1.0 Introduction

1.1 Brief Project Description

Intercontinental Potash Corporation (USA) (ICP) is proposing to develop a new mine in southern Lea County, New Mexico, to extract polyhalite ore for the production of sulfate of potash (SOP) and sulfate of potash magnesia (SOPM). Sulfate of potash production involves two separate operations. The first operation is to mine raw polyhalite approximately 1,500 feet underground in the Rustler formation. Once mined, the polyhalite would be transported to the surface by a conveyor belt system in the ramp, crushed, calcined, leached, and granulated to produce saleable products. The final product would be moved by truck to a load-out facility near Jal, New Mexico, where it would be loaded on trains and shipped. The location of the proposed project facilities is displayed in **Figure 1-1**.

The project area, as proposed by ICP, encompasses the proposed 50-year mine area, the shaft and ramp at the mine opening, processing facilities, water pipeline and well field, and railroad loading area with access roads and rail siding for a total of 31,134 acres. The surface land ownership consists of approximately 22 percent public lands managed by the U.S. Department of the Interior (USDI) Bureau of Land Management (BLM), 53 percent managed by the State of New Mexico, and 25 percent privately owned. Approximately 55 percent of the minerals within the proposed mine area is owned by the federal government, as shown on **Figure 1-2**.

A portion of the proposed project is located where there are land and minerals managed by the BLM, which means that the action must comply with the requirements of the federal National Environmental Policy Act (NEPA) of 1969 (Public Law [P.L.] 91-190). The BLM Carlsbad Field Office has determined that an environmental impact statement (EIS) would provide an appropriate level of analysis under NEPA. The EIS is necessary to inform the decision-maker of the potential environmental impacts of the proposed project before making a decision on whether to allow the project to proceed. The EIS will be prepared under the guidance of the BLM Carlsbad Field Office as the lead agency and decision-maker.

1.1.1 Background

Potash is the term used to describe compounds containing potassium that are soluble in water. The potassium in potash occurs generally in combination magnesium, sodium, chloride, sulfate, and nitrate in varying quantities. Most potash is used for agricultural fertilizer to supplement the soil with potassium, which is necessary for plant growth, but it also may be used as a component in products such as pharmaceuticals, salt substitutes, soap, glass, and batteries (Barker et al. 2008).

The existing commercial potash mines in southeastern New Mexico are located within the Secretary's Potash Area (SPA), first designated in 1939 when the federal government withdrew 2,560 acres from oil and gas leasing in deference to potash mining through an order by the Secretary of the Interior. The SPA was established to address the history of conflict between the potash and the oil and gas industries related to the priorities for development. A succession of orders followed (1951, 1965, 1975, 1986, and 2012), with each order except the most recent expanding the SPA. On October 21, 1986, the Order of the Secretary of the Interior (51 *Federal Register* [FR] 39425, October 28, 1986), titled "Oil, Gas and Potash Leasing and Development Within the Designated Potash Area of Eddy and Lea Counties, New Mexico" expanded the SPA to 497,002 acres. The most recent Secretary's Order (3324) was published in the FR on December 4, 2012 (77 FR 71822). Commonly referred to as the 2012 Order, it now governs the co-development of federal oil, gas, and potash leasing and development within the SPA. The proposed Ochoa Mine would not be located within the SPA or governed by the 2012 Order.

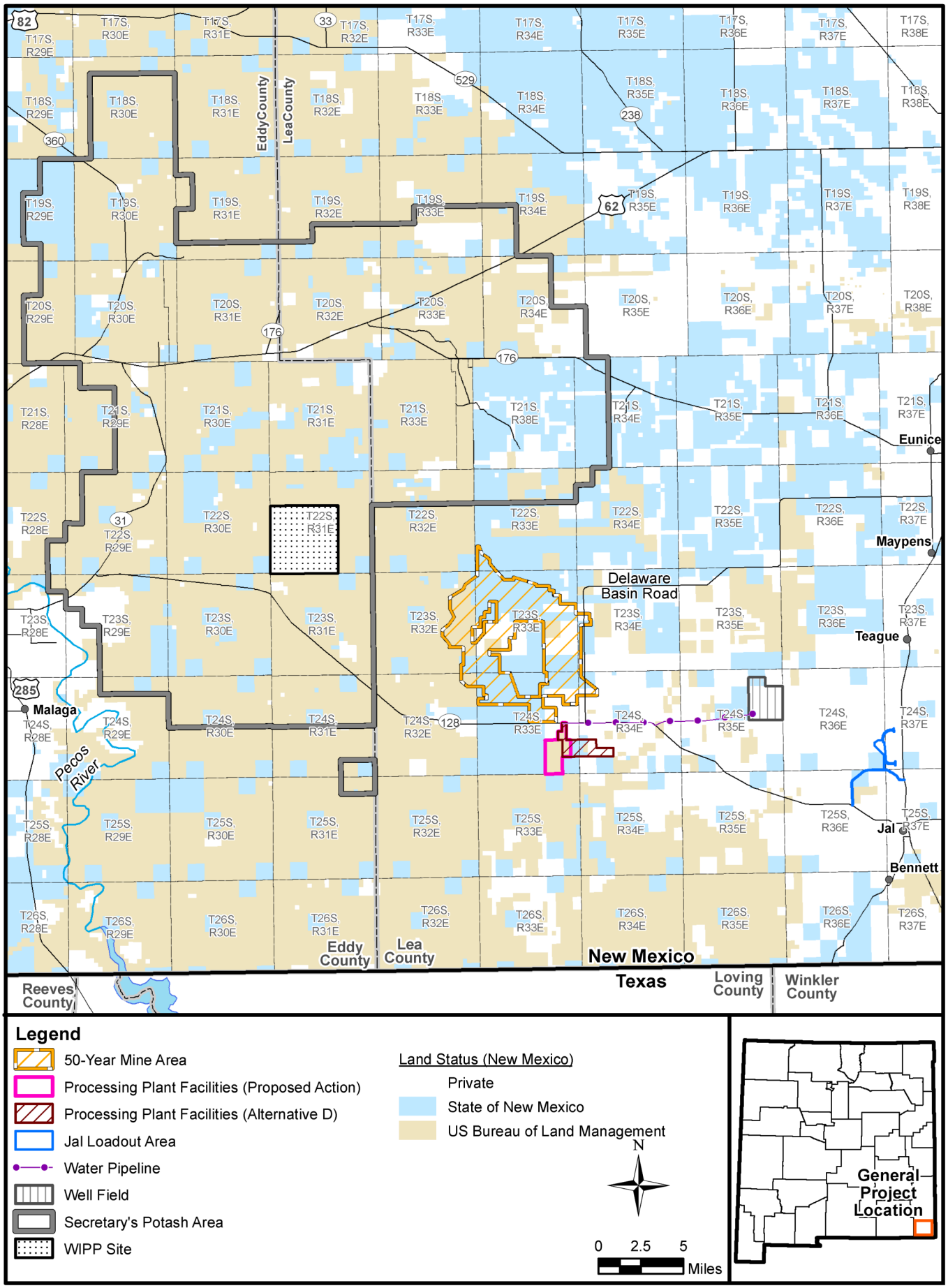

Figure 1-1 General Location and Surface Ownership of the Ochoa Mine Project Area

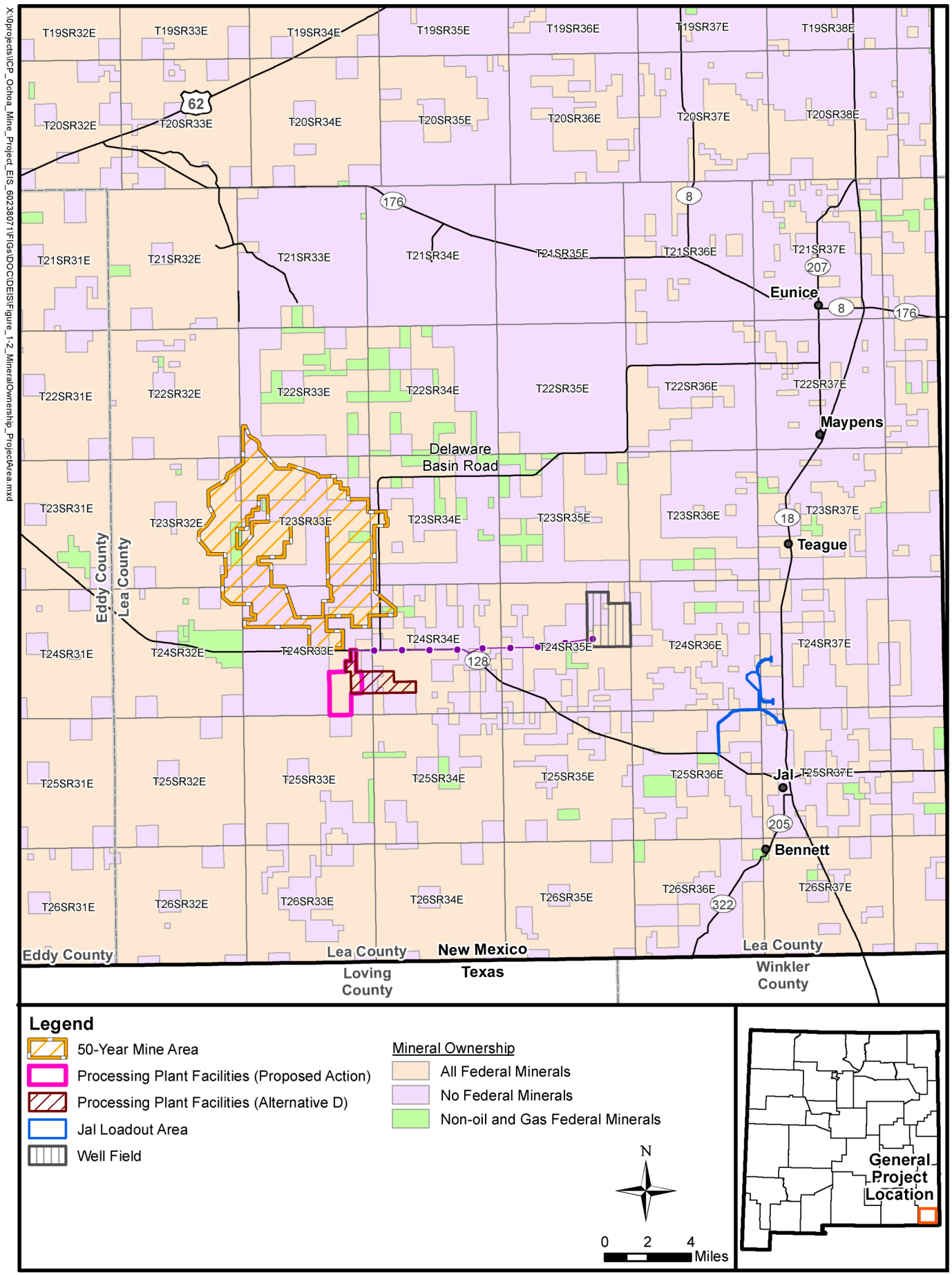

Figure 1-2 Mineral Ownership within the Proposed Ochoa Mine Area

ICP obtained federal and state permits to prospect and explore for potassium minerals in Lea and Eddy counties, New Mexico, outside the SPA. Although the mining methods would be similar, the proposed Ochoa Mine is a departure from the potash mining in the SPA because ICP proposes to extract the mineral polyhalite instead of the traditionally mined langbeinite and sylvite, although SOPM from langbeinite would be another product of the ore processing in addition to SOP.

1.2 Purpose and Need for the Project

The BLM is responsible for the balanced management of the public lands and resources and their various values in a fashion that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield; combinations of uses that take into account the long-term needs of future generations for renewable and nonrenewable resources (BLM 1997).

Under the NEPA, there is a requirement to present the purpose and need for a proposed project. The "Regulations for Implementing NEPA" from the Council on Environmental Quality (CEQ), 40 Code of Federal Regulations (CFR) §1502.13, state the following about the description of the purpose and need in an EIS.

> *"The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."*

The purpose and need statement is intended to explain the reason that the proposed project is needed by the lead agency (BLM in this case) and serves as the basis for developing a reasonable range of alternatives to be analyzed in detail.

Potash is an important industrial mineral in wide demand in the U.S. and internationally. The BLM has the responsibility for the orderly and economic development of leasable minerals, including potash, as specified under 30 United States Code (USC) § 21a, the Mineral Leasing Act of 1920 (MLA), as amended, and the Federal Land Policy and Management Act (FLPMA) of 1976 (P.L. 94-579, 43 USC 35). The BLM has the duty to allow and encourage exploration for and development of leasable minerals subject to reasonable restrictions, provide for economically viable development of the potash resources, and to allow the proponent to exercise its right to develop mineral resources.

The purpose of the action is to provide access for technically viable development of the federal potash resources, as required by federal law and BLM policy. The BLM will evaluate and respond to ICP's proposal (Proposed Action) to construct, operate, maintain, and decommission a new mine to extract polyhalite ore, including approval of the mine plan of operations and associated rights-of-way (ROWs).

The proposed project would:

1. Construct a new underground mine, surface facilities associated with the mine and processing plant, and water well and pipeline, and facilities for loading the finished product onto rail cars.
2. Utilize polyhalite to produce SOP and SOPM.

1.3 Decisions to be Made

This EIS provides the analysis upon which the BLM can base its decisions. The decisions to be made by the BLM are whether to approve ICP's Ochoa Mine Operation and Closure Plan, requested ROWs, and preference right leases, and if so, under what terms and conditions.

1.4 Authorizing Laws and Regulations, Relationship to Policies, Plans, and Programs

1.4.1 Resource Management Plans

The BLM has the responsibility and authority to manage the surface and subsurface resources on public lands located within the jurisdiction of the Carlsbad Field Office. The Carlsbad Resource Management Plan (RMP) (BLM 1988) designated lands within the proposed project area as open for mineral exploration and development. Under Continuing Management Guidance for Energy and Mineral Resources, the RMP states that the "BLM will encourage and facilitate the development by private industry of public land mineral resources so that national and local needs are met, and environmentally sound exploration, extraction, and reclamation practices are used."

Development of a new RMP was started in June, 2010, but until it is finalized, the 1988 RMP and any subsequent amendments remain in effect. Decisions made at the end of this Ochoa Mine Project EIS process will be carried forward into the revised RMP.

The RMP Amendment (RMPA) for the Carlsbad Resource Area (BLM 1997) was prepared to address the management of oil and gas resources in the field office area. In general, it reiterates the goals of the 1986 Order for oil and gas drilling where there is potash mining, in effect at that time. It states that drilling for oil and gas is allowed in the SPA if the drilling does not interfere with potash mining and does not create a hazard. It states that the infiltration of oil, gas, or water into potash deposits, mines, or workings must be prevented when wells are abandoned.

The Special Status Species RMPA for the BLM Pecos District Office (BLM 2007b) was adopted to address specific management prescriptions to ensure the continued habitat protection of two special status species, the lesser prairie-chicken (*Tympanuchus pallidicinctus*) and the sand dune lizard (*Sceloporus arenicolus*).

1.4.2 Preference Right Leasing

The federal government has a two-tiered system for leasing of solid leasable minerals, except coal, and asphalt. In regions where the existence and feasibility of extracting mineral deposits is known, leases are issued on a competitive basis. Where the existence and feasibility of extracting mineral deposits is unknown, an applicant can obtain a prospecting permit to explore for federal minerals. If the exploration discovers a valuable deposit, an application can be submitted for a preference right lease, which allows the discoverer of the deposit to obtain the lease without competition.

Once a prospecting permit has been issued and a preference right lease application has been submitted by the discoverer, the federal government is obligated to process the application and issue the lease if a valuable deposit has been found. A valuable deposit is defined in 43 CFR 3501.5 as "an occurrence of minerals of such character that a person of ordinary prudence would be justified in the further expenditure of his or her labor and means, with a reasonable prospect of success in developing a profitable mine." As part of the federal process, the applicant is required to submit evidence that the deposit exists and there is a reasonable expectation that the deposit can be developed into a profitable mine. Such a reasonable expectation can be proven by evidence that a similar deposit has recently been mined or is being developed for mining, or that recent available mining costs (including environmental mitigation and reclamation), marketing costs, and product price information yield a reasonable expectation of establishing a profitable mining project. The final step before the federal government grants a preference right lease, subsequent to any decisions made under NEPA, requires the applicant to demonstrate that the mine will be profitable after implementing the terms and conditions issued as part of the lease, including the required mitigation and reclamation measures identified in the agency decision document.

If the applicant fails to prove the existence of a valuable deposit, the government is not required to issue the preference right lease. If the federal government decides that it is not in the public interest to issue a lease where a valuable deposit has been discovered, the government must compensate the applicant for the value of the lease. Compensation may be provided through lease exchange or monetary payment. The exchange lease can be for any solid leasable mineral except coal and need not be in the same region as the preference right to be exchanged. The primary requirement for an exchange is that the offered lease have the same value as the one for which the application was submitted. If no suitable exchange leases are available, or if the applicant is not interested in entering into an exchange, then the applicant must be compensated by payment for the preference right lease.

The MLA requires that preference right leases for sodium, sulfur, and potassium meet the “chiefly valuable requirement” in addition to the valuable deposit requirement. Chiefly valuable refers to a valuable deposit where there is either no significant conflict between mining one of these leasable minerals and non-mineral uses or the economic value of extraction exceeds the economic value of other conflicting uses for the lands. In other words, the land must be more valuable for development of one of these leasable minerals than the value for other non-mineral activities.

1.4.3 Other Applicable Federal Laws and Regulations

BLM authority for land management derives from the FLPMA. General BLM regulations are described in 43 CFR, Subtitle B—Regulations Relating to Public Lands, Chapter II—BLM, USDI. BLM regulations for the management of mining on federal potash leases are included in 43 CFR Subpart 3590, Solid Minerals (Other Than Coal) Exploration and Mining Operations—General. Subpart 3592.1, Operating Plans, specifies that before any operations are conducted under any lease, the operator must submit a detailed mine and reclamation plan to the BLM, which BLM must approve before operations can begin. These regulations contain specific criteria that the mine and reclamation plan must address to ensure the protection of non-mineral resources and the reclamation of the lands affected by the operations. It also requires coordination with state agencies.

Potash is a solid leasable mineral that is managed by BLM under the authority of the MLA, as amended, the Potassium Leasing Act of 1927, and, in southeastern New Mexico, the 2012 Order. The MLA establishes qualifications for mineral lessees, defines maximum limits on the total acres of a mineral that can be held by a lessee, and authorizes the BLM to grant these leases. Federal regulations that pertain to leasing these minerals are contained in 43 CFR Part 3500, Leasing of Solid Minerals Other than Coal and Oil Shale.

The Mining and Mineral Policy Act of 1970 (MMPA) mandates that federal agencies ensure that closure and reclamation of mine operations be completed in an environmentally responsible manner. The MMPA states that the federal government should promote the “development of methods for the disposal, control, and reclamation of mineral waste products, and the reclamation of mined lands, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining mineral activities.”

Other major federal and state regulations and permits that are relevant to the proposed project include those listed in **Table 1-1**, which is not all-inclusive.

Table 1-1 Major Federal and State Laws, Regulations, and Applicable Permits

Regulation	Brief Description	Applicable Permit or Action
NEPA (P.L. 91-190) and CEQ – Regulations for Implementing NEPA (40 CFR Parts 1500 – 1508)	Disclosure of the potential impacts of federal actions on the human environment to the decision makers and the public to ensure that informed decisions are based on science.	EIS
Clean Water Act (CWA) and Federal Water Pollution Control Act Amendments	Regulate discharge to surface waters from point sources.	No permit needed.
New Mexico Water Quality Act, New Mexico Statutes Annotated (NMSA) 1978, §§74-6-1 et seq.	Prevent groundwater pollution, which could result from discharges of effluent or leachate, and to abate any groundwater pollution that occurs at permitted facilities such as mills and mines.	Groundwater Discharge Permit
Federal Safe Drinking Water Act, 40 CFR Parts 144 and 147; New Mexico Ground and Surface Water Protection, New Mexico Administrative Code (NMAC) Part 20.6.2, 2005	Allow underground injection of water; Ensure potable aquifers are not adversely affected by injection of water.	Underground Injection Control Permit
Underground Water, NMSA 1978, §§72-12-1 et seq.	Regulate groundwater use, water rights.	Permit to Appropriate the Underground Waters of the State of New Mexico
Endangered Species Act (ESA) of 1973, as amended (P.L. 93-205)	Comprehensive program for the conservation of threatened and endangered plant and animal species and the habitats in which they are found.	Informal or formal consultation under Section 7; Coordination under Section 9
Migratory Bird Treaty Act (MBTA) of 1918, as amended; Bald and Golden Eagle Protection Act of 1940	Protection of birds that live, reproduce, or migrate within or across international borders.	Determine compliance through internal review or external review with the U.S. Fish and Wildlife Service (USFWS)
Clean Air Act (CAA); delegated to the State of New Mexico under Air Quality Control Act, NMSA 1978, §§74-2-1 through 74-2-17	Ensure that air pollution sources meet applicable regulations and do not exceed ambient concentration standards for air pollutants.	Air Quality Permit
National Historic Preservation Act (NHPA) (36 CFR Part 800); New Mexico Cultural Properties Act, NMSA 1978, §§18-6-1 through 18-6-17	Review and compliance activities related to cultural resources.	Permits to conduct investigations

Table 1-1 Major Federal and State Laws, Regulations, and Applicable Permits

Regulation	Brief Description	Applicable Permit or Action
Solid Waste Disposal Act, as amended by Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq. delegated to the state and implemented under New Mexico Hazardous Waste Act	Regulation of hazardous waste storage, treatment, and disposal.	Hazardous Waste Permit
NMSA 1978 Sections 19-1-1 and 19-7-57	Administration and management of all easements and ROWs to use state trust lands for such purposes as installation and maintenance of pipelines, power lines, and access roads.	Access Permit
NMAC Part 14.5.2	Permit to construct buildings from New Mexico Construction Industries Division.	General Construction Permit

1.5 Scoping and Public Participation

1.5.1 Public Outreach and Public Scoping

The BLM initiated the NEPA process by publishing the Notice of Intent (NOI) to prepare an EIS in the FR. The NOI for the Ochoa Mine Project was published in the FR on January 3, 2012, and included a project description and BLM contact information. A project website (http://www.nm.blm.gov/cfo/ochoaMine/) was developed and was available for public access on January 3, 2012. As part of the public outreach effort, the BLM printed a project Bulletin that was distributed to approximately 300 interested parties including federal, state, and local agencies and governments on January 5, 2012, via the U.S. Postal Service and email.

Information on the date, time, and location of the public scoping meetings was posted to the website on January 16, 2012. Other public outreach to advertise the scoping meetings included a public service announcement submitted on January 13, 2012, to Carlsbad and Hobbs community television channels and Carlsbad radio stations, as well as the publication of display advertisements in local newspapers.

Three public scoping meetings were held on January 23 and 24, 2012, in Carlsbad, Jal, and Hobbs, New Mexico, with a total of 89 members of the public in attendance. The scoping meetings were initiated by a presentation giving an overview of the proposed project and a description of the NEPA. Following the presentation, an informal open house was conducted to allow meeting attendees the opportunity to ask BLM representatives, ICP, and the NEPA contractor questions. BLM representatives staffed stations that provided information on BLM programs and resources in the project area, such as biological resources, oil and gas, mining, lands and realty, and cultural resources. Display boards showing the NEPA process and maps of the proposed project were provided to facilitate discussion. BLM's Bulletin, a project summary, and comment sheets were available for distribution. Attendees were encouraged to submit their comments in writing by the comment period end date of February 7, 2012.

1.5.2 Summary of External Scoping Comments

The BLM received a total of 21 comment submittals in the form of letters, comment forms, and emails containing 125 individual comments during the public scoping period. Following the close of the 30-day public scoping period, comments were compiled and analyzed to identify issues and concerns. Once the individual comments were compiled in the database, reports were generated categorizing the issues by

topic or resource. A final Scoping Summary Report was submitted to the BLM on March 22, 2012. The Scoping Summary Report and more details on the public scoping process, meetings, and the comments submitted can be found in on the project website hosted by the BLM, http://www.nm.blm.gov/cfo/ochoaMine/.

Information gained during scoping assists the BLM in identifying the potential environmental issues, alternatives, and mitigation measures associated with developing the proposed project. The process provides a mechanism for the BLM to consider alternatives to the proposed project submitted by ICP and for the EIS to focus the analysis on areas of high interest and concern.

A majority of the comments were related to concerns about future access to potential development of fluid minerals (oil and gas) and the potential effects to water resources and wells in the area due to drawdown caused by proposed water usage. Many comments were supportive of the proposed project because it would bring economic benefits to the area.

The number of comments by category is provided in **Table 1-2**. Some of the comments were assigned to more than one category, so they are counted more than once in the table total of 216 comments.

Table 1-2 Comments Received by Category

Category Name	Number of Comments
Air Quality	9
Cultural Resources	2
Cumulative Impacts	1
Environmental Justice	1
Geology	4
Health/Safety	10
Land Ownership/Adjustment	1
Leasing	5
Livestock Grazing/Range Management	4
Mitigation Measures	9
NEPA Process	13
Noise	1
Oil and Gas	32
Permits/Special Uses	2
Project Description	17
Project Support	14
Public Involvement	3
Realty/Land Use	13
Reclamation	2
Socioeconomics	20
Soils	2

Table 1-2 Comments Received by Category

Category Name	Number of Comments
Special Designations	1
Subsidence	9
Surface Disturbance	1
Threatened and Endangered Species	2
Travel Management	6
Vegetation/Botany	2
Visual/Scenic Resources	1
Water Resources	20
Wildlife	9
Total	**216**

The primary public concerns about the Ochoa Mine Project are summarized in **Table 1-3**.

Table 1-3 Summary of Primary Scoping Comments

Resource	Primary Scoping Comments	Resource Issues Analyzed in EIS?
Air Quality	• What are the types and quantity of emissions generated by the project? • Would project emissions pose any risk? • Will there be dust control? • Would project emissions create odors? • Will operations use low emissions equipment?	• Yes. Section 4.5 • Yes. Section 4.5 • Yes. Sections 2.4.6.3 and 4.5 • No. No problems identified so not addressed. • No. Analysis of air quality impacts addressed emissions as proposed by ICP. Analyzing or recommending other equipment is out of the scope of this EIS.
Health and Safety	• Will there be drinking water contamination? • Will there be a lot of noise from the plant? • Will there be dust from the tailings pile? • Safe compatibility with nearby multiple uses.	• Yes. See Section 4.3 • Yes. Section 4.11 • Yes. Section 4.5 • Yes. Sections 4.10 and 4.12

Table 1-3 Summary of Primary Scoping Comments

Resource	Primary Scoping Comments	Resource Issues Analyzed in EIS?
	• Is there the potential for radiation in the mined substrate?	• No. Although the radiogenic isotope K-40 occurs in potash ore, it comprises a very small percentage by weight of polyhalite. Compliance with federal safety and monitoring standards are assumed to be implemented for the project to protect workers.
	• Is there a risk to existing gas pipelines?	• Not explicitly addressed but Section 4.2 analyzes subsidence risks.
Oil and Gas	• Oil and gas operators expressed concerns related to the potential impacts from mine development causing subsidence, impacts to existing and future oil and gas operations, limiting access to oil and gas leases.	• Yes. Section 4.2
Livestock Grazing and Range Management	• Will there be adverse impacts to water tanks for livestock use?	• Yes. Section 4.9
	• Will there be damage to grazing and range health from gypsum eroding off the tailings pile and onto nearby rangeland?	• No. Design of tailings pile controls offsite erosion.
	• Will there be compensatory mitigation for the loss of high-quality rangeland?	• No. Outside scope of EIS.
Water Resources	• What is the potential for contamination of potable water from surface ponds at the plant facility? What are the potential effects to the water table?	• Yes. Section 4.3
	• Will there be disruption of livestock watering distribution systems?	• Yes. Section 4.9
	• Where will waste water be disposed?	• Yes. Section 4.3
	• What is the location and depth of the water wells to serve the processing operations?	• Yes. Sections 2.4.2.5 and 4.3; **Figure 2-4**
Wildlife	• Reminder to perform the necessary wildlife surveys and to consult with the appropriate state and federal wildlife management agencies.	• Yes. Section 4.8
	• What is the effect of the plant facilities on lesser prairie-chicken habitat and migratory bird species?	• Yes. Section 4.8

Table 1-3 Summary of Primary Scoping Comments

Resource	Primary Scoping Comments	Resource Issues Analyzed in EIS?
Wildlife	• Recommendation to limit trench excavations for pipelines to October through March to minimize adverse impacts to wildlife.	• Yes. Trenching would follow BLM guidelines and a mitigation measure in Section 4.8 recommends compliance with New Mexico Department of Game and Fish (NMDGF) trenching guidelines.
Socioeconomics	• Comments included support for the project associated with potentially beneficial impacts to the number of available jobs and the local economy from project development.	• Yes. Section 4.15
	• Will there be a decrease in ranch value near the plant facilities, or other adverse economic impacts that may result from the possible disruption of ranching activities?	• No. Effect on grazing land discussed in Section 4.9 and effect on lessees noted in Section 4.15.

Potential Alternatives

One objective of scoping is to identify alternatives to the applicant's proposed project for evaluation in the EIS. In the NEPA process, the first step in developing alternatives to be analyzed in detail is to identify possible options that are different from the proponent's proposal (Proposed Action), then to screen out actions that do not meet the decision-maker's purpose and need statement. Potential alternatives to the Proposed Action must be "feasible" and "reasonable" based on technical, economic, and environmental factors. Alternatives or options that were eliminated from detailed evaluation will be discussed in the EIS including the reasons for elimination.

Two alternatives were presented to BLM during the public scoping period for evaluation in the EIS.

- A landowner, whose ranching business and home could be affected by project development, proposed a new location for the plant processing facilities that is further away from his ranch headquarters. He expressed concerns about the visibility of the tailings pile and plant facilities, noise generated from mining construction and operations, as well as the loss of access to rangeland and water resources for livestock. The proposed alternative siting of the plant facilities would involve a land exchange of state and private lands to the BLM. (Alternative B was developed to respond to concerns related to the visibility of the tailings pile. Alternative D was developed to evaluate different site for processing facilities.)
- A second alternative recommended to the BLM during public scoping was to convert the underground mine to a disposal facility for hazardous or radioactive waste at the end of the mine's life. (This proposal was not carried forward for detailed analysis.)

1.5.3 Internal Scoping

Following review of the public scoping comments, the BLM Carlsbad Field Office interdisciplinary team met to discuss the external comments and to formulate alternatives to be analyzed in the EIS. BLM staff met with a USDI solicitor on May 4, 2012, to discuss possible alternatives to be evaluated in the EIS and options for managing co-development of potash and fluid minerals. In addition to periodic teleconferences, two meetings with the full interdisciplinary team were held at the field office on June 25

and July 16, 2012. These meetings were held to identify issues of concern to the BLM and to discuss how to formulate the alternatives to be analyzed in detail in the EIS. The details of Alternatives B and C came out of these meetings.

On August 1, 2012, the BLM presented descriptions of the EIS draft alternatives to the New Mexico Environment Department, Ground Water Quality Bureau, and the New Mexico Energy Minerals, and Natural Resources Department. Because the State of New Mexico has land and minerals within the project area, coordination with state agencies regarding how the areas should be managed is important to the success of the project and development of a defensible decision by the BLM. The state agency representatives did not recommend changes to the alternatives.

1.5.4 Cooperating Agencies

The BLM invited 33 federal and state agencies, counties, and municipalities to become cooperating agencies in letters sent to each organization on January 20, 2012. To date, seven responses have been received, of which five informally accepted the invitation to be a cooperating agency and two agencies declined. Four organizations signed formal memoranda of understanding to establish cooperating agency status with the BLM Carlsbad Field Office for the Ochoa Mine Project EIS: U.S. Department of Energy (USDOE) Carlsbad Field Office, New Mexico Environment Department (NMED), City of Eunice, and City of Jal.

1.5.5 Tribal Government-to-Government Consultation

Federal agencies are responsible for compliance with a host of laws, Executive Orders (EOs) and Memoranda, treaties, departmental policies, and other mandates regarding their legal relationships with and responsibilities to Native Americans. The BLM Carlsbad Field Office contacted the following tribes on January 20, 2012, notifying them about the proposed Ochoa Mine Project, inviting their comments and participation as cooperating agencies.

- Mescalero Apache Tribe
- Apache Tribe of Oklahoma
- Comanche Indian Tribe
- Pueblo of Isleta
- Kiowa Tribe of Oklahoma
- Ysleta del Sur Pueblo
- Hopi Tribal Council

Responses were received from four tribes or pueblos: Comanche Nation, Hopi Tribe, Pueblo of Isleta, and Ysleta del Sur Pueblo.

During July and early August of 2012, the BLM staff met with the tribes and pueblos to discuss the proposed Ochoa Mine Project, as well as other Carlsbad Field Office projects. The meetings were designed to provide an opportunity for the BLM to collect information from the tribes regarding their concerns or issues associated with these projects. A treatment plan for three archaeological sites that would require data recovery if the project is approved was sent to the seven tribal governments for review and comment on September 26, 2013. More information regarding tribal consultation is provided in Chapter 5.0.

1.5.6 Draft EIS

The Draft EIS was announced in a Notice of Availability (NOA) in the Federal Register on August 9, 2013. The documents were available in hard copy and on CD from the BLM, and by downloading from

the project website. Public meetings were held on August 27 and 28, 2013, in Carlsbad, Jal, and Hobbs, New Mexico.

During the 45-day public comment period from August 9 through September 23, 2013, the BLM received 29 comment letters on the Draft EIS, which were separated into categorized 490 comments for which the BLM prepared responses. The comments and responses by category are provided in **Appendix B**. More information on the public comments on the Draft EIS is presented in Chapter 5.0.

1.6 Resources and BLM Programs Not Analyzed in the EIS

The following resources and BLM programs are not analyzed in the EIS because they do not exist in the project area and would not be affected by the proposed project.

- Areas of Critical Environmental Concern—none are currently identified and managed by the BLM in the Ochoa Mine project area and none are proposed in the project area for consideration in the current RMP revision process.
- Lands with Wilderness Characteristics—none exist in the project area or would be affected by the proposed project based on the initial BLM inventory completed in 1979. This inventory is being updated as part of the Resource Management Plan revision process.
- National Landscape Conservation System (NLCS)—there are no areas associated with the Ochoa Mine project that are within the NLCS, including National Conservation Areas, National Monuments, Wild and Scenic Rivers, Wilderness Areas, Wilderness Study Areas, and National Scenic and Historic Trails. There are no wilderness areas managed by other federal agencies in the vicinity.
- Caves and Karst—while there are some karst features in the vicinity, the proposed project is located in an area of low potential as defined by the BLM. The closest area with high potential for caves and karst is west of the Pecos River.

1.7 Organization of the Document

Chapter 1.0 of the EIS provides an introduction and general overview of the proposed project. In addition, this chapter describes the purpose of and need for the proposed project; the decisions to be made; conformance of the proposed project to existing BLM policies, plans, and programs; relevant laws, regulations, and permits that apply to the proposed project; and a summary of outreach activities.

Chapter 2.0 provides a summary of the EIS alternatives; a summary of the alternative eliminated from detailed analysis and the reasons for elimination; detailed descriptions of the alternatives analyzed in the EIS; a summary of applicant-committed environmental protection measures and BLM-required measures; and a comparison of impacts under each alternative.

Chapter 3.0 describes the existing natural and human environment within the proposed project area, focusing on the conditions that may be affected by the proposed project.

Chapter 4.0 describes the potential direct and indirect impacts to the natural and human environment that would result from the implementation of the Proposed Action and alternatives. It also recommends mitigation measures that would reduce significant impacts. At the end of each resource section, there is a discussion of the cumulative impacts that would result from the implementation of the Proposed Action and alternatives, in combination with the impacts contributed by other past, present, and reasonably foreseeable future actions. This chapter also discusses the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity, and irreversible and irretrievable commitment of resources.

Chapter 5.0 provides a summary of the public involvement process; a summary of consultation and coordination undertaken to prepare the EIS; a list of federal, state, and local agencies, tribes, pueblos, and private organizations and companies that were contacted during the preparation of the EIS; agencies, organizations, and persons to whom copies of the EIS were sent; and the lists of BLM and consultant team members that developed the EIS.

Following Chapter 5.0 is the list of references cited in the EIS, a glossary of terms the readers can use to obtain definitions for scientific or technical terms, and an index of key terms and information presented in the EIS.

Appendix A lists the proposed potash lease stipulations and conditions of approval to be implemented by the BLM should the project be approved.

Appendix B includes the public comments on the Draft EIS and BLM responses to the comments.