To: Rodriguez, Dante[Rodriguez.Dante@epa.gov]
From: Jeryl Gardner
Sent: Mon 10/3/2016 6:05:51 PM
Subject: RE: BLM comments on PP re: ARARs [WARNING: SPF validation failed]

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,,,,,,
Hey Dante,

I'm getting close to finalizing Draft 3.

Before sending off to you I would like your notes captured from today's call, so I can include some pertinent schedule points in the email to you and Dave, especially with the possible deadline changes for layout and Angeles review.

By the way, the HQ comments were due by Friday, 9/30 (30 days, not the 15 we originally requested). Did you ever see any comments back from them?

I'm not sure what to do with them at this point.

Thanks,

Jeryl

Jeryl R. Gardner, P.E., C.E.M.

Abandoned Mine Lands Program Coordinator
Bureau of Corrective Actions, NDEP
901 S. Stewart St., Ste 4001
Carson City, NV 89701
775-687-9484
jgardner@ndep.nv.gov

From: Rodriguez, Dante [mailto:Rodriguez.Dante@epa.gov]
Sent: Monday, October 3, 2016 7:07 AM
To: Cacciatore, David; Adams, Martha
Cc: Davis, David; Jeryl Gardner
Subject: RE: BLM comments on PP re: ARARs

David and Martha,

So since it looks like those regs should be ARARs and TBCs, can you guys add them to the FS ARARs table? (If not already there).

Dante Rodriguez

Remedial Project Manager

U.S. EPA Region 9

75 Hawthorne Street, SFD-8-2

San Francisco, CA 94105

(415)972-3166

From: Cacciatore, David [mailto:David.Cacciatore@CBIFederalServices.com]
Sent: Wednesday, September 28, 2016 5:03 PM
To: Davis, David <drdavis@blm.gov>; Rodriguez, Dante <Rodriguez.Dante@epa.gov>
Cc: Adams, Martha <Martha.Adams@CBIFederalServices.com>
Subject: RE: BLM comments on PP re: ARARs

Dante and Dave:

Below is CB&I's response to Comment [ND5] from the Anaconda OU8 Proposed Plan Draft2, which was "Is FLPMA and BLM's RMP an ARAR? It should be and we should identify any specific provisions that would apply to the remedial action, particularly land use-or land use control type matters."

The Federal Land Policy and Management Act (FLPMA) of 1976 (Bureau of Land Management, 2001) is an act to establish public land policy; to establish guidelines for its administration; and to provide for the management, protection, development, and enhancement of the public lands; and for other purposes. The FLPMA would be an ARAR for the FS at the Anaconda Copper Mine Operable Unit 8 (OU-8). Specifically, Title II addresses land use planning, land acquisition, and disposition. Under Section 202 [43 United States Code [USC] 1712(a)], land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses. U.S. EPA completed a Site Reuse Assessment for the Mine Property, which indicated a range of potential reuses. Future reuses of OU-8 would be subject to established land use plans.

A Resource Management Plan (RMP) is a land use plan that describes broad multiple use guidance for managing public lands administered by the Bureau of Land Management (BLM). The FLPMA directs the BLM to develop such land use plans and to provide for appropriate use of public lands. Decisions in land use plans guide future use management actions an subsequent site-specific implementation decisions. While the RMP is not an ARAR, it is appropriate to include it in the FS for Operable Unit 8 (OU-8) as "to be considered" (TBC) information.

Although the comment did not refer to a specific RMP, we identified and reviewed the BLM Carson City District Draft Resource Management Plan/Environmental Impact Statement (EIS) dated February 2014. The EIS was developed along with the RMP as part of the planning process in order to understand the effects of land management actions proposed on resources found within the Planning Area as well as effects of those actions on public land users. Lyon County is within the Planning Area for this RMP. The comment period for this document has ended and BLM is responding to comments. The Proposed RMP/Final EIS is anticipated in spring 2017.

The alternatives for land management/ land use by BLM involve:.

Alternative A - No Action

Alternative B - Resource use and economic development

Alternative C - Management of property to protect the eco-system

Alternative D - Urban development management

Alternative E - Agency preferred.

We consulted several maps in Appendix A of the RMP that relate to land use under various alternatives such as livestock grazing, fluid mineral leasing, and others. Some of these could be TBC for remediation (capping) of the HLPs. The RMP alternatives were reviewed with respect to the following land uses:

The site is within a priority watershed under RMP Alternatives B, C, D, and E

• Consider to control leach from HLPs (that is the goal of our alternatives)

• Runoff during construction

The site is “open” for Mineral Material Disposal under Alternatives A, B, C, D, and E. This land use is consistent with leaving the HLPs on site under each of the Feasibility Study (FS) alternatives.

The site is designated for Land Tenure as disposal under Alternatives A, B, D, and E (no map for Alternative C).

The site is located within Visual Resource Management Class (VRM) IV. RMP Alternatives A, B, D, and E involve major modifications to existing landscape. The FS alternatives include caps and/or ponds. RMP Alternative C is within Class II (retain existing landscape) or Class III (partially retain existing landscape).

Other uses :

• Alternatives A-E: available to livestock grazing

• Alternatives A, B, D, and E: potentially open to fluid mineral leasing (could be closed, hard to tell with the scale of the map)

• Alternative C: closed to fluid mineral leasing

• Alternative B: controlled source use

The site also appears to be outside of any recreational use areas, areas of critical environmental concern, is not included as a fish and wildlife priority habitat, outside of areas to maintain wilderness characteristics, and outside of areas closed to surface occupancy. A California National Historic Trail does run along the Walker River just east of the site; however, the Walker

River is not included as a Wild and Scenic river.

Please let me know if you have any questions or need any further detail.

David

David A. Cacciatore, Ph.D., PE, PMP

Engineering Manager

Federal Services

Environmental & Infrastructure

Tel: +1-925-288-2299

Cell: +1-925-383-9789

david.cacciatore@cbifederalservices.com

CB&I

4005 Port Chicago Highway

Suite 200

Concord, CA 94520

United States of America

www.CBI.com

From: Davis, David [mailto:drdavis@blm.gov]
Sent: Tuesday, September 20, 2016 4:18 PM
To: Rodriguez, Dante
Cc: Cacciatore, David; Adams, Martha
Subject: Re: BLM comments on PP re: ARARs

Here you go. The ARAR comment was #ND5.

Dave Davis, Geologist

(Acting) Branch Chief Fluid Minerals

Nevada State Office

Office: 775-861-6575

Cell: 775-741-4881

On Tue, Sep 20, 2016 at 4:07 PM, Rodriguez, Dante <Rodriguez.Dante@epa.gov> wrote:

Hey Dave,

I searched and searched but couldn't find BLM's comments on PP rev.2, the ones where your legal department made comments on the ARARs. Could you please send that to me and cc: David and Martha? It is for the task we are having CBI do, following up on the ARARs question. Thanks!

Dante Rodriguez

Remedial Project Manager

U.S. EPA Region 9

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San Francisco, CA 94105

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