

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

ROBERT C. HIGHT, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1890
Contact FAX: (916) 574-1885

April 7, 1999

File Ref: W 9777.216

Mr. Richard Cabanilla
County of Imperial
Planning and Building Department
939 Main Street, Ste B-1
El Centro, CA 92243

Post-It™ brand fax transmittal memo 7671 # of pages = 3	
To: BRG	From: Mary St. Clair
Co:	Co: State Lands Commission
Dept:	Phone #
Fax #: 619 298 0146	Fax #: 916 574 1885

Dear Mr. Cabanilla:

The purpose of this letter is to clarify our original response (dated February 1, 1999) to the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Mesquite Mine Expansion project, SCH #98121054. This letter, therefore, supersedes and should be substituted within the environmental documentation for our February 1, 1999, Notice of Preparation response:

1 [The DEIR should discuss the full range of environmental issues required under the California Environmental Quality Act (CEQA). Particular attention should be given to potential impacts to biological resources, including, but not limited to, rare, endangered, and threatened plant and animal species such as the Desert Tortoise, Munz's Cholla and Nelson's Bighorn Sheep.] 2

Additionally, staff of the CSLC believes the following items should be addressed and/or contained in the environmental document.

- 3 [Maps and cross sections prepared for the environmental document should clearly distinguish the State's ownership.
- 4 [The DEIR should include information on current site conditions, including biological, cultural and scenic resources. Specific data should be provided on the Desert tortoise, Munz's Cholla, and Nelson's Bighorn Sheep at the site and on adjacent lands.
- 5 [The environmental document should include a list of all other responsible and/or trustee agencies for the proposed project.
- 6 [The document should contain: 1) an assessment as to the effectiveness and potential impacts of the Proposed Mine Closure and Reclamation Plan; and 2)

6. [recommendations, as necessary, to improve its effectiveness in the restoration of mined areas to as near their original state as is feasible.
7. [In the event that detoxification using fresh water does not work, the applicant is proposing to utilize microbial processes to detoxify the site. Potential environmental impacts to biological and water resources from this method should be addressed. Mitigation measures to reduce impacts from this process should also be identified. Please also provide, if available, evidence that this method has been approved by the Regional Water Quality Control Boards for other heap leach mines in California.
8. [The project proposes to abandon, in place, the solution pond liners. The DEIR should describe what these liners are made of, how the applicant will verify that the liners are not contaminated with toxic materials, how long they are expected to remain in the environment and the potential impacts from leaving the liners in place versus removing them. Has abandonment of comparable pond liners in place been approved for other mine closures in California?
9. [The DEIR should also provide complete references and/or reports regarding revegetation studies conducted at the Mesquite Mine. Complete references and/or reports should also be provided for revegetation testing programs at the two nearby mines.
10. [The document should provide complete details on plantings. How long and under what conditions will the seeds, collected for revegetation, be stored prior to planting? Will seed viability studies be conducted on collected material prior to planting?
11. [The DEIR should also describe the favorable environmental conditions under which germination is successful. Such a discussion should include, amongst other things, how often these conditions are met and how the revegetation plan will proceed in the event environmental conditions are such that germination is unsuccessful.
12. [It appears that little if any "soil" suitable for plant growth will be available at the revegetation sites. How will the applicant aid in the development of soil in the biological sense, to accomplish project objectives? What are the mycorrhizal associations required by the species proposed for use in revegetated areas?
13. [The draft document should include a discussion of the objectives of pit wall stabilization and the criteria that will be utilized to determine which pit walls will require stabilization.

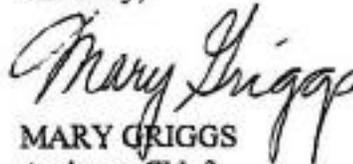
Mr. Richard Cabanilla
April 7, 1999
Page Three

14. [Based on information provided to us by the applicant, reclamation success will be based on vegetation diversity, density and cover. The document should explain if perennial species and annual species will be monitored and why. Will the applicant use pre-mined conditions on those sites proposed for expansion to base reclamation success? Site selection for "control" (non-mined) sites should be selected to match as closely as possible the slope, aspect, and elevation found on the proposed revegetation sites.

15. [The document should provide an explanation of the methodology and the number of years over which monitoring will take place on both "control sites" and "impact sites" and should explain the adequacy of the different approaches for each type of site.

We appreciate your consideration of these comments. If you have any questions, please contact Maurya Falkner at (562) 499-6312 or Greg Pelka at (562) 590-5227.

Sincerely,



MARY GRIGGS
Assistant Chief
Division of Environmental
Planning and Management

cc: Dwight E. Sanders
Marina Voskanian
Greg Pelka
Maurya Falkner
BRG Consulting, Inc.

CALIFORNIA STATE LANDS COMMISSION
 100 Howe Avenue, Suite 100 South
 Sacramento, CA 95825-8202



February 1, 1999

NGP
 ROBERT C. HIGHT, Executive Officer
 (916) 574-1800 FAX (916) 574-1810
 California Relay Service From TDD Phone 1-800-735-2922
 from Voice Phone 1-800-735-2929

Contact Phone:
 Contact FAX:

File Ref: W 9777.216

Mr. Richard Cabanilla
 County of Imperial
 Planning and Building Department
 939 Main Street, Ste B-1
 El Centro, CA 92243

Dear Mr. Cabanilla:

Staff of the California State Lands Commission (CSLC) has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Mesquite Mine Expansion project, SCH #98121054. The CSLC is a Responsible Agency under the California Environmental Quality Act (CEQA) and offers the following comments.

The EIR should discuss the full range of environmental issues required under the CEQA. Particular attention should be given to potential impacts to biological resources, including, but not limited to rare, endangered, and threatened plant and animal species such as the Desert Tortoise, Munz's Cholla and Nelson's Bighorn Sheep.

We appreciate the opportunity to comment and look forward to reviewing the draft document. For your convenience, we have attached a copy of our incomplete application letter that was sent to Santa Fe Pacific Gold Corporation.

Please contact Maurya Falkner at (562) 499-6312 or Greg Pelka at (562) 499-5227 if you have any questions.

Sincerely,

MARY GRIGGS
 Assistant Chief
 Division of Environmental
 Planning and Management

Attachment

cc: Marina Voskanian
 Maurya Falkner
 Greg Pelka

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CALIFORNIA STATE LANDS COMMISSION
200 Ocean Gate, 12th Floor
Beach, CA 90802-4331



ROBERT C. HIGHT, *Executive Officer*
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (562-580-5201)
Contact FAX: (562-590-5295)

January 28, 1999

File Ref: PRC 8039.2

Mr. David R. Faley, Director, Land
Santa Fe Pacific Gold Corporation
1700 Lincoln Street, 26th Floor
Denver, Colorado 80203

Dear Mr. Faley:

This acknowledges receipt of Santa Fe Pacific Gold's Mineral Extraction Lease Application and fees of \$5,025 to cover the \$25 filing fee and \$5,000 estimated expense deposit for processing of your application.

Applications to extract minerals on lands administered by the California State Lands Commission are subject to staff review and preparation of an appropriate environmental document prior to Commission action. Information submitted will be utilized in the environmental determination. After review of the application material submitted to date, we have determined your application to be incomplete. The following information is required before we can continue processing your application:

Part I: GENERAL INFORMATION

Section C: Collection of Costs and Document Requested

Executed Reimbursement Agreement: Imperial County Planning Department is serving as the CEQA lead agency for preparation of an appropriate environmental document required by the California Environmental Quality Act and for a Reclamation Plan required by the Surface Mining and Reclamation Act. The State Lands Commission is a Responsible Agency under CEQA. Due to the complexity of your application including the commerciality determination and numerous meetings of various kinds, it is envisioned that the \$5,000 approximate expense deposit will be insufficient for all the staff time required. It is estimated that staff charges associated with this work will be approximately \$15,000. We request that you submit this additional \$10,000 to cover staff costs to process this application only after a Reimbursement Agreement is prepared in our Sacramento office and submitted under separate cover for execution. As with the mineral prospecting permit, any unused funds will be returned to Santa Fe following consideration of your application by the State Lands Commission.

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Section E, No. 1: Although not an item of incompleteness for this application, we would recommend in your maps and cross sections for the CEQA/NEPA environmental document, that the lands which the State owns be clearly distinguished as to ownership by the State.

Section E, No. 2: This section requests information on current site conditions, including biological, cultural and scenic resources. The applicant refers the reviewer to the Plan of Operations (POO), yet the information provided in that document is incomplete or lacking. Although the POO references the Desert Tortoise, no data are provided on additional biological resources or other sensitive species (e.g. Munz's Cholla or Nelson's Bighorn Sheep) at the site or on adjacent lands. Additionally the POO does not discuss historic, cultural or scenic resources at the site. A discussion related to each issue area is needed including reference to relevant past environmental documents and resource studies.

Section E, No. 3: Please identify any additional agencies in addition to those listed in the MOU. For instance, we believe a California Department of Fish and Game 1603 Streambed Alteration Permit may be required as well as a permit or amendment from the Regional Water Quality Control Board, etc. Please provide a fully executed copy of the Memorandum of Agreement between Imperial County Planning Department, the Bureau of Land Management and Newmont Gold Company.

Section F:

No. 1: It is anticipated that Imperial County Planning Department will continue the role as CEQA lead agency and the State Lands Commission a Responsible Agency.

No. 5: According to Section B.5.2 of your proposed Mesquite Mine Closure and Reclamation Plan heap leach pads will be detoxified to a level sufficient to be assigned a Group C mining waste classification by the RWCQB prior to closure. Therefore we believe the "Yes" box for project effects would be appropriate.

Section G: Part 4

In accordance with Public Resources Code 6985 Santa Fe Pacific Gold Corporation must satisfy the Commission that commercially valuable deposits of minerals have been discovered within the limits of the permit prior to the issuance of a preferential mineral extraction lease. In our application form provided for this purpose, we included guidelines to follow for this submittal. In recognition of your expertise in this area, we would like to provide you as much latitude as possible to accomplish this task. We anticipate the format of this information will resemble a mining project feasibility study. Attached please find a copy of "Salient Factors Requiring Consideration in a Mining Project Feasibility Study" from Gentry and Hrebar, 1978; Taylor 1977. We believe that most of these items should be included in your demonstration of commerciality of the State parcel as an integral part of the Mesquite Mine.

Please include a copy of the study in which Santa Fe determined that crushing was not economically reasonable given the costs compared with recovery. Also, please discuss that process point at which the State will be paid for removal of its mineral resource.

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Include a discussion of how the ore reserves calculated on the exploratory drill hole assay data can be cross referenced or verified as mining proceeds.

Appendix B: Mesquite Mine Closure and Reclamation Plan

Page B-1, Sect. B.1.1, second objective: States that the applicant will "Return site areas . . . to conditions similar to that which existed prior to commencement of mining" yet as described on Pages B-25-26, the Plan for open-pits does not call for the return of overburden material to its original location. Please explain this inconsistency. Objective Three (Pg. B-1) and those listed on Page B-16 of this plan more accurately describe this project.

Page B-3: the Desert Tortoise is Federally listed as Threatened.

Page B-12, Sect. B.5.2: In the event that detoxification using fresh water does not work, the applicant is proposing to utilize microbial processes to detoxify the site. What are the potential environmental impacts to biological and water resources should this method be employed? How will the applicant mitigate these impacts? Has this method been approved by the Regional Water Quality Control Boards for other heap leach mines in California?

Page B-14: The applicant proposes to abandon, in place, the solution pond liners. What are these liners made of? How will the applicant verify that the liners are not contaminated with toxic materials? How long are they expected to remain in the environment? What are the potential impacts to leaving them in place versus removing them? Has abandonment in place been approved for other mine closures in California?

Page B-15, Sect. B-6: Please provide complete reference and/or reports regarding revegetation studies conducted at Mesquite Mine.

Page B-16: Please provide complete references and/or reports regarding revegetation-testing programs at the two nearby mines.

Page B-19: How long and under what conditions will the seeds, collected for revegetation, be stored prior to planting? Will the applicant conduct any seed viability studies on collected material prior to planting?

Page B-21: Please define the favorable environmental conditions under which germination is successful. How often are these conditions met? In the event, environmental conditions are such that germination is unsuccessful, explain how the revegetation plan will proceed. It appears that little if any "soil" suitable for plant growth will be available at the revegetation sites. How will the applicant aid in the development of soil, in the biological sense, to accomplish the objectives listed in this plan? What are the mycorrhizal associations required by the species proposed for use in revegetated areas?

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Page B-26: The first sentence of paragraph 2 reads "Reclamation for the pits that will remain open or partially backfilled include pit wall stabilization where necessary by excavating or blasting and depositing debris on pit floor." Please discuss the objectives of pit wall stabilization and the criteria that will be utilized to determine which pit walls will require stabilization.

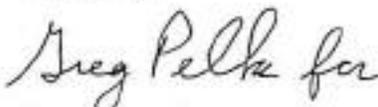
Pages B-30-31: According to the Plan, reclamation success will be based on vegetation diversity, density and cover. The definition of density addresses perennial species only. Will annual species be monitored in this plan? Explain the rationale for only evaluating coverage data on annual species? Will the applicant use pre-mined conditions on those sites proposed for expansion to base reclamation success? Site selection for "control" (non-mined) sites should be selected to match as closely as possible the slope, aspect, and elevation found on the proposed revegetation sites.

Page B-31, first paragraph: Please explain why the "control sites" are to be monitored for 2 years, yet monitoring at the "impact sites" is proposed for 5 years. How does a 5-year monitoring plan relate to the life history characteristics of plant species intended for use in this revegetation plan? Finally, the first sentence on Page B-30 states that revegetated areas will be monitored for a MINIMUM of 5 years, yet the following page states a MAXIMUM of 5 years. Please clarify this inconsistency.

Page B-32: Reclamation Bond: Total estimated costs including closure and reclamation are about \$8.5 million. According to B.10.2, NGC has provided financial assurances of \$3,598,081. Does NGC intend to increase the bond by the estimated \$5 million to assure closure and reclamation?

Upon receipt of the above information, your application will be reviewed and you will be notified of its status within 30 days. Please call Greg Pelka at (562) 590-5227 if there are any questions regarding this application.

Sincerely,



Marina Voskanian
Chief, Planning and Development

Attachment: Salient Factors in Mine Feasibility Study

cc: Mr. Richard Cabanilla, Imperial County Planning Department (with attachment)
Mr. Kevin Marty, BLM El Centro Office (with attachment)
Mr. Marc Springer, BLM Sacramento Office (with attachment)

bcc: PBM, ADW, GJP, ELK, M. Falkner, B. Silva (all with attachment)

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SALIENT FACTORS REQUIRING CONSIDERATION
IN A
MINING PROJECT FEASIBILITY STUDY

I. Information on Deposit

- A. Geology
 - 1. Mineralization: type, grade, uniformity
 - 2. Geologic structure
 - 3. Rock types: physical properties
 - 4. Extent of leached or oxidized zones
 - 5. Possible genesis

- B. Geometry
 - 1. Size, shape, and attitude
 - 2. Continuity
 - 3. Depth

- C. Geography
 - 1. Location: proximity to population centers, supply depots, services
 - 2. Topography
 - 3. Access
 - 4. Climatic conditions
 - 5. Surface conditions: vegetation, stream diversion
 - 6. Political boundaries

- D. Exploration
 - 1. Historical: district, property
 - 2. Current program
 - 3. Reserves
 - a. Tonnage-grade curve for deposit, distribution classification; computation of complete mineral inventory (geological and mining reserves) segregated by orebody, ore type, elevation and grade categories
 - b. Derivation of dilution and mining recovery estimates for mining reserves.
 - 4. Sampling: types, procedures, spacing
 - 5. Assaying: procedures, check assaying
 - 6. Proposed program

II. Information on General Project Economics

- A. Markets
 - 1. Marketable form of product: concentrates, direct shipping ore, specifications, regulations, restrictions

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2. Market location and alternatives: likely purchasers, direct purchase vs. toll treatment
 3. Expected price levels and trends: supply-demand, competitive cost levels, new source of product substitutions, tariffs
 4. Sales characteristics: further treatment, sales terms, letters of intent, contract duration, provisions for amendments and cost escalations, procedures/requirements for sampling, assaying and umpiring.
- B. Transportation
1. Property access
 2. Product transportation: methods, distance, costs
- C. Utilities
1. Electric power: availability, location, ownership, right-of-way, costs
 2. Natural gas: availability, location, costs
 3. Alternatives: on-site generation
- D. Land, Water and Mineral Rights
1. Ownership: surface, mineral, water, acquisition or securement by option or otherwise, costs
 2. Acreage requirements: concentrator site, waste dump location, tailing pond location, shops, offices, changehouses, laboratories, sundry buildings, etc.
- E. Water
1. Potable and process: sources, quantity, quality, availability, costs
 2. Mine water: quantity, quality, depth and service, drainage method, treatment
- F. Labor
1. Availability and type: skilled/unskilled in mining
 2. Rates and trends
 3. Degree of organization: structure and strength
 4. Local/district labor history
 5. Housing and transport of employees
- G. Government Considerations
1. Taxation: federal, state, local
 - a. Organization of the enterprise
 - b. Tax authorities and regimes
 - c. Special concessions, negotiating procedures, duration
 - d. Division of distributable profits
 2. Reclamation and operating requirements and trends: pollution, construction, operating and related permits, reporting requirements
 3. Zoning

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4. Proposed and pending mining legislation
5. Legal issues: employment laws, licenses and permits, currency exchange, expatriation of profits, agreements among partners, type of operating entity for tax and other purposes.

H. Financing

1. Alternatives: sources, magnitudes, issues of ownership
2. Obligations: repayment of debt, interest
3. Type of operating entity: organizational structure
4. Division of profits: legal considerations

III. Mining Method Selection

A. Physical Controls

1. Strength: ore, waste, relative
2. Uniformity: mineralization, blending requirements
3. Continuity: mineralization
4. Geology: structure
5. Surface disturbance: subsidence
6. Geometry

B. Selectivity

1. Dilution, ore recovery estimates
2. Waste mining and disposal

C. Preproduction Requirements

1. Preproduction development or mining requirements: quantity, methods, time required
2. Layout and plans: schedule
3. Capital requirements

D. Production Requirements

1. Relative production (rate, procedure)
2. Continuing development: methods, quantity, time requirements
3. Labor and equipment requirements
4. Capital requirements vs. availability

IV. Processing Methods

A. Mineralogy

1. Properties of ore: metallurgical, chemical, physical
2. Ore hardness

B. Alternative Processes

1. Type and stages of extraction process
2. Degree of processing: nature and quality of products

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3. Establish flowsheet: calculation of quantities flowing, specification of recovery and product grade
4. Production schedule

C. Production Quality vs. Specifications of Product

D. Recoveries and Product Quality

1. Estimate effects of variations in ore type or head grade (trade-offs; e.g., recovery vs. grade)

E. Plant Layout

1. Capital requirements
2. Space requirements
3. Proximity to deposit

V. Capital and Operating Cost Estimates

A. Capital Costs

1. Exploration
2. Preproduction development (may also be considered operating costs)
 - a. Site preparation
 - b. Development of deposit for extraction
3. Working capital
 - a. Spares and supplies (inventory)
 - b. Initial operations
 - c. Financing costs (when appropriate)
4. Mining
 - a. Site preparation
 - b. Mine buildings
 - c. Mine equipment: freight, taxes and erection costs, replacement schedule
 - d. Engineering and contingency fees
5. Mill
 - a. Site preparation
 - b. Mill buildings
 - c. Mill equipment: freight, taxes and erection costs, replacement schedules
 - d. Tailings pond
 - e. Engineering and contingency fees

B. Operating Costs

1. Mining
 - a. Labor: pay rates plus fringes
 - b. Maintenance and supplies: quantities, unit costs
 - c. Development

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2. Milling
 - a. Labor: pay rates plus fringes
 - b. Maintenance and supplies: quantities, unit costs
3. Administrative and supervisory
 - a. Overhead charges
 - b. Irrecoverable social costs

Source: Gentry and Hrebar, 1978; Taylor, 1977

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COMMENT FORM

NOT

2 total

regarding the

ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT
(EIR/EIS) on the Expansion of Newmont Gold Company's Mesquite
Mine, Imperial County, California.

This form is being provided for your convenience to solicit comments from interested parties on mining/environmental issues that should be addressed in the EIR/EIS document. The comment period ends on March 1, 1999. Written comments must be postmarked by this date to receive consideration. To assist you in focusing your comments, some of the key issues that are normally addressed in an EIR/EIS document are listed below. However, your comments need not address all or any of these issues, and may be directed toward issues not identified below. Furthermore, this form is not required, and you may submit your written or typed comments in any format.

Date: 1/27/99

Name: C. J. DIXON

Address: 2461 GOLD ROCK RANCH RD. #45
WINTER HAVEN, CA 92283

Phone Number: CELLULAR
(520) 920-4848

1. The Proposed Action:

- ① DOES THE NEW BOUNDARY ENCROACH ON THE BOMBING RANGE?
IF SO IT CREATES A BAD PRECEDENT FOR FUTURE EXPLORATION
- ② DOES THE EXISTING EIR/EIS FOR A LANDFILL ON THE
SAME PROPERTY HAVE AN EXPIRATION DATE?

2. Reclamation:

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VCP

IMPERIAL VALLEY COLLEGE DESERT MUSEUM

13
2 total

P.O. Box 430 Ocotillo, CA 92259 • Tel (760) 358-7016 • Fax (760) 358-7827 • ivcdm@imperial.cc.ca.us

9 January 1999

M. Jurg Heuberger
AICP, Planning and Building Department
County of Imperial
Court House
El Centro CA 92243

Dear M. Heuberger,

Thank you for the opportunity to comment on the Proposed Mesquite Mine Expansion, Newmont Gold Company APN739-330-02-01, November 1998.

I requested Imperial Valley College Desert Museum botanist Gail Culver to review the reclamation portion of the plan. She strongly objected to the use of Brassica tournefortii in reseeding because of its tendency to spread and choke out other plants. A supportive photograph of one of the weeds is included in her review (enclosed).

2 [There is no provision in the document that assures that the mining scars allowed to remain until a more affordable scenario exists will actually be removed. In such important cases, reliance on a promise of execution is inadequate. An assurance bond for future performance should be required.

Best regards,

Jay von Werlhof
Director IVCDM

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JAY
JAN 13 1988
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Jay,

I did have some questions/comments on this plan and I spoke to a Mr. Miller at BLM about a couple of things.

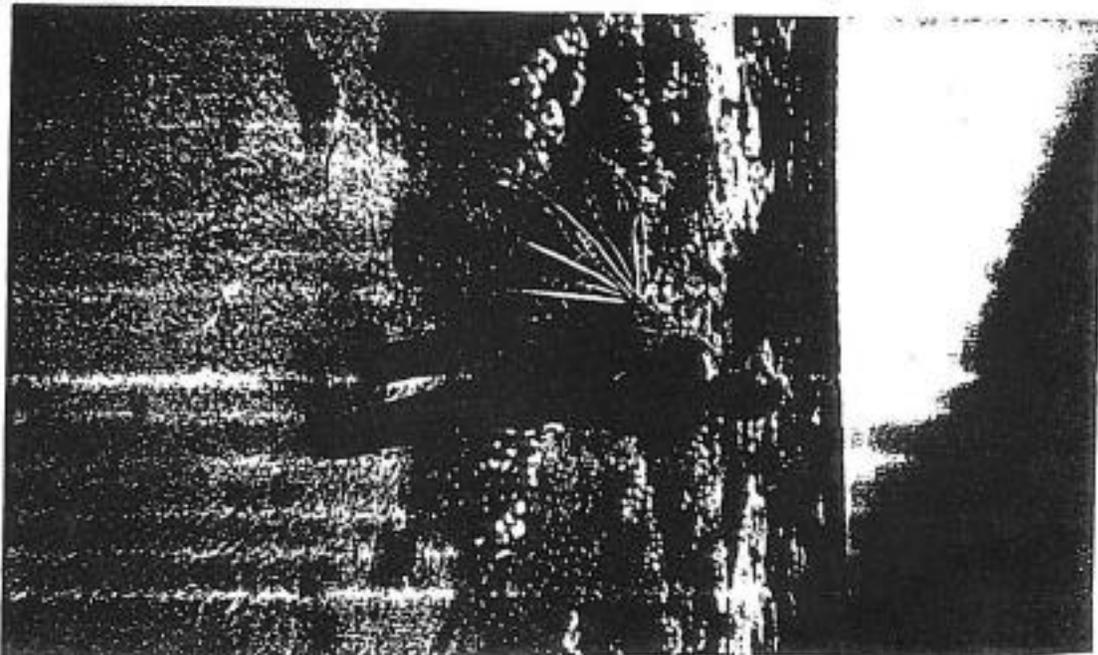
1. [I am concerned about the amount of seed Mesquite says it will use for reclamation. When you add up all the amounts listed in the reclamation costs tables it comes to 7,214 pounds of seed! Mesquite says it will collect seed from land in a ten mile radius of the mine. This appears to include BLM land, bombing range, state land, and private (presumably their) land. I asked Mr. Miller if Mesquite had applied for a permit to collect seed on BLM land. He said that if the project is approved that is the permit. He was surprised at the amount of seed I quoted and I had to read it out of the plan for him. Does anybody read these things? I don't know what requirements there are (if any) for collecting on state lands or the bombing range. Given the sparsity of seed during the dry years, (we probably won't have another el Nino year for a while), will they be able to collect enough seed for their purposes while leaving enough for the animals (mice, rats, harvester ants, etc) ? what about future plant generations? Will there be any impartial supervision? The report states that if there is not enough seed available it will be purchased from local sources. Who?

2. The other thing that I really objected to was the inclusion of the weed, *Brassica tournefortii* in their list of plants to be reestablished. Mr. Miller agreed with that and said he would look into it.

There are lots of related questions that perhaps are answered in their own more detailed game plan.

3. They talk of reclamation success at other nearby mines. What do they consider success? How many perennials per acre? What diversity? American Girl mine didn't look very promising when we went to look at that old mine with you. Perhaps it's greatly improved now. Does the public get to look at an example?

4. Does their reseedling take into account seeds that need heat or cold to germinate? What about scarification or stratification?



SUMMARY OF NOP RESPONSES

Comment No.	Commentor – Date of Letter	Category	EIR/EIS Section / Remarks
	NOP Comment		
<i>United States Marine Corps, Marine Corps Air Station, Yuma, Arizona – January 25, 1999</i>			
1.	Mr. Ron Pearce from the Range Department at the Marine Corps Air Station will be the point of contact for this project. He may be reached at (520) 341-3401. A copy of this project has been sent to him for review.	N/A	N/A
<i>U.S. Fish and Wildlife Service – February 4, 1999</i>			
1.	Provide a discussion of the need / purpose for the project, including each of the proposed alternatives	A	Chapter 1.2
2.	Provide a complete description of the planned action, including all practicable alternatives that could reduce the overall impacts.	A	Chapter 2
3.	Provide an outline of the mine’s consultation history with an accurate summary of previously approved activities.	A	Chapter 1.3.4
4.	Provide a narrative (with maps, tables, and estimated acreages) on the different vegetation types that could be potentially affected.	A	Chapter 3.3.1.2
5.	Provide a description of the biological resources associated with each habitat type, including qualitative and quantitative assessments of resources on the project site.	A	Chapter 3.3.1
6.	Provide an inventory of the federally listed / proposed / candidate species, state listed / candidate species, and locally sensitive species.	A	Chapter 3.3.1.4
7.	Provide a detailed discussion of the wildlife/plants, including status / distribution.	A	Appendix E-1
8.	Provide an assessment of the direct, indirect, and cumulative impacts to wildlife / plant species and their associated habitat from all facets of the planned action.	A	Chapters 4.1.3.3 & 4.2.3.1
9.	Provide a table itemizing all surface disturbance (acreages) associated with the mine expansion that has either received permit approval or will require future mitigation.	A	Chapter 4.1.3.3
10.	Provide specific measures to fully offset mine-related impacts.	A	Chapter 4.1.3.4
11.	Provide an analysis of project activities on the hydrology of all ephemeral desert washes within the action’s sphere of influence.	A	Chapter 4.1.2.2 & E-2
12.	Provide identification of methods to prevent soil erosion and siltation	A	Chapter 4.1.2.3

A = Already Addressed

B = New Scoping Issue

C = Not to be Included in this EIR/EIS

N/A = Not Applicable

Unreviewed Work in Progress, For Discussion Only

SUMMARY OF NOP RESPONSES

	of habitats off-site or downstream, including quantitative monitoring of direct and indirect effects.		
13.	Provide an Army Corps of Engineers' evaluation for Waters of the U.S. within the project area.	A	Chapter 3.2.2.1 & D-1
14.	Provide an identification of methods to prevent the discharge and disposal of toxic / caustic substances on the proposed site.	A	Chapter 4.1.12.2
15.	Provide an assessment of potential noise and light impacts on wildlife.	C	No change to existing conditions.
16.	Provide measures to mitigate adverse effects resulting from increased levels of noise and light on wildlife.	C	No change to existing conditions.
<i>State of California, Department of Conservation, Office of Mine Reclamation – February 2, 1999</i>			
1.	The Surface Mining and Reclamation Act of 1975 (SMARA) Section 2772(c)(7) requires that the reclamation plan include a description of the proposed use or potential uses of the mined lands after reclamation. An end use, such as open space, must be designated.	A	Chapter 2.1.7 & Appendix B
2.	The reclamation plan should provide a discussion on what usable condition the open pits will serve upon termination of mining. If the pits will not be backfilled, the reclamation plan should explain how the open pits will be reclaimed and readily adaptable for an alternative land use.	A	Chapter 2.1.7 & Appendix B
3.	SMARA Section 2772(c)(8) requires a description of the manner in which reclamation, adequate for the proposed use or potential use will be accomplished. The reclamation plan does not provide sufficient information regarding the reclamation of each of the various vegetation types. For example, little information is provided regarding the wash habitat reclamation or proposed drainage ditch diversion. We recognize that it may be necessary to amend the revegetation mix or treatments after analysis of test plot data. Nevertheless, the revegetation plan should describe the range of treatments and species to be utilized for reclamation with the understanding that the treatments and species may change based on test plot results.	B	Chapter 2.1.7 & Appendix B
4.	The State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3502(b)(1) requires that the	A	Appendix B

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	<p>reclamation plan include a description of the environmental setting of the mine site. A survey of the biotic resources on the proposed site are necessary for the following three reasons:</p> <ol style="list-style-type: none"> 1. To document baseline conditions; 2. To aid in development and evaluation of an appropriate revegetation plan; and 3. To evaluate purported mining and reclamation impacts on sensitive species and wildlife habitat. 		
5.	<p>Prior to site disturbance, a quantitative description of the biotic setting of the site will be necessary to adequately establish baseline conditions of the site. This quantitative evaluation should include percent cover or density, and diversity measurements for each of the vegetation types that will be re-created on the reclaimed landform. Such quantitative data can also be used to guide the design of an appropriate revegetation plan.</p>	A	Chapter 3.3.1 & Appendix E-1
6.	<p>Prior to any site disturbance, the lack of impacts to sensitive, rare, threatened, and endangered plants and animals should be verified. The revegetation of the site should be designed to minimize impacts to those species. Without knowledge of which species occur on the site, the revegetation design cannot target those species.</p>	A	Chapter 3.3.1.4
7.	<p>CCR Section 3703(a) requires that all sensitive species be conserved or mitigated. The California Department of Fish and Game (DFG) Natural Diversity Data Base lists the following species as being detected in the proposed project vicinity. If surveys detect any of these species in the project area, then formal consultation and appropriate mitigation should be developed with the agency having jurisdiction over the species; the U.S. Fish and Wildlife Service and / or the DFG.</p> <ol style="list-style-type: none"> 1. Le Conte's Thrasher, <i>Toxostoma lecontei</i>, CDFG: Species of Special Concern 2. Nelson's Bighorn Sheep, <i>Ovis canadensis nelsoni</i> 3. Flat-Tailed Horned Lizard, <i>Phrynosoma mcalli</i>, CDFG: Species of Special Concern 4. Munz's Cholla, <i>Opuntia munzii</i>, Federal: Species of Concern, CNPS: 1B 5. Fairyduster, <i>Calliandra eriophylla</i>, CNPS: 2 	A	Chapter 3.3.1.4 & Appendix E-1
8.	<p>Recommend that a copy of the Streambed Alteration Agreement be</p>	C	The streambed alteration

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	appended to the reclamation plan [CCR 3710(d)].		agreement will be completed after certification of the Final EIR for the project; therefore, it is not possible to include it in the EIR/EIS.
9.	The reclamation plan should be supplemented with a site-specific slope stability of the final pit slopes and waste rock disposal sites.	A	Appendix B & C-2
10.	The reclamation plans should be augmented to specify final slope angles of 2:1 (horizontal to vertical) or shallower for the Overburden / Interburden Storage Areas.	A	Appendix C-2
11.	The reclamation plan should be supplemented with site-specific sediment and erosion control criteria for monitoring compliance with the reclamation plan as required by SMARA Section 2773(a), and CCR Sections 3503 and 3706	A	Appendix B & Chapter 4.1
12.	CCR Section 3711 established mandatory standards for topsoil salvage, maintenance, and redistribution. The seeds, microbial organisms, and organic matter found in the upper six inches of growth media constitute a significant resource when used in reclamation. Successful revegetation of the site may not be possible without this resource. We recommend that the upper six inches of growth media be stockpiled and reapplied during reclamation.	A	Chapter 2.1.7 & Appendix B
13.	CCR Section 3705(g) requires that the revegetation efforts use native plant species. The reclamation plan states that “Seeding will be of adapted native or naturalized plant species...” Table B-3 of the reclamation plan contains several species that are deleterious to the establishment of native plants. The following species are not native to the site and should not be seeded: 1. Red brome, <i>Bromus madritensis</i> 2. Mediterranean grass, <i>Shismus barbatus</i> 3. Mustard, <i>Brassica tournefortii</i>	A	Chapter 2.1.7 & Appendix B
14.	The seeding rates of these species have been omitted from Table b-3. These rates should be included for OMR review. The reclamation plan states that the “seed rate is sown by volume rather by weight.” Seed is sold and sown by weight, not by volume. We suggest the seed installation rate be expressed as pounds per acre.	A	Chapter 2.1.7 & Appendix B
15.	The reclamation plan states that seeds from local plants will be collected from surface soils and plants. The OMR commends the	A	Chapter 2.1.7 & Appendix B

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	collection of local seeds, but surface seed collection can be problematic. Seeds collected from the surface of the soil are likely to contain debris or invasive species, therefore, exact seeding rates cannot be ascertained. In addition, seeds that have been collected from the soil surface may contain insects that will eat the seeds if placed in plastic bags. Proper seed storage is imperative for seed longevity.		
16.	To mitigate potential visual impacts and blend the waste piles with the surrounding terrain, varnished rock hand-sized or larger could be removed from the soil surface and stockpiled. During reclamation, these rocks can be replaced on the waste piles with the varnished side visible. Replacement of rock will also create microsites favorable to natural vegetation.	C	This is not necessary and will not be done.
17.	CCR Section 3705(b) requires test plots to be conducted simultaneously with mining to determine the most appropriate planting procedures. The information gained from previously developed test plots should be contained in the reclamation plan. The reclamation plan discusses several revegetation techniques that may be employed. We recommend that specific test trials be designed to determine the most effective method(s) of site revegetation, based on microsite conditions. At a minimum, the tests, should examine the effectiveness of seeding versus container plantings, the effects of different types of mulches, the effects of fertilizer, if used, and the effects of irrigation. The most effective method(s) could then be incorporated into the reclamation plan, thereby, minimizing the possibility of poor revegetation. Test plots should be located in upland, angle of repose slopes, and wash habitats. We also recommend that revegetation treatments be delineated on a plan map. Any techniques that have not been tested, such as planting young ironwood and palo verde trees or seedlings should be tested prior to implementation.	A	Chapter 2.1.7 & Appendix E-3
18.	CCR Section 3705(j) states that if irrigation is used, it must be demonstrated that the vegetation has been self-sustaining without irrigation for a minimum of two years prior to release of the financial assurances. Success criteria must be developed for any containerized plants such as ironwood or palo verde that will be irrigated to ensure that these species survive at least two years after irrigation has	A	Chapter 2.1.7 & Appendix B

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	ceased.		
19.	SMARA Section 2773(a) requires that a monitoring plan be developed that addresses topography, revegetation, and sediment and erosion control. Quantitative performance standards must be specified in the reclamation plan. The monitoring plan should discuss frequency and duration of monitoring. For revegetation elements, monitoring should be conducted until performance standards are attained. The reclamation plan states that monitoring will continue for five years. Reclamation success in arid lands often exceeds the five-year monitoring period. Monitoring should be conducted annually until performance standards are attained, with reports submitted to the lead agency and DOC.	A	Chapters 2.1.7 & 4.1.2.3 & Appendix B
20.	CCR Section 3705(m) requires that the reclamation plan include performance standards (success criteria) for each vegetation type that will be re-created that can be quantified by cover, density, species richness, and a sample size that provides a minimum 80 percent confidence level.	A	Chapter 2.1.7 & Appendix B
<i>California State Lands Commission – February 1, 1999</i>			
1.	Discuss the full range of environmental issues required under CEQA.	A	Chapters 3 & 4
2.	Particular attention should be given to potential impacts to biological resources, including, but not limited to rare, endangered, and threatened plant and animal species such as the Desert Tortoise, Munz’s Cholla and Nelson’s Bighorn Sheep.	A	Chapters 4.1.3
3.	Map and cross sections should clearly distinguish the State’s ownership.	A	Appendix B
4.	Include information on current site conditions, including biological, cultural and scenic resources. Specific data should be provided on the Desert tortoise, Munz’s Cholla, and Nelson Bighorn Sheep at the site and on adjacent lands. Include reference to past environmental documents and resource studies.	A	Chapters 3.1.4, 3.1.11 & 3.3.1
5.	Include a list of all other responsible and/or trustee agencies for the proposed project.	A	Chapter 1.7
6.	Include an assessment as to the effectiveness and potential impacts of the Proposed Mine Closure and Reclamation Plan and recommendations, as necessary, to improve it effectiveness in the	A	Chapter 2.1.7

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	restoration of mined areas to as near their original state as is feasible.		
7.	Potential environmental impacts to biological and water resources from microbial processes to detoxify the site should be addressed and mitigation measures identified. Please also provide, if available, evidence that this method has been approved by the Regional Water Quality Control Boards for other heap leach mines in California.	A	Chapter 2.1.4.2
8.	Describe what the solution pond liners are made of, and how the applicant will verify that the liners are not contaminated with toxic materials, how long they are expected to remain in the environment and the potential impacts from leaving the liners in place rather than removing them. Has abandonment of comparable pond liners in place been approved for other mines closures in California?	A	Chapters 2.1.4.4 & 4.1.12
9.	Provide complete references and/or reports regarding revegetation studies at the Mesquite Mine and two nearby mines.	A	Chapter 2.1.7 & Appendix B
10.	Provide complete details on planting. How long and under what conditions will the seeds collected for revegetation, be stored prior to planting? Will seed viability studies be conducted on collected material prior to planting?	A	Chapter 2.1.7 & Appendix B
11.	Describe favorable environmental conditions for seed germination, including how often such conditions occur and how the revegetation plan will proceed in the event environmental conditions are such that germination is unsuccessful.	A	Chapter 2.1.7 & Appendix B
12.	How will the applicant aid in the development of soil, in the biological sense, to accomplish project objectives? What are the mycorrhizal associations required by the species proposed for use in revegetation areas?	A	Chapter 2.1.7 & Appendix B
13.	Discuss the objectives of pit wall stabilization and the criteria used to determine which pit walls will require stabilization.	A	Appendix B & C-2
14.	Explain if perennial species and annual species will be monitored to judge reclamation success and why. Will the applicant use pre-mined conditions on those sites proposed for expansion to base reclamation success? Site selection for “control” sites should be selected to match as closely as possible the slope, aspect, and elevation found on the proposed revegetation sites.	A	Chapter 2.1.7 & Appendix B
15.	Provide an explanation of the methodology and the number of years over which monitoring will take place on both “control sites” and “impact sites” and should explain the adequacy of the different	A	Chapter 2.1.7 & Appendix B

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	approaches for each type of site.		
16.	Explain if NGC intends to increase the Reclamation Bond by the estimated \$5 million to assure closure and reclamation.	A	Chapter 2.1.4.2 & 4.1.13.2
<i>C.J. Dixon, Winterhaven, California – January 27, 1999</i>			
1.	Does the new boundary encroach on the bombing range? If so, it creates a bad precedent for future exploration.	A	Chapter 2.1.1
2.	Does the existing EIR / EIS for a landfill on the same property have an expiration date?	C	EIR/EISs do not have expiration dates.
<i>Desert Museum, Imperial Valley College, Jay von Werlhof, Director – January 9, 1999</i>			
1.	I requested Imperial Valley College Desert Museum botanist Gail Culver to review the reclamation portion of the plan. She strongly objected to the use of <i>Brassica tournefortii</i> in reseeding because of its tendency to spread and choke out other plants.	B	Chapter 2.1.7 & Appendix B
2.	There is no provision in the document that assures that the mining scars allowed to remain until a more affordable scenario exists will actually be removed. In such important cases, reliance on a promise of execution is inadequate. An assurance bond for future performance should be required.	A	Chapter 2.1.4.2 & Appendix B
1.	I am concerned about the amount of seed Mesquite says it will use for reclamation. When you add up all the amounts listed in the reclamation cost tables, it comes to 7,214 pounds of seed. Mesquite says it will collect seed from land in a ten-mile radius of the mine. This appears to include BLM land, bombing range, state land, and private (presumably their) land. I don't know what requirements there are (if any) for collecting on state lands or the bombing range. Given the sparsity of seed during the dry years, (we probably won't have another el Nino for a while), will they be able to collect enough seed for their purposes while leaving enough for the animals (mice, rats, harvester ants, etc.)? What about future plant generations? Will there be any impartial supervision? The report states that if there is not enough seed available it will be purchased from local sources. Who?	A	Appendix B
2.	I objected to the inclusion of the weed, <i>Brassica tournefortii</i> in their	A	Chapter 2.1.7 & Appendix B

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	list of plants to be reestablished.		
3.	They talk of reclamation success at other nearby mines. What do they consider success? How many perennials per acre? What diversity? American Girl mine did not look very promising when we went to look at that old mine. Perhaps it is greatly improved now. Does the public get to look at an example?	A	Chapter 2.1.7 & Appendix B
4.	Does their reseeding take into account seeds that need heat or cold to germinate? What about scarification or stratification?	B	Chapter 2.1.7 & Appendix B

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