

5.0 Consultation and Coordination

This chapter reviews agency and public consultation and coordination that occurred prior to and during preparation of this EIS. It also includes a list of the BLM resource staff who provided information and reviewed the EIS, the staff from AECOM, the contractor selected to prepare the EIS under the direction of the BLM, and the list of agencies and individuals who received the Draft EIS.

5.1 Public Involvement

The NOI to prepare an EIS for the Ochoa Mine Project was published in the FR on January 4, 2012. Consultation and coordination with various federal, state, and local agencies, organizations, and individuals has been accomplished through formal and informal means of communication, including meetings, interviews, email exchanges, telephone calls, and other verbal exchanges. The description of the public scoping process and the issues identified during public scoping is presented in Chapter 1.0, Section 1.5 of this EIS.

A project Bulletin was sent to approximately 300 interested parties including federal, state, and local agencies and governments to explain the proposed project and announce the start of public scoping. A project website was developed and was available for public access on January 3, 2012. BLM received a total of 21 comment submittals (e.g., letter, comment form, verbal comments) containing 125 individual comments during the 30-day public scoping period. In addition to the three public scoping meetings held on January 23 and 24, 2012, in Carlsbad, Jal, and Hobbs, New Mexico, some interviews of selected state and local government representatives were conducted to collect information particular to issues related to socioeconomics.

To announce the updated project schedule and publication of the Draft EIS, a second project Bulletin was sent to those who requested to remain on the mailing list, people who attended public scoping meetings, and key agency representatives. The third project Bulletin was distributed in advance of publication of the Final EIS.

The Draft EIS was announced in a NOA in the Federal Register on August 9, 2013. Nine hard copies and 32 compact discs of the Draft EIS were mailed to recipients in advance of the NOA, with the BLM distributing other hard copies and compact discs upon request. Public meetings were held on August 27 and 28, 2013, in Carlsbad, Jal, and Hobbs, New Mexico. Display advertisements and public service announcements were used to inform the public of the meetings, in addition to the Bulletin. A total of 63 members of the public attended one of the meetings.

During the 45-day public comment period from August 9 through September 23, 2013, the BLM received 29 comment letters on the Draft EIS from commenters ranging from private individuals living in the region; county, municipal, and state elected officials; economic development organizations; state and federal agencies; mining companies; and oil and gas companies and service providers. After all 490 comments were categorized, the BLM prepared responses to each comment. The comments and responses by category are provided in **Appendix B**.

5.2 Agency Coordination

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. Seven responses were 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: USDOE Carlsbad Field Office, NMED, City of Eunice, and City of Jal.

In advance of publication of the Draft EIS, the BLM gave presentations on the Ochoa Project to inform the NMED and the NM Energy, Minerals, and Natural Resources Department on the development, analysis, and findings of the EIS.

During the cultural resources consultation, the BLM lead archaeologist, Bruce Boeke, consulted with David Eck, the archaeologist from the NM State Land Office, and Dr. Bob Estes of the NM Historic Preservation Division, Department of Cultural Affairs to determine the eligibility of recorded archaeological sites on state and private land in the project area. On September 26, 2013, Dr. Estes was asked to review and comment on the treatment plan for three recorded archaeological sites that are eligible for the NRHP and would be adversely affected by proposed construction if the proposed project is approved.

5.3 Tribal Consultation

On November 16, 2011, the BLM sent project information and a request for identification of any tribal concerns or TCPs to seven tribes or pueblos: Mescalero Apache Tribe, Apache Tribe of Oklahoma, Comanche Nation, Pueblo of Isleta, Kiowa Tribe of Oklahoma, Ysleta del Sur Pueblo, and the Hopi Tribe. Responses from the tribes and pueblos received by the BLM are summarized in **Table 5-1**. Tribes not listed in the table did not respond to the letter.

Table 5-1 Responses to Initial Tribal Consultation Letter

Tribe or Pueblo	Date of Letter	Response
Pueblo of Isleta	November 22, 2011	Ochoa Project would not affect religious or cultural sites.
Ysleta del Sur Pueblo	December 1, 2011	Do not believe that traditional, religious, or culturally significant sites would be affected, but requested further consultation as the project progresses.
Comanche Nation	December 5, 2011; February 7, 2012	No historic or archaeological sites would be affected by the proposed Ochoa Project.
Hopi Tribe	December 5, 2011	Requested to continue to be consulted as the Ochoa Project moves forward.

Between July 16 and August 2, 2012, the BLM Carlsbad Field Manager, Associate Field Manager, and Lead Archaeologist met with representatives of each tribe or pueblo to discuss the Ochoa Mine Project, as well as other BLM projects and initiatives. The concerns expressed by each tribe or pueblo involved following the NAGPRA and complying with the immediate notification of any human remains and associated funerary items inadvertently discovered. They did not identify any specific areas of concern within the Ochoa Mine project area; however, the Mescalero and Comanche Tribes indicated that they could not respond because they had not been to the specific area.

Following archaeological surveys of the Processing Plant Site within the boundaries described under the Proposed Action, the BLM determined that three recorded archaeological sites that are eligible for the NRHP would be adversely affected by proposed construction and required the development of treatment plans for data recovery. (See Section 3.13.4.1 for a description of the three sites, LA 108617, LA 172154, and LA 172155.) On September 26, 2013, the BLM required ICP to submit a treatment plan for these three sites and sent the treatment plan to the seven tribes or pueblos for review and consultation. To date, the only response received by the BLM is from the Hopi Tribe (October 29, 2013), in which they stated that they would like to be notified if data recovery results in the discovery of human remains, pursuant to NAGPRA. The Hopi Tribe also requested that they be sent a copy of the draft treatment report for review and comment.

The BLM intends to continue consultation throughout the environmental review and construction phase of the Proposed Action, if approved. Renewed contacts with the tribes will result if there are unanticipated discoveries.

5.4 Section 7 Consultation

A Biological Assessment to evaluate potential effects on the lesser prairie-chicken was prepared and submitted to the USFWS on December 6, 2013. The BLM determined that the proposed project may affect, but is not likely to adversely affect the lesser prairie-chicken, primarily due to the limited occurrence of this species and the lack of know lek sites within the project area. The USFWS reviewed the Biological Assessment and concurred with the BLM’s findings in a letter dated December 16, 2013. The USFWS called for some additional conservation measures to be implemented. These were added to the mitigation measures listed in Section 4.8.10.

5.5 List of Preparers and Reviewers

The people listed in the following table, **Table 5-2**, provided oversight, information, and review of the EIS. All staff are located at the BLM Field Office in Carlsbad, New Mexico.

The people listed in **Table 5-3** prepared the EIS under the guidance of the BLM staff listed in **Table 5-2**.

Table 5-2 BLM Carlsbad Field Office Interdisciplinary Team

Resource/Responsibility	BLM Team Member	Education and Experience
Project Manager; Hydrology; Air Quality	David Herrell	Bachelor of Geological Science, Graduate Certificate in Environmental Water Science 5 years of experience
Planning and Environmental Coordinator and Project Co-Lead	Shiva Achet	PhD Forest and Ecosystem Engineering (Hydrology) 25 years experience
Mining; Solid Minerals	Craig Cranston	BS Geology; MA Business and Economics 15 years experience in the potash Industry as a mine engineer; 19 years experience with BLM as a mining engineer.
Geology	Lindsey Curnutt	College degree: BS in Geology, certificate in Hydrology in progress 3 years experience
Cultural Resources	Bruce Boeke	College degree: BA Anthropology 33 years of experience
Biological Resources	John Chopp	BS Wildlife and Fisheries Management 2 years experience as USDA-FS biological technician; 3 years experience as BLM wildlife biologist

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Resource/Responsibility	BLM Team Member	Education and Experience
Soils; Livestock Grazing; Vegetation	Steve Daly	BS Wildlife Science 30 years experience with BLM range staff, 20 years as soil, water, air program lead
Recreation, Visual Resources	Deanna Younger	BS Parks and Recreation Management 1.5 years experience with BLM as outdoor recreation planner. 9 years experience with USDA-FS in cave and recreation management
Fluid Minerals	Wesley Ingram	BS Petroleum Engineering, MS Civil/Environmental Engineering 16 years experience
Lands and Realty	Tessa Cisneros	BLM Land and Realty School 6 years experience
Socioeconomics	Owen Lofton	10 years of experience with BLM realty staff, 2 years as RMP Team Lead and Planning and Environmental Coordinator

Table 5-3 AECOM EIS Team

Resource/Responsibility	AECOM Team Member	Education and Experience
Project Management	Ellen Dietrich	BA Anthropology; Graduate Study Soil Science 35 years experience
Assistant Project Manager; Lands and Realty; Recreation; Visual Resources; Health and Safety, Hazardous Materials	Steve Graber	BS Natural Resources Management; BA Economics 8 years experience
Geology and Minerals	William Berg	MS Geology 33 years experience
Groundwater	Robert Berry	PhD Geology/Geochemistry 28 years experience
Capitan Reef Groundwater Model Review	Casey Dick	BS Civil Engineering 11 years experience
Surface Water	Jim Burrell	MS Civil Engineering; BS Forest Management 33 years experience
Soils	Terra Mascareñas	BS Soil and Crop Science 15 years experience

Table 5-3 AECOM EIS Team

Resource/Responsibility	AECOM Team Member	Education and Experience
Air Quality, Climate Change	Linsey DeBell	MS, Earth Science (Geochemical Systems), University of New Hampshire BA, Creative Studies Biology 12 years experience
Vegetation, Rangelands/Livestock Grazing	Erin Bergquist	MS Ecology; BA Environmental Studies & Economics 10 years experience
Wildlife and Fish, Biological Assessment	Patricia Lorenz	BS Wildlife Biology 10 years experience
Cultural Resources	Edmund (Ned) Gaines	BA and MA, Anthropology 12 years experience
Socioeconomics and Environmental Justice	Ron Dutton, Sammons/Dutton LLC	MS and BS Economics 34 years experience
	George Blankenship, Blankenship Consulting	Master of Urban and Regional Planning; BA Social Work; BA Anthropology 33 years experience
Geographic Information Systems	Scott MacKinnon	BS Physical Geography 9 years experience
Word Processing / Document Formatting	Sue Coughenour	Two Years General Studies 27 years experience