result can lead to domestic stress including domestic abuse, substance abuse, and stress-related disease.
- The Forest Service should evaluate the economic impacts of the Roca Honda mine in contrast to the economic impacts of a long-term, renewable energy project.
- The mine application fails to identify any economic considerations related to the potential for mine operations at the Roca Honda site. The application presents a continuous 17-year mine life but notes that “ultimate life of the mine is dependent under the mineralization and economics of the mine during development.”
- The Forest Service should also evaluate the impacts of frequent economic dislocation on the affected communities. The proposed mine’s economic viability is contingent on the price of uranium. When uranium prices go below a certain level, the mine will not be profitable and will reduce or eliminate its workforce until the commodity price rises to the point where it is profitable and will reduce or eliminate its workforce until the commodity prices rises to the point where it is profitable to mine again.

#### **4.4.11 Cultural and Historic Resources**

##### Summary

Twenty-six (26) comments were received expressing opposition to the proposed mining operations because of specific cultural, historic, and archaeological resources. Commenters expressed concern that the proposed project would impact lands considered historically significant (within Mt. Taylor Traditional Cultural Property designation) and eligible for the National Register of Historic Places, and that mining activities would interfere with ongoing cultural activities conducted on Mount Taylor. Commenters also requested the protection of cultural resources in the area, and that the EIS identify specific cultural attributes of the site and

potential effects to the area. One tribe requested notification if cultural resources (including human remains) are recovered during construction.

More specifically, the Hopi Tribe claimed cultural affiliation to the Paleoindian, Archaic, and Anasazi prehistoric cultural groups on the Mt. Taylor Ranger District; archeological sites of their ancestors are considered “footprints” and Traditional Cultural Properties. The Hopi tribe requested that the identification of cultural resources include a Traditional Cultural Properties study of the project area that may identify contributing cultural elements of Mount Taylor Traditional Cultural Property.

Laguna Pueblo’s scoping comments also assert cultural affiliation to the prehistoric cultural groups that occupied the area. Their letter states that the opening of the mine will affect the Mt. Taylor TCP and will adversely affect National Register prehistoric sites within the TCP.

The Pueblo of Zuni similarly expressed concern for potential archaeological sites located within the proposed underground uranium mining area, since Mount Taylor – “like any other living being” – can be harmed, injured, and hurt when cut, gouged, or otherwise mistreated. As such, it was requested that Mount Taylor be protected. From a Zuni perspective, all shrines, plants, animals, and minerals are of religious significance.

The Pueblo of Acoma also expressed concern regarding cultural preservation and restoration concerns, the proposed development having the potential to erase or destroy pieces of their history for future generations, since paths of migration and settlement are contained within the landscape and not in books.

Specific comments and concerns include:

- The project area is located within the Mount Taylor Traditional Cultural Property (TCP). This property is eligible for listing to the National Register of Historic Places (National Register) under criteria A, B, and D. The State of New Mexico also listed the Mount Taylor TCP (with slightly larger boundaries) in the State Register of Cultural Properties.
- A uranium mine development at the foot of the sacred Mt. Taylor is in violation of the rights of indigenous people to protect their traditional culture.
- The Forest Service must adequately identify historic and cultural properties impacted by the proposed project and evaluate direct, indirect, and cumulative impacts on those properties.
- Consultation with Native American tribes to identify historic properties must be performed prior to agency action. Failure to do so could result in the agency not

identifying all possible historic properties affected by the undertaking, resulting in subsequent destruction of those properties.

- The Forest Service should designate “traditional cultural uses” as “post-mining land use.”
- From a Zuni perspective, each archeological site located within the APE of this proposed undertaking is considered National Register-eligible under criterion (a) because they represent places that are important in the journey (historical event) of the Zuni ancestors to find the “Middle Place.” They are also eligible under criterion (b) because they were built and occupied by Zuni ancestors who continue to reside there and maintain a spiritual guardianship over these places. For these specific reasons, the Pueblo of Zuni’s position is to have these places protected and left undisturbed.
- The resources inventory report of two sections of Cibola National Forest land identifies 94 sites containing 145 components, including 2 Paleoindian components, 11 Archaic components, 74 Anasazi components, and 11 unknown aboriginal components.
- “Meaningful consultation with Indian tribes involves more than scheduling a meeting or giving notice of the project to the tribes. A willingness to consider and respect differing cultural perceptions of the proposed mining project requires a balancing of all the ‘property interests’ involved, with due consideration for cultural preservation and restoration concerns.”

#### **4.4.12 Transportation**

##### Summary

Eight (8) comments were received regarding transportation, specifically as it relates to the safety of transporting uranium ore and other hazardous materials off-site and through communities. Commenters requested a thorough risk analysis of radiation exposure and contamination of resources resulting from the transport of hazardous materials. Development of new roads for the project was noted as having a significant impact on the environment.

##### Specific comments and concerns include:

- The EIS should consider the impacts of transporting uranium on FS and public roads, exposing the resident populations to radon and fugitive dust.
- The reclamation bond must be independent of the bond covering any other mining operations. The bond must be substantive enough to cover the potential impacts to the area's ecosystem as well as the area surrounding the transportation route. Bonding should

also be provided for possible spills of fuels and other hazardous materials along the roadsides.

- The geochemical analysis should include the following factors; sedimentation from roads; transportation of hazardous or toxic materials near intermittent drainages.
- Increased traffic, new roads, and potential damage to range improvements are among factors associated with the proposed activity that could negatively impact grazing operations.

#### **4.4.13 Human Health and Safety**

##### Summary

Twenty (20) comments were received expressing concerns over human health and safety. Commenters expressed concern for the detrimental effects to public health and to the communities downstream and downwind of the proposed mine from contaminated groundwater. Some comments focused on health and safety issues suffered by community residents and miners from historical mining activities. It was recommended that a hazardous materials plan be developed to address the release of hazardous materials – such as fuel, solvents, radon gas, and uranium dust – or other toxic materials which may leach into intermittent streams or drainages.

It was further recommended that the large numbers of Radiation Environmental Compensation Act recipients be included in the EIS.

##### Specific comments and concerns include:

- Roca Honda is using “economic development” to distract from the environmental and health dangers in a region already plagued by cancer and kidney disease. Another conventional mine brings no new technology to address the health issues for which many former miners and downwinders are still seeking compensation.
- What are the actual perimeters of harm to human health and the environment that the Forest Service is prepared to license as “acceptable”? By what standards are such levels of harm judged “acceptable?”
- The Forest service must conduct a meaningful evaluation of the economic impacts of this mine, as well as any possible adverse human health and environmental effects upon downstream communities that are predominantly indigenous, low income, and minority populations within the San Mateo Drainage Basin as required by numerous Environmental Justice Executive Orders and policies. Environmental Justice issues should include historical health impacts to regional residents.

- The National Academy of Sciences Seventh Report on the Biological Effects of Ionizing Radiation should be consulted regarding its conclusions that there is no allowable safe level of exposure to ionizing radiation and that health risks from exposure to low levels of ionizing radiation may be unacceptable.
- The proposed discharge up to 11.5 million gallons per day of water from the mine during dewatering has the potential to activate previously discharged contaminants from past mining in the Ambrosia Lake area, which may cause detrimental health effects .

#### **4.4.14 Cumulative Effects**

##### Summary

Twenty-seven (27) comments were received regarding cumulative effects, and the need for a comprehensive evaluation of the cumulative impacts of all uranium mining and milling activities (including abandonments without proper reclamation) that have occurred in the area. Several comments indicated that the Homestake Uranium Milling site, which has been designated as a Superfund site, should be considered when analyzing cumulative impacts to water resources. To that end, there was concern that “baseline” data were being collected in an environmentally degraded area, as was discussed during the Corps of Engineers evaluation of the Homestake site remediation.

Many of the comments suggested that widespread air, water and soil contamination throughout the Grants Mineral Belt from previous uranium production activities be studied in order to minimize further environmental impacts from renewed uranium mining. Still others suggested that well-documented, adverse, long-term health impacts in the form of lung cancer, kidney disease, autoimmune disease, and genetic damage be incorporated into the EIS.

##### Specific comments and concerns include:

- The Forest Service must fully disclose the cumulative effects of livestock grazing, timber harvest, fuel break construction, thinning, prescribed fire, and road developments on water quality, forest health, wildlife habitat, noxious weeds, cultural resources, and other resources.
- The probable hydrologic consequences of this mining project to the regional aquifers must be carefully analyzed. Groundwater models and water quality impacts should be explained and shared with the public, tribes, and other interested groups as early in the process as possible due to the massive amounts of water proposed to be withdrawn, treated and discharged during the life of the mine. Cumulative impacts of similar huge

water withdrawals must be analyzed and determined if they pose threats to the public welfare.

- The adverse health impacts of past uranium mining and milling is well documented. Past uranium mining and milling is responsible for an epidemic of cancers, particularly lung cancer, kidney disease, autoimmune diseases, and genetic damage.
- A legally adequate discussion of the cumulative effects of uranium mining and other projects requires the Forest Service to disclose, analyze, and consider: a detailed catalog of past present and future projects; the time, type, place, and scale of past projects; how these projects, and differences between the projects, are thought to have impacted historic properties and explain in sufficient detail how different project plans and methods affected historic properties; and, analyze the impact of the Roca Honda project in light of that project's interaction with the effects of past, current, and reasonably foreseeable future projects on historic properties.

#### **4.4.15 Proposed Action and Alternatives**

##### Summary

Twelve (12) comments were received regarding the proposed action and related actions. Green energy technologies were proposed as an alternative to replace the need for uranium in the future. The majority of commenters requested that the No Action alternative be introduced into the EIS analysis.

During internal scoping, Cibola National Forest staff recommended for study in the EIS an alternative in which all surface facilities, other than ventilation and escape shafts, would be confined to State land on Section 16. That is, under this action alternative, all surface facilities, other than these vents/shafts, would be excluded from National Forest System lands in Sections 9 and 10.

##### Specific comments and concerns include:

- Pre-mining air, soil, water and biological data should be considered as the true baseline and if it is not available, the No Action Alternative should contain a full discussion of why it is the preferable alternative in the absence of necessary characterization data.
- The No Action alternative provides a baseline for estimating the effects of other alternatives and therefore must be considered in detail.



#### **4.4.16 Regulatory Compliance**

##### Summary

Fourteen (14) comments were received regarding the regulatory process. Commenters expressed the importance that the proposed project comply with all current regulations and permitting requirements, specifically citing Section 106 of the National Historic Preservation Act (NHPA), the Cibola National Forest Land and Resource Management Plan, and Executive Order (EO) 29898. It was also asked that the permitting process be reasonable and timely.

##### Specific comments and concerns include:

- The Forest Service must comply with the applicable provisions of NEPA and NFMA. NMAC's specific concerns are as follows: the Forest Service must define an APE for the project that extends beyond the project footprint; the Forest Service must make every effort to identify cultural properties within the APE early in the NEPA/NHPA Process; the Forest Service must evaluate direct, indirect, and cumulative impacts on historic properties in the APE as required by NEPA; the project must be consistent with the Cibola National Forest Land and Resource Management Plan.

#### **5.0 Issues or Alternatives Excluded from Analysis in the EIS**

The Council on Environmental Quality and the National Environmental Policy Act requires an agency to: "...identify and eliminate from detailed study issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3)..." Non-significant issues are those that are: 1) outside the scope of the proposed action; 2) already decided by law, regulation, Forest Plan, or other higher level decision; 3) irrelevant to the decision to be made; or 4) conjectural and not supported by scientific or factual evidence. Thus, the following issues, questions, and comments were determined to be non-significant.

Comments highlighting the need to change specific laws and regulations – such as the 2005 Roadless Rule and the 1872 Mining Law with regard to human health and safety – are outside the scope of this project.

Although project effects on public health and safety will be evaluated in this EIS, historical uranium mining health and safety effects from other projects will not be included outside its discussion in cumulative effects since current mining practices and regulations no longer allow many practices that previously affected worker health and safety.

Environmental issues related to the milling of the uranium mined from the Roca Honda Mine will not be evaluated in this EIS, as they are under the jurisdiction of the Nuclear Regulatory Commission (NRC).

Development of renewable energy sources (such as wind and solar) on Cibola National Forest or elsewhere in the region, as an alternative to mining uranium at the Roca Honda site, will not be considered. While these may be worth pursuing in their own right, the project proponent (a mining and minerals company) would not undertake such projects in lieu of the proposed uranium mine.

**Table 3**  
**Comments on the Roca Honda Mine project**  
**(Scoping Period December 14, 2010 – January 14, 2011)**

Commenter	Water Resources	Vegetation	Wildlife	Land Use	Recreation	Environmental Justice	Socioeconomics	Cultural and Historic Resources	Transportation	Human Health & Safety	Cumulative Impacts	Proposed Action	Regulatory Compliance	Threatened and Endangered Species
Anonymous 1	x	x	x			x		x		x			x	
Anonymous 2	x	x	x				x			x				
Anonymous 3	x						x						x	
Private Citizen (Bokich)							x						x	
Private Citizen (Gaudette)	x	x	x				x							
Private Citizen (Hyde)	x	x	x				x			x	x			
Private Citizen (Boomer)	x	x	x	x					x	x	x		x	
WildEarth Guardians	x	x	x	x	x				x	x	x			
Office of Peace, Justice, and Creation Stewardship	x	x	x	x			x		x	x	x		x	
Sierra Club	x	x	x			x	x	x		x	x	x		
Pueblo of Acoma	x	x	x	x		x	x	x	x	x	x	x	x	
Multicultural Alliance for a Safe Environment	x	x	x	x		x	x	x		x	x	x	x	
New Mexico Archeological Council	x	x	x	x	x			x			x	x	x	
National Trust for Historic Preservation	x	x	x	x		x		x	x	x	x	x	x	

Commenter	Water Resources	Vegetation	Wildlife	Land Use	Recreation	Environmental Justice	Socioeconomics	Cultural and Historic Resources	Transportation	Human Health & Safety	Cumulative Impacts	Proposed Action	Regulatory Compliance	Threatened and Endangered Species
Pueblo of Zuni	x	x	x	x		x		x	x	x	x	x	x	
Campaign Against Radiation Exposure	x	x	x			x		x	x	x	x			
The Hopi Tribe	x	x	x			x		x		x	x	x		
New Mexico State University, NM Department of Agriculture				x			x		x					
New Mexico Environmental Law Center (two submissions)	x					x	x	x		x	x	x	x	
Bluewater Valley Downstream Alliance	x		x			x	x			x				
Sierra Club, Rio Grande Chapter	x					x	x	x	x		x	x	x	
County of McKinley							x							
State of New Mexico Department of Game & Fish		x	x										x	x
Center for Biological Diversity				x							x	x		x
Pueblo of Laguna	x							x						

**Appendix A:**  
**Notice of Intent**

## Notices

Federal Register

Vol. 75, No. 226

Wednesday, November 24, 2010

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Submission for OMB Review; Comment Request

November 18, 2010.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB).

*OIRA\_Submission@OMB.EOP.GOV* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

#### Farm Service Agency

*Title:* 7 CFR 761, General Program Administration.

*OMB Control Number:* 0560-0238.

*Summary of Collection:* Authority to establish the regulatory requirements contained in 7 CFR 761, which provides that "The Head of an Executive department or military department may prescribe regulations for the government of his department, the distribution and performance of its business \* \* \*". The Secretary delegated authority to administer the provisions of the Act applicable to the Farm Loan Program (FLP) to the Under Secretary for Farm and Foreign Agricultural Service in section 2.16 of 7 CFR part 2. FLP provides loans to family farmers to purchase real estate equipment and finance agricultural production. The regulations covered by this information collection package describes, the policies and procedures the agency uses to provide supervised credit to direct FLP applicants and borrowers in accordance with the provisions of the Consolidated Farm and Rural Development Act (Pub. L. 87-128), as amended.

*Need and Use of the Information:* Information collections are submitted by FLP direct applicants and borrowers to the local FSA office serving the county in which their business is headquartered. The information is necessary to provide supervised credit as legislatively mandated and is used by Agency Officials to: (1) Ensure that when loan funds or insurance proceeds are used for construction and development, projects, work is completed according to applicable state and local requirements, and in a manner that protects the Agency's financial interest. (2) Ensure that the loan repayment plan is developed using realistic data, based on the actual history of the operation and any planned improvements. (3) Identify potential concerns limiting the success of the operation and develop a loan assessment outlining the course of action to be followed, to improve the operation so that commercial credit is available. The agency is mandated to provide supervised credit; therefore, failure to collect the information, or collecting it less frequently, could result

in the failure of the farm operation or loss of agency security property.

*Description of Respondents:* Business or other for-profit; Farms.

*Number of Respondents:* 92,947.

*Frequency of Responses:* Reporting: On occasion; Annually.

*Total Burden Hours:* 248,551.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2010-29564 Filed 11-23-10; 8:45 am]

BILLING CODE 3419-05-P

### DEPARTMENT OF AGRICULTURE

#### Forest Service

**Bend/Ft. Rock Ranger District;  
Deschutes National Forest; Deschutes  
County, OR; West Bend Vegetation  
Management Project EIS**

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent To Prepare an Environmental Impact Statement.

**SUMMARY:** The USDA, Forest Service, will prepare an environmental impact statement (EIS) on a proposed action to promote development of large tree structural conditions and to improve forest health and fuel conditions within the 25,700-acre West Bend planning area. The planning area is located to the west of Bend, Oregon, bounded on the east side by the urban interface of Bend, and on the west by the Bend Watershed Roadless Area. The planning area is entirely within public lands managed by the Deschutes National Forest, except for a 588-acre inholding of privately-owned land. An analysis has been initiated that takes a landscape approach to managing the vegetation to meet objectives for resilient forest, fuels and fire behavior, wildlife habitat, and aesthetics. Methods that would be used to reduce tree density and hazardous fuels are: non-commercial and commercial thinning, mechanical shrub treatment, prescribed burning, arid invasive plant treatment with herbicide. The alternatives will include the proposed action, no action, and, if necessary, additional alternatives that respond to issues generated through the scoping process. The agency will give notice of the full environmental analysis and decision-making process so interested and affected public may

participate and contribute to the final decision.

**DATES:** Comments concerning the scope of the analysis must be received by 30 days following the date that this notice appears in the **Federal Register**.

**ADDRESSES:** Send written comments to Shane Jeffries, District Ranger, Bend-Fort Rock Ranger District, Red Oaks Square, 1230 NE Third Street, Suite A-262, Bend, Oregon 97701.

**FOR FURTHER INFORMATION CONTACT:** Beth Peer, Environmental Coordinator, Bend-Fort Rock Ranger District, Red Oaks Square, 1230 NE Third Street, Suite A-262, Bend, Oregon 97701, phone (541) 383-4769.

**Responsible Official:** The responsible official is John Allen, Forest Supervisor, Deschutes National Forest, 1001 SW Emkay Dr., Bend, OR 97701.

**SUPPLEMENTARY INFORMATION:**

**Background.** Forested vegetation within the West Bend project area is outside of the Historic Range of Variability (HRV) because industrial logging and wildfire suppression/exclusion have shifted the structural stages and species mix. What was once dominated by ponderosa pine and maintained by low intensity fire is now primarily mid-seral black bark pine with more lodgepole and white fir than what occurred historically. Disturbance processes are best kept within proportions that historically occurred or they have the potential to remove important habitat structure, particularly large trees that are desired over the long-term. The HRV is important to wildlife populations because the distribution, quality, and quantity of habitat largely determines the potential for a wildlife species to exist at viable levels. As habitat was converted, fragmented, and opened to motorized access, many species were reduced in number and others were precluded from portions of their geographic range altogether. Vegetation management is intended to move the project area towards the HRV which will benefit certain focal species that are currently lacking habitat.

The project area is located within two Community Wildfire Protection Plan (CWPP) areas. The CWPPs have defined the wildland-urban interface (WUI), and outlined priorities and strategies for reducing fuels in the WUI and other areas of special concern such as evacuation routes. The project area is very popular with recreationists. Bounded by the Cascade Lakes Scenic Byway to the south, Skyliner Road to the north, and the city limits of Bend to the east, the area supports miles of biking, hiking, snowmobile, crosscountry skiing, and snowshoeing

trails. The Forest is the central component of the recreation experience.

**Purpose and Need.** The purpose for entering the West Bend project area includes restoration of the forest landscape towards historic conditions that are considered more resilient than the current condition. Resilience to fire and insects is important so that disturbance events will not lead to large-scale loss of forest. This objective will also lead to creating and maintaining a diversity of wildlife habitats closer to what historically occurred. There is also a need to maintain forest conditions conducive to the desired recreation experience.

Public safety is another purpose for the project. Maintaining previous fuels reduction treatments to provide for long-term public safety and further reduce fire and fuels hazard to Bend and the Bend watershed are important objectives. There is also a need to provide travel corridors that are safe for the public and provide wildland firefighter access during a wildfire event.

The project area is located in Forest Plan management allocations that are appropriate for producing wood products. There is a need to contribute to the local and regional economies by providing timber and other wood fiber products now and in the future.

**Proposed Action.** The Forest Service proposes to implement activities across approximately 22,000 acres within the West Bend project area. Silviculture treatments (e.g. thinning) will provide a diversity of forest structures that are more in line with historical conditions. Thinning will encourage the development of late and old structure characteristics in stands where not currently present. Commercial thinning accounts for approximately 13,190 acres. Shrub mowing will reduce surface and ladder fuels and allow fire to be used as an ecological restoration tool. Prescribed fire will be applied in the fire-dependent ecosystems to reduce fuels, maintain habitat, and allow fire to perform its natural ecological function. Treatments are designed to address the objectives for each stand type and management area objective. Treatments will occur most often in combination, such as thinning followed by mowing followed by underburning. Herbicides are proposed for the control and elimination of invasive plant sites on approximately 18 acres.

**Issues.** Preliminary issues include the potential effect of the proposed action on soil productivity, invasive plant introduction and spread, and Management Indicator Species.

**Comment.** Public comments regarding this proposal are requested in order to assist in identifying issues, determine how to best manage the resources, and to focus the analysis. Comments received to this notice, including names and addresses of those who comment, will be considered part of the public record on this proposed action and will be available for public inspection. This is also an opportunity to participate in the National Historic Preservation Act, section 106 process.

A draft EIS will be filed with the Environmental Protection Agency (EPA) and available for public review by August 2011. The EPA will publish a Notice of Availability (NOA) of the draft EIS in the **Federal Register**. The final EIS is scheduled to be available February 2012.

The comment period on the draft EIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions [*Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978)]. Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts [*City of Angoon v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)]. Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS of the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. The Forest Service is the lead agency and the responsible official is the Forest Supervisor, Deschutes National Forest. The responsible official will decide where and whether or not to apply natural fuels treatments, thin stands, and reforest group cuts. The responsible official will also decide how to mitigate impacts of these actions and will determine when and how monitoring of effects will take place.

The West Bend Vegetation Management decision and the reasons for the decision will be documented in the record of decision, which will be subject to Forest Service Appeal Regulations (35 CFR part 215).

Dated: November 15, 2010.

**A. Shane Jeffries,**

*District Ranger, Bend/Ft. Rock Ranger District, Deschutes National Forest.*

[FR Doc. 2010-29476 Filed 11-23-10; 8:45 am]

BILING CODE 3410-11-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Cibola National Forest, Mount Taylor Ranger District, NM, Roca Honda Mine

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to prepare an Environmental Impact Statement.

**SUMMARY:** Roca Honda Resources, LLC has submitted a Plan of Operations proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. The proposed mine is located within portions of Sections 9, 10 and 16, Township 13 North, Range 8 West, New Mexico Principal Meridian. These sections are located in McKinley County, New Mexico approximately three miles northwest of San Mateo and 22 miles northeast of Grants, New Mexico. Sections 9 and 10 are National Forest System lands, which are open to mineral entry under the General Mining Law of 1872. Section 16 is State of New Mexico land, which is not subject to the regulatory jurisdiction of the Forest Service. Roca Honda proposes a mine permit area encompassing all three sections (1,920 acres) and a surface disturbance area of 183 acres within Sections 9, 10 and 16. Additional surface disturbance associated with the mine haul roads is proposed for Sections 11, 17 and 20. The Cibola

National Forest will prepare an environmental impact statement (EIS) to assess the development of a uranium mining operation on the Mount Taylor Ranger District.

**DATES:** Comments concerning the scope of the analysis must be received by 30 days after the publication of the NOI. Public scoping open houses will be held during the scoping period in Grants and Gallup, New Mexico. The tentative schedule for the open houses is as follows: Tuesday, December 14, 2010, in Grants, New Mexico, and Thursday, December 16, 2010, in Gallup, New Mexico. The final times and locations of these meetings will be announced by public notice and will be posted on the Cibola National Forest Web site. The draft environmental impact statement is expected by the summer of 2011 and the final environmental impact statement and Record of Decision (ROD) is expected by the end of 2011.

**ADDRESSES:** Send written comments to Diane Tafoya, Minerals Project Manager, Cibola National Forest, 2113 Osuna Road, NE., Albuquerque, NM 87113.

**FOR FURTHER INFORMATION CONTACT:** For further information, mail correspondence to Diane Tafoya, Minerals Project Manager, Cibola National Forest, 2113 Osuna Road, NE., Albuquerque, NM 87113.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

**SUPPLEMENTARY INFORMATION:**

**Purpose and Need for Action**

Roca Honda Resources, LLC has submitted a Plan of Operations for development of a uranium mine at the Roca Honda claims. The purpose of the EIS is to evaluate the environmental impacts of the proposed Plan of Operations and determine whether to approve the Plan as proposed or to require additional mitigation measures to protect the environment (in accordance with Forest Service regulations for locatable minerals).

The need for action is to allow Roca Honda Resources, LLC to exercise their rights under U.S. mining laws. Roca Honda Resources, LLC has a right to develop and remove the mineral resources as set forth by the General Mining Law of 1872 as amended. The 1872 Mining Law and 1897 Organic Act provide that the public has a statutory right to conduct prospecting, exploration, development and production activities on federal lands (unless specifically exempted), provided

these activities are reasonably incident (1955 Multiple Use Mining Act and case law) to mining and comply with other federal laws.

The Forest Service has the responsibility to protect surface resources. Mining regulations state that, "operations shall be conducted so as, where feasible, to minimize adverse environmental effects on National Forest System surface resources (36 CFR 228.8)," provided such regulation does not endanger or materially interfere with prospecting, mining, or processing operations or reasonably incidental uses (1955 Multiple Use Mining Act and case law).

**Proposed Action**

Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. The proposed mining operations consist of three phases: (1) Mine Development—baseline data gathering, initial site development, construction, and depressurizing activities, which would be conducted to facilitate mine shaft construction. Depressurizing activities include constructing a ring of wells around the perimeter of the area of the production shafts into the Gallup, Dakota, and Westwater formations. These wells would be installed in advance of shaft construction and pumped in order to relieve the hydrostatic pressure in the formation, thus reducing the amount of water flowing into the shaft excavation as it advances through the formation. Five ventilation shafts, 8-10 ft in diameter, and two concrete-lined production shafts, 18 ft in diameter, would be constructed. (2) Mine Operation activities directly related to production of uranium ore from the underground mine, and transport of the ore offsite for mineral processing. Soils, rock, and ore would be stockpiled on the surface. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek. (3) Mine Reclamation—activities intended to reclaim land affected by mine development and operation, and to return that land to an approved post-mining land use (grazing).

The proposed federal action is to approve Roca Honda Resources, LLC's Plan of Operations with mitigations needed to protect other non-mineral surface resources consistent with Forest Plan, regulations, and other applicable laws.



## **Appendix B:**

### **Public Meeting Newspaper Notices and Affidavits**

## ANNOUNCEMENT

### OPEN HOUSES FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) ON THE PROPOSED ROCA HONDA MINE

The Mount Taylor Ranger District of the Cibola National Forest will hold two open house meetings to solicit comments from the public concerning the scope of the EIS for the proposed Roca Honda underground uranium mine near Grants, NM. Officials from the U.S. Forest Service, Roca Honda Resources (the mining company), and the Mangi Environmental Group (a consulting firm assisting the USFS prepare the EIS), will be present with exhibits, maps, materials, and comment forms. In addition, the State of New Mexico, which must also authorize the proposed mine, will be represented by officials from the Mining and Minerals Division (MMD), Environment Department (NMED), and Department of Game and Fish (NMGDF).

#### Meeting times and places

**Tuesday, December 14, 6-9 p.m.** – Grants, NM, Cibola County Convention Center, 515 West High Street.

**Thursday, December 16, 6-9 p.m.** – Gallup, NM, McKinley County Courthouse Rotunda, 207 West Hill Street.

#### Background

Roca Honda Resources, LLC has submitted a Plan of Operations proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. Roca Honda proposes a mine permit area of 1,920 acres encompassing three sections – 9, 10, and 16 of Township 13 North, Range 8 West – and a total surface disturbance area of 183 acres. The mine site is approximately three miles northwest of San Mateo and 22 miles northeast of Grants.

Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. Mining & related operations would generate about 80 jobs. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek.

The Cibola National Forest will prepare an EIS to assess potential environmental impacts developing a uranium mining operation on the Mount Taylor Ranger District.

#### Comments

You may send written comments to Diane Tafoya, Minerals Project Manager, Cibola National Forest, 2113 Osuna Road NE., Albuquerque, NM 87113. To be most effective in the analysis, comments should be postmarked no later than January 14, 2011.

Interested parties may also email comments to: [comments-southwestern-cibola-mount-taylor@fs.fed.us](mailto:comments-southwestern-cibola-mount-taylor@fs.fed.us).

## **PUBLIC NOTICE ANNOUNCEMENT**

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Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. Mining & related operations would generate about 80 jobs. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek.

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**[comments-southwestern-cibola-mount-taylor@fs.fed.us](mailto:comments-southwestern-cibola-mount-taylor@fs.fed.us)**.

# PUBLIC NOTICE

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### Background

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Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. Mining & related operations would generate about 80 jobs. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek.

The Cibola National Forest will prepare an EIS to assess potential environmental impacts developing a uranium mining operation on the Mount Taylor Ranger District.

### Comments

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**LEGAL NOTICE  
Grants - Cibola County  
New Mexico**

**ANNOUNCEMENT**

**Open Houses for the Draft Environmental Impact Statement (EIS) on the Proposed Roca Honda Mine**

The Mount Taylor Ranger District of the Cibola National Forest will hold two open house meetings to solicit comments from the public concerning the scope of the EIS for the proposed Roca Honda underground uranium mine near Grants, NM. Officials from the U.S. Forest Service, Roca Honda Resources (the mining company), and the Mangi Environmental Group (a consulting firm assisting the USFS prepare the EIS), will be present with exhibits, maps, materials, and comment forms. In addition, the State of New Mexico, which must also authorize the proposed mine, will be represented by officials from the Mining and Minerals Division (MMD), Environment Department (NMED), and Department of Game and Fish (NMGDF).

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**Background**

Roca Honda Resources, LLC has submitted a Plan of Operations proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. Roca Honda proposes a mine permit area of 1,920 acres encompassing three sections – 9, 10, and 16 of Township 13 North, Range 8 West – and a total surface disturbance area of 183 acres. The mine site is approximately three miles northwest of San Mateo and 22 miles northeast of Grants.

Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. Mining & related operations would generate about 80 jobs. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek.

The Cibola National Forest will prepare an EIS to assess potential environmental impacts developing a uranium mining operation on the Mount Taylor Ranger District.

**Comments**

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Legal 12198 Published in The Independent December 7 & 8, 2010.

LEGAL NOTICE  
Grants - Cibola County  
New Mexico

ANNOUNCEMENT

Open Houses for the Draft Environmental Impact Statement (EIS) on the Proposed Roca Honda Mine

The Mount Taylor Ranger District of the Cibola National Forest will hold two open house meetings to solicit comments from the public concerning the scope of the EIS for the proposed Roca Honda underground uranium mine near Grants, NM. Officials from the U.S. Forest Service, Roca Honda Resources (the mining company), and the Mangi Environmental Group (a consulting firm assisting the OSFS prepare the EIS), will be present with exhibits, maps, materials, and comment forms. In addition, the State of New Mexico, which must also authorize the proposed mine, will be represented by officials from the Mining and Minerals Division (MMD), Environment Department (NMED), and Department of Game and Fish (NMGDF).

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Background

Roca Honda Resources, LLC has submitted a Plan of Operations proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. Roca Honda

proposes a mine permit area of 1920 acres encompassing three sections - 9, 10, and 16 of Township 13 North, Range 8 West - and a total surface disturbance area of 183 acres. The mine site is approximately three miles northwest of San Mateo and 22 miles northeast of Grants.

Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. Mining & related operations would generate about 80 jobs. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek.

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Affidavit of Publication

STATE OF NEW MEXICO )  
 ) SS  
COUNTY OF MCKINLEY

REBECCA PAQUIN being duly sworn upon oath, deposes and says:

As LEGAL CLERK of The Independent, a newspaper published in and having a general circulation in McKinley County, New Mexico and in the City of Gallup, New Mexico and having a general circulation in Cibola County, New Mexico and in the City of Grants, New Mexico and having a general circulation in Apache County, Arizona and in the City of St. Johns and in the City of Window Rock, Arizona therein: that this affiant makes the affidavit based upon personal knowledge of the facts herein sworn to. That the publication, a copy of which is hereto attached was published in said newspaper during the period time of publication and said notice was published in the newspaper proper, and not in a supplement thereof, for TWO TIMES, the first publication being on the 7<sup>th</sup> day of December, 2010, the second publication being on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, the third publication being on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

and the last publication being on the \_\_\_\_\_ 8<sup>th</sup> day of \_\_\_\_\_ December, 2010. That such newspaper, in which such notice or advertisement was published, is now and has been at all times material hereto, duly qualified for such purpose, and to publish legal notices and advertisements within the meaning of Chapter 12, of the statutes of the State of New Mexico, 1941 compilation,

RP  
Affiant.

Sworn and Subscribed to before me this 9<sup>th</sup> day of December, A.D., 2010.

Crystal Chavez  
Notary Public

My commission expires:  
June 25<sup>th</sup>, 2014

# PUBLIC NOTICE

## OPEN HOUSES FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS) ON THE PROPOSED ROCA HONDA MINE

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### Background

Roca Honda Resources, LLC has submitted a Plan of Operations proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. Roca Honda proposes a mine permit area of 1,920 acres encompassing three sections – 9, 10, and 16 of Township 13 North, Range 8 West – and a total surface disturbance area of 183 acres. The mine site is approximately three miles northwest of San Mateo and 22 miles northeast of Grants.

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The Cibola National Forest will prepare an EIS to assess potential environmental impacts developing a uranium mining operation on the Mount Taylor Ranger District.

### Comments

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*12/10/2011*

Post-it® Fax Note	7671	Date	1-27-11	# of pages	3
To	Megan Marsce	From	Beena MLZ		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

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*12/14/2010*

### Background

Roca Honda Resources, LLC has submitted a Plan of Operations proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. Roca Honda proposes a mine permit area of 1,920 acres encompassing three sections - 9, 10, and 16 of Township 13 North, Range 8 West - and a total surface disturbance area of 183 acres. The mine site is approximately three miles northwest of San Mateo and 22 miles northeast of Grants.

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### PROOF OF PUBLICATION

STATE OF NEW MEXICO }  
COUNTY OF CIBOLA } §

Donald Jaramillo, being duly sworn deposes and says that he is the publisher of THE CIBOLA COUNTY BEACON, a newspaper published in Grants, Cibola County, New Mexico, that the notice of

*Public Notice*

a copy of which is hereto attached was first published in said newspaper in its issue dated 12/07/10 and was published in an issue of said newspaper, once each week, and not in any supplement, thereafter for the full period of (2) two consecutive weeks, the last publication thereof being an issue dated

*[Handwritten Signature]*

Subscribed and sworn to before me on December 10, 2010  
Berna R. Martinez  
Notary Public



My Commission Expires 03/20/14

Publisher's Fees \$ 303.<sup>26</sup>

## **Appendix C:**

### **Public Newsletter, PSA text, List of Radio Stations**

**Proposed Roca Honda Mine  
Mt. Taylor Ranger District, Cibola National Forest  
Environmental Impact Statement**

**Background**

Roca Honda Resources, LLC (Roca Honda) has submitted a Plan of Operations to the Cibola National Forest proposing to develop and conduct underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District. The proposed mine is located within portions of Sections 9, 10 and 16, Township 13 North, Range 8 West, New Mexico Principal Meridian (see map on backside).

These sections are located in McKinley County, New Mexico approximately three miles northwest of San Mateo and 22 miles northeast of Grants, New Mexico. Sections 9 and 10 are National Forest System lands, which are open to mineral entry under the General Mining Law of 1872. Section 16 is State of New Mexico land, which is not subject to the regulatory jurisdiction of the Forest Service. However, the entire project is subject to regulatory jurisdiction of the State of New Mexico. Roca Honda proposes a mine permit area encompassing all three sections (1,920 acres) and a surface disturbance area of 183 acres within Sections 9, 10 and 16. Additional surface disturbance associated with the mine haul roads is proposed for Sections 11, 17 and 20.

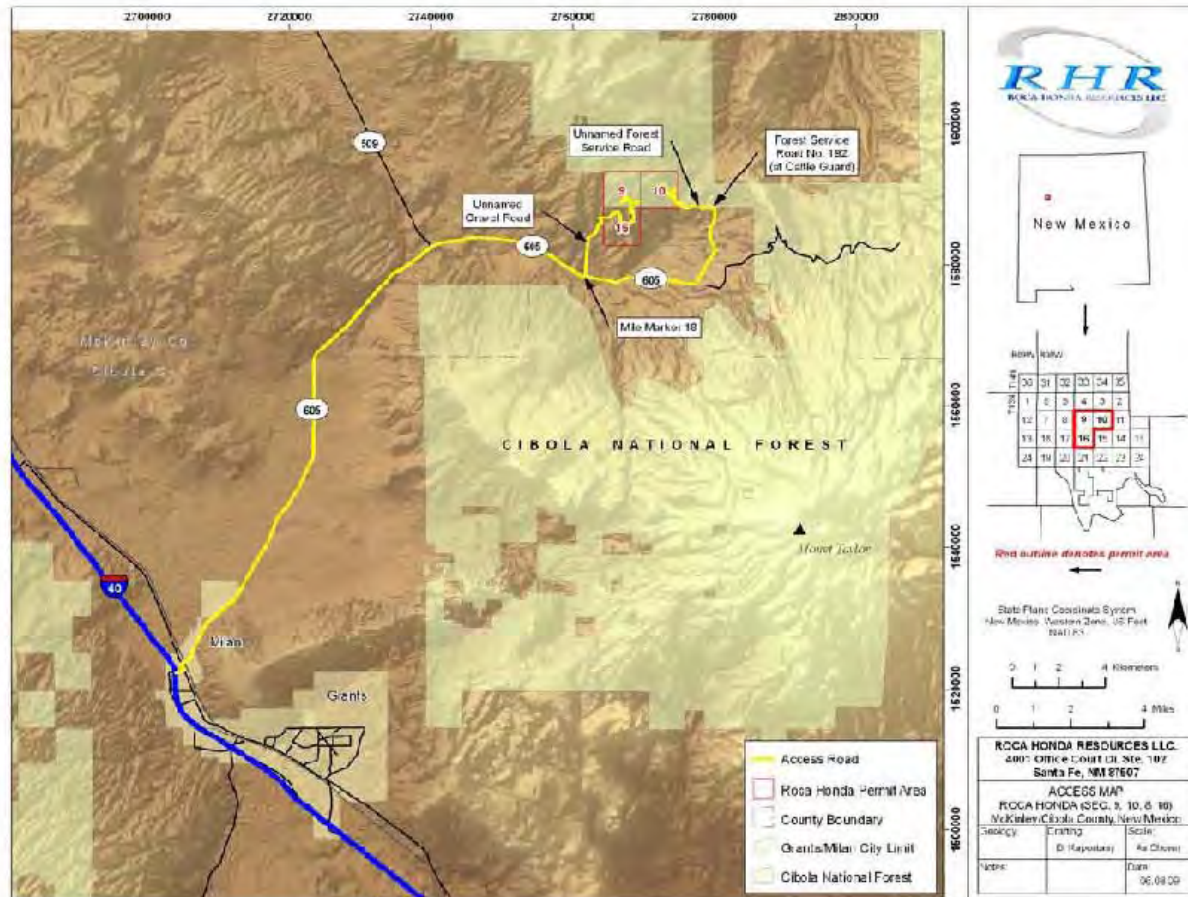
The Cibola National Forest will prepare an environmental impact statement (EIS) to assess the development of a uranium mining operation on the Mount Taylor Ranger District.

**Purpose and Need**

The Purpose and Need for this action is to allow Roca Honda to exercise their rights under U.S. mining laws while protecting the environment in accordance with U.S. Forest Service regulations for locatable minerals. The Purpose and Need has two components:

- Roca Honda has a right set forth by the General Mining Law of 1872, as amended, to develop the portion of the proposed Roca Honda mine that is located on Forest System lands.
- The U.S. Forest Service has the responsibility to protect surface resources of National Forest System land to the extent practicable.

Forest Service mining regulations state that "operations shall be conducted so as, where feasible, to minimize adverse impacts on National Forest Surface Resources (36 CFR 228.8)." However, the "authorized officer...must consider economics of the operation along with other factors in determining the reasonableness of requirements for surface resource protection (36 CFR 228.5(a))."



Proposed Roca Honda Mine Permit Area Location Map

Roca Honda proposes to mine uranium, which is a locatable mineral as established by the General Mining Law of 1872 as amended. Approximately two-thirds of the proposed permit area for the Roca Honda Mine is located on land open to mineral entry, and Roca Honda holds properly located mining claims in that area. Accordingly, Roca Honda holds a statutory right to prospect, explore and develop that portion of the Roca Honda Mine, as long as it complies with Forest Service regulations.

The purpose of the EIS is to evaluate the environmental impacts of the proposed Plan of Operations and determine whether to approve the Plan as proposed or to require additional mitigation measures to protect the environment (in accordance with Forest Service regulations for locatable minerals).

### **Description of the Proposed Action**

Roca Honda proposes to conduct mining operations for a period of approximately 18-19 years, including mine development, operations and reclamation. The proposed mining operations consist of three phases:

1. Mine Development – Mine development includes baseline data gathering, initial site development, construction, and depressurizing activities, which would be conducted to facilitate mine shaft construction. Depressurizing activities include constructing a ring of wells around the perimeter of the area of the production shafts into the Gallup, Dakota, and Westwater formations. These wells would be installed in advance of shaft construction and pumped in order to relieve the hydrostatic pressure in the formation, thus reducing the amount of water flowing into the shaft excavation as it advances through the formation. Five ventilation shafts, 8-10 feet in diameter, and two concrete-lined production shafts, 18 feet in diameter, would be constructed.
2. Mine Operation – The second phase consists of those activities directly related to production of uranium ore from the underground mine, and transport of the ore offsite for mineral processing. Soils, rock, and ore would be stockpiled on the surface. Up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in an unnamed tributary of San Mateo Creek. Phase 2 would commence first in Section 16, with initial production planned to start approximately three and a half years after all required permits for the mine are received. At that time, ore production would start in Section 16, and mine development would continue in Sections 9 and 10. The production phase would last approximately 13 years. However, the ultimate mine life may be extended if additional ore is identified or if economic conditions change.
3. Mine Reclamation – The third and final phase includes those activities intended to reclaim land affected by mine development and operation, and to return that land to an approved post-mining land use. Final reclamation is designed to remove surface facilities, plug the mine shafts, re-contour the disturbed area, replace stockpiled soil, and establish vegetation suitable for the post-mining land use of grazing.

### **Public Service Announcement (PSA) for Grants Radio Stations**

The Mount Taylor Ranger District of the Cibola National Forest will hold an open house meeting to solicit comments from the public concerning the scope of the Environmental Impact Statement for the proposed Roca Honda underground uranium mine near Grants. Officials from the U.S. Forest Service, State of New Mexico, and Roca Honda Resources (the mining company) will be on hand with exhibits, maps, and materials. You may submit your comments on what the EIS should study. The open house will be held **from 6-9 p.m. on Tuesday, December 14** in Grants at the Cibola County Convention Center on 515 West High Street.

### **Public Service Announcement (PSA) for Gallup Radio Stations**

The Mount Taylor Ranger District of the Cibola National Forest will hold an open house meeting to solicit comments from the public concerning the scope of the Environmental Impact Statement for the proposed Roca Honda underground uranium mine near Grants. Officials from the U.S. Forest Service, State of New Mexico, and Roca Honda Resources (the mining company) will be on hand with exhibits, maps, and materials. You may submit your comments on what the EIS should study. The open house will be held **from 6-9 p.m. on Thursday, December 16** in Gallup at the McKinley County Courthouse on 207 West Hill Street.

<b>Grants Radio Stations</b>				
<b>Station Number</b>	<b>Station Location</b>	<b>Website</b>	<b>Method of Contact</b>	<b>Date</b>
KQNM 110 AM	Milan, NM	<a href="http://realoldies.net">http://realoldies.net</a>	Emailed cc@radiovanguard.com	12-Dec-2010
KMIN 980 AM	Grants, NM	<a href="http://www.kdradio.com/">http://www.kdradio.com/</a>	Online contact form	12-Dec-2010
KKOB 770 AM	Albuquerque, NM	<a href="http://www.770kkob.com/contactus.asp">http://www.770kkob.com/contactus.asp</a>	Online contact form	12-Dec-2010
KANW 89.1 FM	Grants, NM	<a href="http://kanw.publicbroadcasting.net/index.html">http://kanw.publicbroadcasting.net/index.html</a>	Emailed the public announcement contact	12-Dec-2010
KLGQ 90.3FM	Grants, NM	<a href="http://www.klove.com/contact/">http://www.klove.com/contact/</a>	Emailed through the contact form	12-Dec-2010
<b>Gallup Radio Stations</b>				
KYVA 1230 AM	Gallup, NM	<a href="http://www.gallupradio.com/">http://www.gallupradio.com/</a>	Through the online provided PSA email address	12-Dec-2010
KTNN 660 AM	Window Rock, AZ	<a href="http://www.ktnnonline.com/contactus.asp">http://www.ktnnonline.com/contactus.asp</a>	Emailed through the contact form	12-Dec-2010
KYVA 103.7 FM	Church Rock, NM	<a href="http://www.oldiesradioonline.com/default.asp">http://www.oldiesradioonline.com/default.asp</a>	Emailed through the contact form	12-Dec-2010
KGLP 91.7FM	Gallup, NM	<a href="http://www.kglp.org/index_files/Page532.html">http://www.kglp.org/index_files/Page532.html</a>	Emailed kglpradio@kglp.org	12-Dec-2010
K207CQ 89.3FM	Gallup, NM	<a href="http://www.m88.org/contact.asp">http://www.m88.org/contact.asp</a>	Emailed through the contact form	12-Dec-2010

## **Appendix D:**

### **Letter Sent to Agencies**





United States  
Department of  
Agriculture

Forest  
Service

Cibola National Forest and  
National Grasslands

2113 Osuna Road NE  
Albuquerque, NM 87113-1001  
(505) 346-3900 FAX: 346-3901

File Code: 1950

Date: December 1, 2010

Dear Interested Reader:

The U.S. Forest Service, Cibola National Forest and Grasslands, and the Mount Taylor Ranger District invite you to an open house to learn about the proposed Roca Honda Mine Project. The open houses will be held in the following locations:

**Tuesday, December 14, 6-9 p.m.** – Grants, NM, Cibola County Convention Center, 515 West High Street.

**Thursday, December 16, 6-9 p.m.** – Gallup, NM, Rotunda (1<sup>st</sup> floor), McKinley County Courthouse, 207 West Hill Street.

Roca Honda Resources, LLC submitted a Plan of Operations for mining uranium at the Roca Honda mining claims to the USDA Forest Service. Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA), the Forest Service announces its intention to prepare an environmental impact statement (EIS) on the proposed project and conduct scoping meetings as open houses.

At the open houses, the Forest Service, Roca Honda, and State agencies will provide information about the action, which consists of development, operation, and mine reclamation for the Roca Honda mining claims located on National Forest System land within the Mount Taylor Ranger District about 22 miles northeast of the town of Grants (for more detail about the proposed action, please see the enclosed project description). Participants will have an opportunity to talk with resource and planning specialists, and are encouraged to provide comments on the scope of the EIS and on alternatives, share issues and concerns, and ask questions. The Forest Service will consider these comments in determining the scope of the EIS, including alternatives to the proposed action.

The scoping period will occur from the date the Notice of Intent was published in the *Federal Register* (November 24, 2010) to January 14, 2011. All public comments should be postmarked on or before January 14, 2011. For further information, and to send written comments, please contact Diane Tafoya, 505-346-3809, Cibola National Forest, 2113 Osuna Road NE, Albuquerque, NM 87113. Comments may also be submitted electronically to [comments-southwestern-cibola-mount-taylor@fs.fed.us](mailto:comments-southwestern-cibola-mount-taylor@fs.fed.us).

Sincerely,

NANCY ROSE  
Forest Supervisor

Enclosures



Caring for the Land and Serving People

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## **Appendix E:**

### **Public Scoping Meetings Sign-In Sheets**



United States  
Department of  
Agriculture

Forest  
Service

Cibola National Forest and  
National Grasslands

2113 Osuna Road NE  
Albuquerque, NM 87113-1001  
(505) 346-3900 FAX: 346-3901

12/14

**ROCA HONDA MINE  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
PUBLIC SCOPING  
SIGN-IN SHEET – GRANTS OPEN HOUSE, DECEMBER 14, 2010**

Would you like to be notified when the Draft EIS is available?	Name	Address
N	DJ Ennis	[REDACTED]
Y	ILSA GARDON <sup>o</sup>	[REDACTED]
Y	Laura Watchempino	[REDACTED]



United States  
Department of  
Agriculture

Forest  
Service

Cibola National Forest and  
National Grasslands

2113 Osuna Road NE  
Albuquerque, NM 87113-1001  
(505) 346-3900 FAX: 346-3901

**ROCA HONDA MINE  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
PUBLIC SCOPING  
SIGN-IN SHEET – GRANTS OPEN HOUSE, DECEMBER 14, 2010**

Would you like to be notified when the Draft EIS is available?	Name	Address
YES	Leona Morgan - MASE	[REDACTED]



United States  
Department of  
Agriculture

Forest  
Service

Cibola National Forest and  
National Grasslands

2113 Osuna Road NE  
Albuquerque, NM 87113-1001  
(505) 346-3900 FAX: 346-3901

**ROCA HONDA MINE  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
PUBLIC SCOPING  
SIGN-IN SHEET – GRANTS OPEN HOUSE, DECEMBER 14, 2010**

Would you like to be notified when the Draft EIS is available?	Name	Address
	Strathmore Resources (US) Ltd	[REDACTED]
Yes	J.C. Lister	[REDACTED]
yes	Salvador Chavez	[REDACTED]
Yes	DAN KUMP	[REDACTED]
Yes	Steve Gunn	[REDACTED]
Yes	John Bokich	[REDACTED]
yes	Brittany Gaudette BLM-RPFO	[REDACTED]
yes	Rick Edge UEL	[REDACTED]
yes	Adam Ringia	[REDACTED]
yes	Simon Garcia	[REDACTED]



United States  
Department of  
Agriculture

Forest  
Service

Cibola National Forest and  
National Grasslands

2113 Osuna Road NE  
Albuquerque, NM 87113-1001  
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12/14

ROCA HONDA MINE  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
PUBLIC SCOPING  
SIGN-IN SHEET – GRANTS OPEN HOUSE, DECEMBER 14, 2010

Would you like to be notified when the Draft EIS is available?	Name	Address
Yes	Donald Jaramillo	[Redacted]
yes	Michael Coleman	[Redacted]
→	Diane Tafuya <sup>USFS</sup>	[Redacted]
yes	Lois Woods	[Redacted]
yes	Nashine Parrella	[Redacted]
yes	Arona Lowden	[Redacted]
yes	Scott Kaplan	[Redacted]
yes	Juan Juaniño <sup>Water Office</sup>	[Redacted]
yes	Harding Polk II	[Redacted]
Yes	Petunche Gilbert	[Redacted]



United States  
Department of  
Agriculture

Forest  
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Cibola National Forest and  
National Grasslands

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ROCA HONDA MINE  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
PUBLIC SCOPING  
SIGN-IN SHEET – GALLUP OPEN HOUSE, DECEMBER 16, 2010

12/16

55

Would you like to be notified when the Draft EIS is available?	Name	Address
Yes	Chris Shuey	[Redacted]
Yes	Don Hyde	[Redacted]
No	DJ Ennis	[Redacted]
No	Scott Kaplan	[Redacted]
No	Hollan Shepherd	[Redacted]
No	Ameilia Tamburrini	[Redacted]
Yes	Be Sargent	[Redacted]
	Ernest C. Beeant, Jr	[Redacted]
Yes	Rose Marie Cecchini	[Redacted]
YES	KURT DONOOSTA	[Redacted]



United States  
Department of  
Agriculture


Forest  
Service

Cibola National Forest and  
National Grasslands

2113 Osuna Road NE  
Albuquerque, NM 87113-1001  
(505) 346-3900 FAX: 346-3901

ROCA HONDA MINE  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
PUBLIC SCOPING  
SIGN-IN SHEET – GALLUP OPEN HOUSE, DECEMBER 16, 2010

12/16

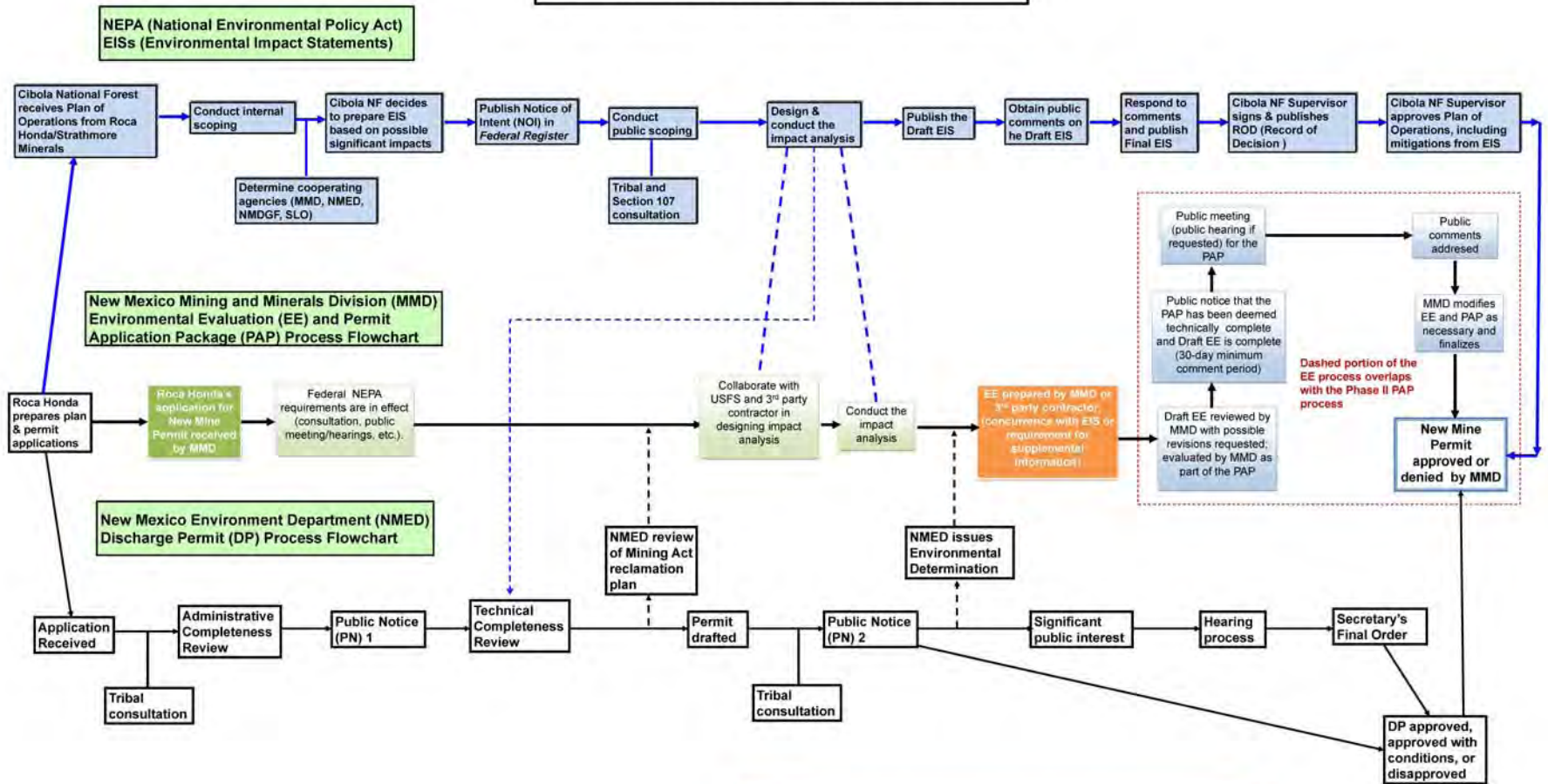
Would you like to be notified when the Draft EIS is available?	Name	Address
Yes	BETSY WINDSCOT	



## **Appendix F:**

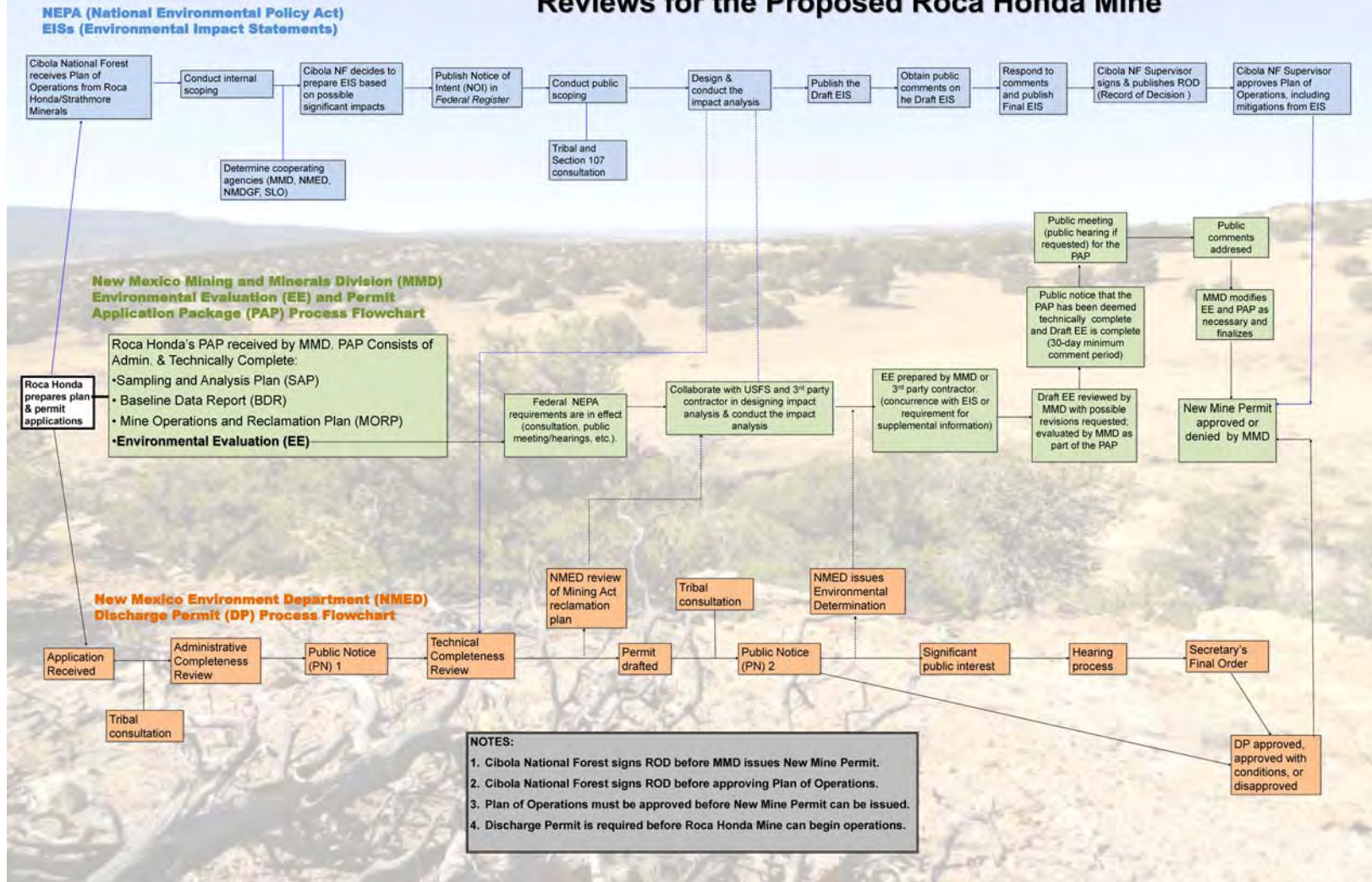
### **Public Scoping Meeting Materials**

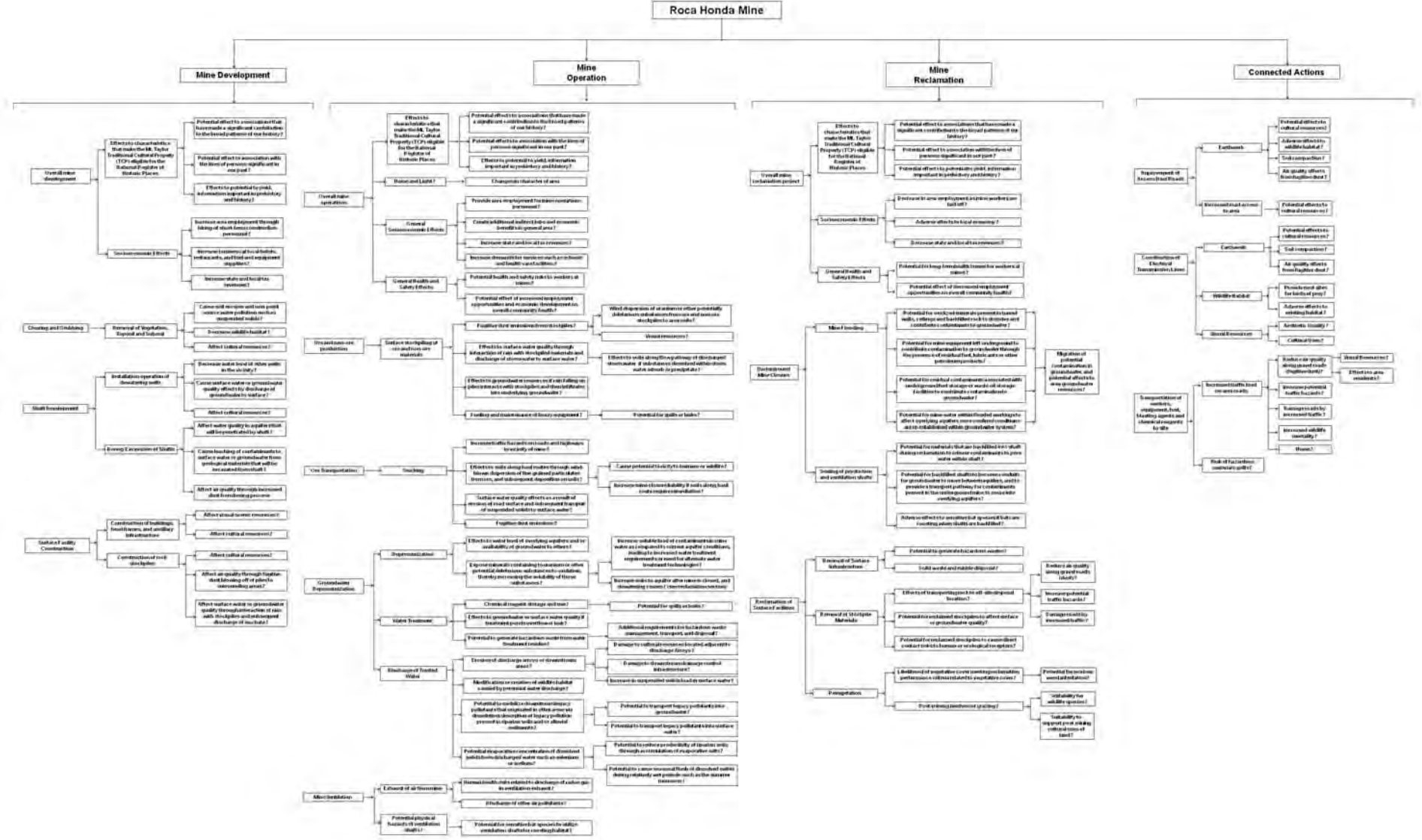
## Parallel Processes – NEPA/EIS and New Mexico Permit Reviews for the Proposed Roca Honda Mine



- NOTES:**
1. Cibola National Forest signs ROD before MMD issues New Mine Permit.
  2. Cibola National Forest signs ROD before approving Plan of Operations.
  3. Plan of Operations must be approved before New Mine Permit can be issued.
  4. Discharge Permit is required before Roca Honda Mine can begin operations.

## Parallel Processes – NEPA/EIS and New Mexico Permit Reviews for the Proposed Roca Honda Mine





**Cause-Effects-Questions (C-E-Q) Diagram for Roca Honda Mine EIS (poster-sized)**

## **Appendix G:**

### **Public Scoping Comment Form**





## **Appendix H:**

### **Index of Comments by Source and Date**

<b>Item Code</b>	<b>Commenter's Last Name</b>	<b>Commenter's First Name (s)</b>	<b>Individual, Business, Agency, NGO, Tribe</b>	<b>Date Comments Postmarked/ Submitted</b>
<b>Individual</b>				
I-01	Gaudette	Brittany		14-Dec-2010
I-02	Boomer	John		14-Dec-2010
I-03	Bokich	John		14-Dec-2010
I-04	Anonymous 1			14-Dec-2010
I-05	Anonymous 2			14-Dec-2010
I-06	Hyde	Don		16-Dec-2010
I-07	Anonymous 3			27-Dec-2010
<b>Non Governmental Organization (N)</b>				
N-01	Cecchini	Rose Marie	Office of Peace, Justice & Creation Stewardship	16-Dec-2010
N-02	Bokich	John	Duran Bokich Enterprises, LLC	16-Dec-2010
N-03	Bird	Bryan	WildEarth Guardians	13-Jan-2011
N-04	Jantz	Eric	New Mexico Environmental Law Center	14-Jan-2011
N-05			Sierra Club Membership Services	14-Jan-2011
N-06	Dykeman	Doug	New Mexico Archeological Council	14-Jan-2011
N-07	Furitsu	Katsumi	Campaign Against Radiation Exposure	14-Jan-2011
N-08	Hays	Ti	National Trust for Historic Preservation	14-Jan-2011
N-09	Hughes	Ken	Sierra Club, Rio Grande Chapter	14-Jan-2011



N-10	Head-Dylla	Candace	Bluewater Valley Downstream Alliance	19-Jan-2011
N-11	Jantz	Eric	New Mexico Environmental Law Center	21-Dec-2010
N-12	Lininger	Jay	Center for Biological Diversity	14-Jan-2011
N-13	Jantz	Eric	New Mexico Environmental Law Center	14-Jan-2011
<b>Federal (F), State (S), Local (L), or Tribe (T)</b>				
S-01	Wunder	Matthew	State of New Mexico Department of Fish & Game	10-Dec-2010
T-01	J. Coeoyate	Norman	Pueblo of Zuni	13-Dec-2010
T-02	Kuwanwisiwma	Leigh	The Hopi Tribe	13-Dec-2010
S-02	Owen	Les	New Mexico Department of Agriculture	14-Dec-2010
L-01	Decker	Douglas W.	County of McKinley	5-Jan-2011
T-03	Luarkie	Richard	Pueblo of Laguna	12-Jan-2011
T-04	Vicente	Randall	Pueblo of Acoma	14-Jan-2011

*Note:* The total number of commenters was 25; the total number of items (each with a separate row) received from those 25 commenters was 27, because two commenters each submitted two items.

## **Appendix I:**

### **Consultation Requests**

January 14, 2011

Diana Tafoya, Minerals Project Manager  
Cibola National Forest  
2113 Osuna Road NE  
Albuquerque, NM 87113

**Re: USFS Public Scoping Comments for the Roca Honda Mine EIS**

Dear Ms. Tafoya:

The Pueblo of Acoma has received notice of the Cibola National Forest's intent to prepare an environmental impact study (EIS) pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) for Roca Honda Resources LLC's proposed mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. The following are the initial comments and issues that the Pueblo strongly urges you to consider in developing the draft EIS.

**Tribal Consultation**

Meaningful consultation with Indian tribes involves more than scheduling a meeting or giving notice of the project to the tribes. A willingness to consider and respect differing cultural perceptions of the proposed mining project requires a balancing of all the "property interests" involved, with due consideration for cultural preservation and restoration concerns. As an environmental justice and downstream/downwind community, Acoma has been unfairly burdened with the legacy of contamination from previous uranium production in the Grants Mineral Belt. Additional impacts from new mining will simply build on unresolved contamination from un-reclaimed mining and milling sites that continue to adversely affect the Pueblo of Acoma.

Acoma requests the United States Forest Service (USFS) to convene a public meeting within the Pueblo, to discuss the proposed mine project. Maps, charts, power points, including a Keres translator should be used to convey complex information to Acoma governmental officials, traditional leaders and tribal members. Public input can be used to determine the extent and scope of tribal consultation between the Pueblo of Acoma and the USFS during preparation of the EIS.

In addition, Acoma requests early and full disclosure of all draft studies, such as the groundwater modeling study, for its review and consideration prior to the publication of the draft and final EIS for this project. We fully expect that the USFS will continue to engage in meaningful consultation with the Pueblo of Acoma as the draft EIS is being prepared and before the publication of the final EIS.

### **Traditional Cultural Property**

The US Forest Service is charged with a duty to uphold its federal trust responsibility to safeguard land, water, and cultural resources of the tribes that could be adversely impacted by this project. Citations to the doctrine's origin and legal authority should be noted. An analysis of the scope of the duty should be presented with the appropriate references. The proposed mine is located on Forest Service lands and State Trust Lands that are eligible for protection under the National Historic Preservation Act (NHPA) and the New Mexico Cultural Properties Act.

The proposed development has the potential to adversely affect what numerous tribes, including the Pueblo of Acoma have identified in prior consultations with the USFS as a Traditional Cultural Property (TCP) (see *Mt. Taylor Traditional Cultural Property Determination for the National Register of Historic Places, Mt. Taylor Ranger District, Cibola National Forrest, Cibola, McKinley and Sandoval Counties, New Mexico, 2008*, Cynthia Benedict and Erin Hudson). This has been reaffirmed by the nomination of the Mount Taylor Cultural Landscape as a TCP to the New Mexico Register of Cultural Properties by the Pueblos of Acoma, Laguna and Zuni, the Navajo Nation and Hopi Tribe; and designated on June 5, 2009 by the New Mexico Cultural Properties Review Committee (NM CPRC).

Mount Taylor and its surrounding areas are known to be of tremendous cultural importance to the Pueblo of Acoma, because of its wealth of natural resources that continue to provide for and sustain the Acoma people. Unlike other nationalities, the Pueblo of Acoma's traditional history including paths of migration and settlement are contained within the landscape and not in books. Therefore, proposed development that has the potential to erase or destroy pieces of our history for future generations is of utmost concern to the Pueblo.

While certain areas of Mount Taylor have been surveyed in response to development for archaeological and cultural resources, the Pueblo of Acoma believes that the ability of the USFS to properly manage and protect the cultural resources under its purview, lies in its ability to connect with the communities who have ties to these irreplaceable resources and if allowed, to survey and document. Although there have been studies of certain areas on Mount Taylor prior to the 2008 Determination of Eligibility by the USFS, we believe that a true understanding of the cultural, spiritual and historical connection to the mountain, through meaningful consultation and dialogue has only just begun. As was noted in the final application to the NM CPRC by the Nominating Tribes, materials including maps of areas/sites of religious and cultural importance not identified through ARMS/NMCRIS files, were submitted for *in camera* review only by the committee. This protection of privileged information demonstrates the need by the USFS to go beyond its general use of 'public scoping open house' meetings to gather input from tribes in developing the draft EIS. Therefore, we strongly disagree with the tentative schedule by the USFS to have a draft EIS prepared for review by the summer of 2011 and a decision by the end of 2011. This timeline is not conducive to and does not

allow for 'meaningful consultation' with tribes and does not respect the government-to-government relationship between the Pueblo of Acoma and the USFS.

In drafting the EIS, we ask that in addressing cultural resources that the draft remain broad in scope and consider impacts to those 'spiritual connections/ties' not easily defined by Western society. The Pueblo of Acoma has continuously maintained a physical and spiritual connection to the mountain. While the proposed development and implementation of the mine as suggested by the NOI, states that the mine's life span would be 18-19 years, the cumulative impacts to Acoma's spiritual connection to Mount Taylor, a living, breathing entity, must also be considered.

Unlike centuries ago, the Pueblo of Acoma and its people, no longer have the ability to migrate to new traditional places of settlement. Possible impacts from the transportation of ore across tribal lands should be considered as well as addressing long term impacts to the economic sustainability, post-mine operations, to the municipalities of Grants, Milan and the nearby Pueblos of Acoma and Laguna. Impacts to this unique cultural and historical landscape need to be weighed against the mineral interests of the project proponent.

Due to the potential of the EIS to result in identifying adverse impacts to the Mount Taylor TCP and the need to mitigate these adverse impacts, and as a condition of resolving these issues as addressed in Section 106 on the National Historic Preservation Act, the Pueblo of Acoma respectfully requests consulting party status to the Section 106 compliance process and any memorandum of agreement documents that may result.

#### **Public Trust Resources and the Public Welfare**

The probable hydrologic consequences of this mining project to the regional aquifers must be carefully analyzed. Groundwater models and water quality impacts should be explained and shared with the public, tribes, and other interested groups as early in the process as possible due to the massive amounts of water proposed to be withdrawn, treated and discharged during the life of the mine. Cumulative impacts of similar huge water withdrawals must be analyzed and determined if they pose threats to the public welfare.

The idea that healthy watersheds are essential to the proper functioning of surface and groundwater flows means that "groundwater mining", or massive depletions, that will occur over the next 18-20 years, will have a significant impact on the public welfare and resources of future generations. The New Mexico State Engineer should be consulted as to the apportionment of water in this basin and any licenses to be issued by his office for Roca Honda and other mine projects that might impair senior water rights or water quality in the region.

The current hydrologic regime consists of ephemeral storm flows through the San Mateo drainage and a general absence of flow in the Rio San Jose below the drainage area. An analysis as to how much of the current regime is attributable to historic uranium mining

and milling in the area of the Roca Honda should be included in the EIS. The discussion should include all legal sites upstream and downstream of the proposed project, as well as other new mines in the Westwater formation.

Other geohydrologic impacts that should be studied, include: (1) the connectivity between the San Mateo alluvium and the alluvium of the Rio Sane Jose, (2) the interconnection and relationship between the Dakota Sandstone and Westwater aquifers due to leakage outside of the mine site and within the mine site through drill holes, shafts and mine caverns; and (3) the probable impacts of changes in groundwater flows due to mine dewatering.

The current geology and hydrogeology should be properly characterized as a contaminated zone and updated prior to the start-up of any new mining projects. Any data gaps which exist from the pre-mining era should be thoroughly discussed. Cumulative water quality impacts from new uranium mining should be analyzed.

#### **Legacy Sites and Contamination**

Documentation of the widespread air, water and soil contamination throughout the Grants Mineral Belt from previous uranium production activities is essential to a complete analysis of further environmental impacts from any new uranium mining projects. Consultation with U.S. Environmental Protection Agency, Regions 6 and 9 on their respective 5 Year Remediation Plans for the impacted region should take place and the results of their assessments included in the Forest Service EIS.

#### **Radiation Exposures**

The National Academy of Science Seventh Report on the Biological Effects of Ionizing Radiation should be consulted regarding its conclusions that there is no allowable safe level of exposure to ionizing radiation and that health risks from exposure to low levels of ionizing radiation may be unacceptable. The proposed stockpiling of soils, rock and ore on the surface of the project area and continual hauling of hazardous materials out of the project area on public roads and through populated areas will subject resident ecosystems and our communities to unnecessary risk.

A thorough risk analysis of impacts to human health and the environment resulting from the transport of hazardous materials through an area that already been subjected to widespread contamination should be performed based on the most recent peer-reviewed scientific studies.

#### **Environmental Justice**

Environmental Justice issues should include historical health impacts to regional residents, including the downstream and downwind communities of Acoma and Laguna

that are only now being documented. The large numbers of Radiation Environmental Compensation Act recipients should be included in this discussion. A discussion of any changes in the way conventional uranium mines are operated to prevent risks to health and community water supplies should be included in this section.

#### **Reclamation and Financial Assurances**

Reclamation should be discussed in terms of a return to pre-mining conditions. Alternatives to the dumping of hazardous mine materials back into mining shafts and caverns containing contaminated waste should be discussed, including the possible contamination of aquifers through backfilled shafts and drill holes.

Required financial assurances should take into account the cost of on-going groundwater remediation efforts at the Homestake-Baric Gold Superfund site that is situated on the San Mateo Creek above the Rio San Jose and the Arco Superfund site near Bluewater.

Adequate financial assurances should be made available for emergencies such as flood events that are common occurrences in this locale. The potential for flooding of the Homestake Superfund site and over flooding of the San Mateo Creek banks during normal storm events, in addition to project discharges of 4,000 gallons per minute over two decades, should be analyzed. The discharges also threaten the activation of historical groundwater contamination within the shallow alluvial aquifer along the San Mateo drainage.

#### **No Action Alternative**

Pre-mining air, soil, water and biological data should be considered as the true baseline and if it is not available, the No Action Alternative should contain a full discussion of why it is the preferable alternative in the absence of necessary characterization data. US EPA, Region 6 should be consulted on the progress of a regional Superfund study which will attempt to track the extent of historical regional groundwater contamination.

An extensive discussion of alternatives, including the No Action Alternative should cover environmental justice impacts to historically affected low-income communities and residents of color, historic and cumulative environmental impacts from previous uranium mining, irreparable impacts to traditional cultures and US Forest Service management capabilities in the Cibola National Forest.

Until the US Forest Service has adopted measures to adequately safeguard the public health, welfare and can actively manage the trust resources in its care, alternative renewal energy projects should be considered which are more protective of the public health, welfare, and trust resources.

#### **Ongoing Tribal Consultation**

The Pueblo of Acoma herein submits these scoping comments to assist the Forest Service in conducting a thorough and comprehensive Environmental Impact Statement for the Roca Honda Mine that includes cumulative environmental impacts from historical uranium production (legacy impacts), impacts to a unique cultural landscape, including public welfare, trust resources and environmental justice concerns.

It is our hope that these comments initiate a continuing dialogue between the Pueblo of Acoma and the US Forest Service during the preparation of the draft and final EIS for the proposed mine. As the lead agency in the EIS process we urge Cibola National Forest to keep us apprised of all actions planned and proposed by state and federal agencies in regard to the Roca Honda project.

Sincerely

**PUEBLO OF ACOMA**

Randall Vicente  
Governor

CC: Ann Rodgers, Chestnut Law Office  
Chuck Thomas, NMEMNRD, Mining and Minerals Division  
John D. Antonio, NM Office of the State Engineer  
David Mayerson, NM Environment Department  
Theresa Pasqual, Pueblo of Acoma HPO





**NORMAN J. COOEYATE**  
Governor

**DANCY SIMPLICIO**  
Lt. Governor

**SHELLY C. CHIMONI**  
Head Councilwoman

**DIXIE J. TSABETSAYE**  
Councilman

**PUEBLO OF ZUNI**

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505-782-7000 (☎)  
505-782-7202 (📠)

**CARLETON P. ALBERT SR.**  
Councilman

**ARDEN KUCATE**  
Councilman

**WINONA S. PEYNETSA**  
Councilwoman

**CHARLOTTE T. BRADLEY**  
Councilwoman

---

Officially known as the Zuni Tribe of the Zuni Indian Reservation

13 December 2010

Ms. Nancy Rose, Forest Supervisor  
Attention: Ms. Diane Tafoya  
Cibola National Forest and National Grasslands  
2113 Osuna Road NE  
Albuquerque, New Mexico 87113-1001

RE: Roca Honda Mine Project

Dear Ms. Rose,

The Pueblo of Zuni has been notified of the Cibola National Forest's intent to prepare an environmental impact statement (EIS) pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) for the proposed Roca Honda Resources, LLC's development and implementation of underground uranium mining operations on their mining claims on and near Jesus Mesa in the Mount Taylor Ranger District of the Cibola National Forest. The following are the initial comments of the Pueblo of Zuni regarding the proposed development of the underground uranium mining by the Roca Honda Resources, LLC and constitute part of the scoping process associated with the initiation of NEPA compliance by the Cibola National Forest.

First and foremost, as I am sure you are fully aware the location of the proposed uranium mining operations is within the boundaries of the Mt. Taylor Traditional Cultural Property that has been determined eligible to the National Register of Historic Places by the Cibola National Forest based, in part, on the important role it plays in Zuni culture and identity. As previously demonstrated to the Cibola National Forest and the State of New Mexico, the Zuni people have a unique and exceptional relationship with Mt. Taylor that significantly transcends the Anglo-American presence in the area that is now the State of New Mexico.

To the Zuni people Mt. Taylor is a living, sacred being! The Zuni people do not make the same distinctions concerning "living" and "non-living" entities that many Anglo-Americans make. The mountain slopes, the rocks, the minerals and pigments, the plants and animals, and the water that is within and on the mountain are all alive. Like any other living being, Mt. Taylor can be harmed, injured and hurt when it is cut, gouged, or in other ways mistreated. As such, the Zuni believe that Mt. Taylor should be protected.

The perception of Mt. Taylor by the Zuni as a living being is, in part, because it is an active volcano, but also because it is a snow-capped mountain that nourishes all of the plants and wildlife during spring runoff. The minerals and subsurface substances of the mountain, the Zuni people believe, are the "meat" of the mountain and contained within the meat is the mountain's heart. Water is conceptualized as the "blood" of the mountain. Any disturbance to the meat or the blood of Mt. Taylor has the potential to disturb the heart which may cause the mountain to become angry. If the mountain gets angry it might erupt. Thus, Mt. Taylor is viewed as a living entity by the Zuni, similar to a living human being, and the relationship between the Zuni people and Mt. Taylor is identical to ones relationship to a family member.

Mt. Taylor has sustained the Zuni lifeways since the beginning of time, or from the Zuni perspective since our emergence into this the fourth world. Since then, Mt. Taylor has been fundamental to the continuation and sustenance of Zuni culture and lifeways. The Zuni people need Mt. Taylor for the continuation of our culture which requires the ability to obtain medicinal herbs and plants, minerals, animals, and moisture for life.

It is the position of the Pueblo of Zuni that the proposed uranium mining operations have the distinct potential to "adversely impact" (i.e., hurt) those qualities and characteristics that the Zuni people ascribe to Mt. Taylor as a living

Page 2

Letter to Ms. Rose, Forest Supervisor, Cibola National Forest  
13 December 2010  
RE: Roca Honda Mine

being. The proposed uranium mining operations also have the potential to adversely impact those qualities and characteristics of Mt. Taylor that make it a National Register of Historic Places eligible Zuni traditional cultural property under the National Historic Preservation Act. As such, the Pueblo of Zuni expects the Cibola National Forest to work closely with the Zuni Tribe to consider ways of mitigating any foreseen adverse impacts that are associated with a decision to permit or approve the proposed underground uranium mining. Similarly, as a condition of resolving the adverse effect(s) as part of the Cibola National Forest's compliance with Section 106 of the National Historic Preservation Act, a memorandum of agreement will have to be generated between the Cibola National Forest, the New Mexico State Historic Preservation Officer, and the tribal nations that ascribe significance to Mt. Taylor. To that end, the Pueblo of Zuni requests consulting party status to the Cibola National Forest's Section 106 compliance process and any agreement document that may result.

In a similar manner, the Pueblo of Zuni is concerned about any archaeological sites that are located within the area of potential effects for the proposed underground uranium mining which may be negatively impacted by the proposed undertaking. Archaeological sites in the Mt. Taylor area validate Zuni traditional histories, and as such, are considered to have been left there by Zuni ancestors for a specific purpose; to serve as Zuni markers on the landscape. For the Zuni people, archaeological sites are imbued with religious and cultural values that are very alien and intangible to western-trained scientists or federal land managers. Ceremonies and rituals at Zuni continue to provide a connection to these important ancestral places and a reason why Zuni people are still here and have a rightful claim to the landscape.

From a Zuni perspective, each archaeological site located within the area of potential effect of this proposed undertaking is considered National Register-eligible under criterion (a) because they represent places that are important in the journey (historical event) of the Zuni ancestors to find the "Middle Place." They are also eligible under criterion (b) because they were built and occupied by Zuni ancestors (important people) and contain the souls of Zuni ancestors who continue to reside there and maintain a spiritual guardianship over these places. For these specific reasons, the Pueblo of Zuni's position is to have these places protected and left undisturbed.

The Zuni Medicine Societies, Rain Priests, Bow Priests, and Kiva groups all journey to Mt. Taylor to collect plants, animals, and minerals for religious ceremonies and to ask for blessings. From a Zuni perspective, all shrines are of religious significance and all plants, animals, and minerals are there for a religious purpose and to benefit the Zuni people, including all other people of the earth. The traditions of the *te'wekwe* (Sword Swallower Society), *Newekwe* (Galaxy Society), and *Make'lhanna:kwe* (Big Fire Society) relate specifically to Mt. Taylor as a migration stop after leaving *Chi:biya Yalanne* (Sandia Peak) and *Shiba:bulima* (Bandelier). Mt. Taylor is also the location of a War God shrine. War God shrines are placed in specific locations by the Zuni to guard the Zuni land. The exact location of the War God shrine on Mt. Taylor has not been disclosed by the attendant Bow Priests, who have first priority to Mt. Taylor.

The Zuni people make regular pilgrimages to Mt. Taylor in order to collect water, plants (mahogany, aspen and medicinal herbs), feathers of the blue jay, woodpecker, red-shafted flicker, robin, oriole, hawk, and sparrow, and minerals (obsidian, red ochre, hematite), and to conduct religious activities. Most of the materials collected are used in religious ceremonies. The locations of Zuni collecting areas and shrines on Mt. Taylor are not collectively shared knowledge; rather they remain the privileged knowledge of specific medicine societies, priesthoods, or kiva groups. As such, the Cibola National Forest will have to make a good faith effort to consider all of these Zuni biological and cultural concerns when defining the "affected environment" and considering the alternatives' impacts on those important Zuni aspects of the affected environment during the NEPA process.

Finally, the Pueblo of Zuni expects the Cibola National Forest to comply with Executive Order 13007 when considering the effects of the proposed underground uranium mining on Mt. Taylor. Executive Order 13007, in part, states: "*In managing Federal lands, each executive branch agency with statutory or administrative responsibility for the*



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Letter to Ms. Rose, Forest Supervisor, Cibola National Forest  
13 December 2010  
RE: Roca Honda Mine

*management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites* (emphasis added).” The Pueblo of Zuni believes that the proposed underground uranium mining has the potential to adversely impact the physical integrity of Mt. Taylor as a Zuni sacred site. The Cibola National Forest will need to work closely with Zuni religious leaders to ensure that physical integrity of this very sacred place is not directly or inadvertently adversely impacted by the permitting or approval of the proposed undertaking.

The Pueblo of Zuni and the Cibola National Forest have a good collaborative relationship that has been reinforced through the government-to-government consultation process. The Pueblo of Zuni is confident that the Cibola National Forest will give the Zuni concerns and issues regarding the proposed uranium mining detailed in this letter the serious consideration, deliberation, and consultation they deserve. Should you have any questions or require additional information please contact Kurt Dongoske, Director, Zuni Heritage and Historic Preservation Office at 505.782.4814 or by email at [kdongoske@cableone.net](mailto:kdongoske@cableone.net). Thank you for consulting with the Pueblo of Zuni.

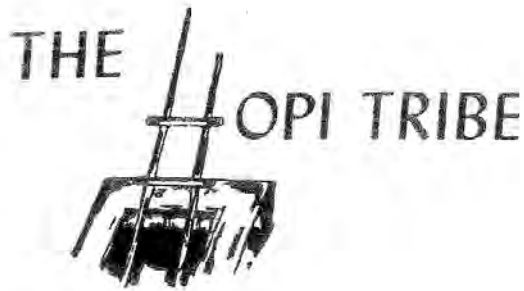
Sincerely,



Norman J. Cooney, Governor  
Pueblo of Zuni

Xc: Pueblo of Acoma  
Pueblo of Laguna  
Navajo Nation  
The Hopi Tribe  
New Mexico Environment Department  
New Mexico State Historic Preservation Officer





LeRoy N. Shingoitewa  
CHAIRMAN

Herman G. Honanie  
VICE-CHAIRMAN

December 13, 2010

Nancy Rose, Forest Supervisor  
Attention: Cynthia Benedict, Archaeologist  
Cibola National Forest  
2113 Osuna Road NE  
Albuquerque, New Mexico 87113-1001

Re: Proposed Roca Honda Uranium Mine  
Federal Register Notice of Intent to prepare an Environmental Impact Statement

Dear Supervisor Rose,

This letter is in response to the November 24, 2010, Federal Register Notice of Intent to prepare an Environmental Impact Statement for the proposed Roca Honda Mine. The Hopi Tribe claims cultural affiliation to the Paleoindian, Archaic, and Anasazi prehistoric cultural groups on the Mt. Taylor Ranger District, and Mount Taylor is a Traditional Cultural Property of the Hopi Tribe. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate Cibola National Forest's continuing solicitation of our input and your efforts to address our concerns.

In our enclosed letters, the Hopi Cultural Preservation Office reiterated that the tribes have repeatedly stated that past contamination from uranium mining should be cleaned up before any additional uranium mining is approved. We have stated that we have determined that this proposal will adversely affect the Mount Taylor Traditional Cultural Property and will adversely affect National Register eligible prehistoric sites within the Mount Taylor Traditional Cultural Property. We further stated that we understood that this project would pump, treat, and discharge or waste more water daily than consumed by the City of Santa Fe, and therefore we have also determined that this proposal will also adversely affect the natural environment.

We have reviewed the resources inventory report of two sections of Cibola National Forest land that identifies 94 sites containing 145 components, including 2 Paleoindian components, 11 Archaic components, 74 Anasazi components, and 11 unknown aboriginal components. The report states:

Nancy Rose  
December 13, 2010  
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The high site density, wide range of temporal components, and high percentage of sites containing features (n=73, or almost 78% of the total) indicate that the project area was intensively utilized and attractive for human habitation, or other intensive use at least from the Pueblo I period into the historic period... Along the line where the mesa slope meets the bottomland, the sites are so large and frequent that there is more terrain inside site boundaries than outside.

We have now reviewed the Federal Register Notice that cites the 1872 Mining Law as Purpose and Need for Action. We oppose the continued use of this archaic law to justify uranium mining on Mount Taylor.

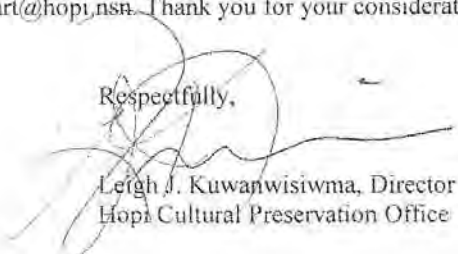
The Notice states that depressurizing will result in "up to 4,000 gallons per minute of water would be pumped from the mine and treated prior to discharge in a tributary of San Mateo Creek." 4,000 gallons of water per minute is 240,000 per hour, 5,760,000 per day, 2,102,400,000 per year, 42,048,000,000 over 20 years! Over 5 million gallons of water per day, or over 2 billion gallons of water per year, or over 42 billion gallons of water over 20 years are proposed to be pumped out of the Mount Taylor Traditional Cultural Property! On this basis alone, this proposal should be dismissed from further consideration.

Treating water as a waste product in the pursuit of uranium is a misuse of the environment that should not be the legacy we leave for our children and future generations. It is our understanding past wet uranium mining has resulted in the contamination of known and unknown areas surrounding Mount Taylor. We believe the Federal, State and local governments should focus on and address this existing threat to human life, and that Congress should replace the 1872 Mining Law with a Sacred Sites Act and mining law fit for our live in the 21<sup>st</sup> Century and into the future.

We will strongly support the No Action Alternative in the Environmental Impact Statement for this proposal. It is difficult to imagine a more insulting proposal to Mount Taylor and the Mount Taylor Traditional Cultural Property than this. Stipulations necessary to protect the non-mineral resources of the area should result in disapproving the proposal as presented.

Therefore, we reiterate our request for continuing consultation on this proposal including the determinations of adverse affects to National Register eligible prehistoric sites, the Mount Taylor Traditional Cultural Property, and the destruction of the environment through this waste of precious water. If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or tmorgart@hopi.nsn. Thank you for your consideration.

Respectfully,



Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

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Enclosures: September 4, 2010, September 30, 2010 letters to Cibola National Forest

cc: Office of the Chairman, Office of the Vice-Chairman  
Dan Meza, Forest Service Regional Office, Albuquerque  
Ti Hays V, National Trust for Historic Preservation, Denver  
Matt Reidy, District Ranger, Mt. Taylor Ranger District  
Kurt Vollbrecht, New Mexico Environment Department  
Bill Brancard, James R. Hollen, New Mexico Energy, Minerals and Natural Resources Department  
Arden Kucate, Zuni Tribe; Theresa Pasqual, Pueblo of Acoma  
Frank Cerno, Pueblo of Laguna; Kelley Francis, Navajo Nation  
Jan Biella, New Mexico State Historic Preservation Office