



**SIERRA
CLUB**

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April 27, 2017

Pinto Valley Mine EIS Comments

2324 E McDowell Rd.

Phoenix, AZ 85006

Submitted via email to Comment@PintoValleyMineEIS.us.

Re: Pinto Valley Mine Scoping Comments

Dear National Environmental Policy Act Coordinator:

These comments are submitted on behalf of Sierra Club's Grand Canyon Chapter and the Arizona Mining Reform Coalition ("AMRC").

Sierra Club is one of the nation's oldest and most influential grassroots organizations whose mission is "to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments." Sierra Club has more than 2.4 million members and supporters with 50,000 plus in Arizona as part of the Grand Canyon (Arizona) Chapter. Our members have long been committed to protecting and enjoying the Tonto National Forest and have a significant interest in the proposed Pinto Valley Mine and related activities.

Arizona Mining Reform Coalition works in Arizona to improve state and federal laws, rules, and regulations governing hard rock mining to protect communities and the environment. AMRC works to hold mining operations to the highest environmental and social standards to provide for the long term environmental, cultural, and economic health of Arizona. Members of the Coalition include: Apache – Stronghold, Center for Biological Diversity, Concerned Citizens and Retired Miners Coalition, Concerned Climbers of Arizona, Dragoon Conservation Alliance, EARTHWORKS, Empire Fagan Coalition, Environment Arizona, Groundwater Awareness League, Maricopa Audubon Society, Save the Scenic Santa Ritas, Grand Canyon Chapter of the Sierra Club, Sky Island Alliance, Spirit of the Mountain Runners, Tucson Audubon Society, Patagonia Area Resource Alliance, and the Valley Unitarian Universalist Congregation.

Thank you for the opportunity to providing scoping comments for the proposed expansion of the Pinto Valley Mine. As we understand it, the mine, which was expected to close as recently as a few years ago, now proposes, under its new owners, to continue operations for up to 23 years. Continued expansion will require additional Forest Service lands, hence the National Environmental Policy Act (NEPA) process.

NEPA emphasizes “coherent and comprehensive up-front environmental analysis” to ensure an agency “will not act on incomplete information, only to regret its decision after it is too late to correct” (*Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 [9th Cir. 1998]). NEPA thus requires federal agencies to analyze the direct, indirect, and cumulative impacts of the proposed action (42 U.S.C. § 4332[C]; 40 C.F.R. §§ 1508.7, 1508.8, 1508.25 [the scope of a proposed action must include connected, cumulative, and similar actions]; *Sierra Club v. Bosworth*, 2007 U.S. App. LEXIS 28013 [9th Cir. 2007]). Cumulative impacts include the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 C.F.R. § 1508.7). A cumulative effects analysis must also provide detailed and quantifiable information and cannot rely on general statements and conclusions (*Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F.3d 1372, 1380 [9th Cir. 1998]). In developing the Draft Environmental Impact Statement (DEIS), the Forest Service must look at the mining projects in the area on both private and public land, the past and current impacts of those mining activities and projects, and any future mining projects and activities.

The Pinto Valley Mine (a wholly owned indirect subsidiary of Canadian owned Capstone), presently owns about 6,000 acres of private, patented mining claims in and around the 1200 foot deep pit once known as Porphyry Mountain. The mine also owns a nearby 27-acre ranch that includes a 35,000-acre grazing allotment and numerous five-acre patented millsite claims used for groundwater pumping. Some of the mine facilities are already on land managed by the Forest Service on behalf of the public, including the Cottonwood Tailings dump and various other areas around the mine. By 2039, it is expected that the mine will be using 649 acres of the Tonto National Forest and about 24 miles of Forest Service roads.

Our organizations have several concerns listed below regarding expansion of this mine, primarily relating to Pinto Creek and its tributaries and the overall condition of this watershed. Pinto Creek is an important riparian area, parts of it are eligible for Wild and Scenic River designation, and it is a contributor to our drinking water supply at Roosevelt Lake. Pinto Creek has already suffered numerous spills and impacts over the decades related to mining and



recently was bisected by the Carlota Mine pit. In the 1990s, two major spills occurred into Pinto Creek from the Pinto Valley Mine (PVM) requiring extensive cleanup.

Considering PVM's extensive land ownership in the area, it is not entirely clear why additional Forest Service public land is needed. A cursory glance at land ownership maps indicates that the mine could operate well into the future with little need for more land. The Draft Environmental Impact Statement should explain why the Forest Service is considering allowing this expansion onto Tonto National Forest land when the mine already holds so much private property that could be utilized. What is the need for this proposed expansion onto our public lands?

The mine has a plethora of potential problems without undergoing additional expansion. Little seems to be known about the Cottonwood Tailing dump and its potential to discharge contaminated water. Tailing Storage Facilities (TSF) 2 and 3 have suffered spills in the past, and TSF 4, for which major expansion is planned, already towers over Pinto Creek and is closest to the eligible W&S river segment of the creek. The already high TSF 3 is also planned for expansion. As early as 1984, officials raised concerns about the excessive height of some of the mine facilities. The DEIS should discuss in depth the long term stability of these dumps and the continued risk they pose to Pinto Creek and our drinking water supply.

Expansion of TSF 4 will likely impact Eastwater Canyon. The DEIS should thoroughly evaluate and analyze those impacts and also discuss if mitigation is planned for any lost waters of the United States.

Incredibly, the Mining Plan of Operations (MPO) does not include any discussion of the leach pad in Gold Gulch. It is not even labeled on any maps. Just because it is on private land does not mean the leach pad poses no risk to Pinto Creek or other Forest Service land. Indeed, in 1993, failure of the leach pad area and the leachate pond below contaminated Pinto Creek all the way to Roosevelt Lake. The DEIS should discuss and analyze the impacts of the leach pad in detail, including its severe slope at its downstream end, and the risks it poses to Pinto Creek.

Pinto Creek and its tributaries have been mined for not only minerals but also for groundwater, probably since the nearby Castle Dome mine was started in the 1940s. PVM's potable water supply comes from Peak Well 37 located directly in Pinto Creek. Such long-term pumping has undoubtedly affected riparian areas in the watershed (witness the significant and negative effect of Carlota's pumping on lower Haunted Canyon). The DEIS should incorporate a groundwater model for the watershed and try to predict what another 23 years of groundwater pumping will do to Pinto Creek and associated riparian vegetation. As Carlota apparently no longer plans on closing in 2019 but will keep mining, the urgency for more information is



significant as the cumulative impacts of the groundwater pumping from these mines is potentially huge and harmful.

The PVM both leaches and floats ore. As additional use of the already high leach pad is anticipated, the DEIS should analyze approximately how much ore will be treated by each method to gain an idea of how much higher the leach pad will become.

The MPO includes minimal information regarding earthquakes, stating that one in 975 years (5% every 50 years) can be expected. Given the height of the tailings dumps and leach pad, the DEIS should discuss thoroughly the risk from such an event and what a catastrophic failure could do to Pinto Creek and Roosevelt Lake and the drinking water of communities downstream.

The MPO gives minimal information regarding reclamation after 2039 and how the watershed will be protected when the mine owner is gone. The document shows little concern for acid mine drainage; the DEIS should describe fully why this is not a long-term concern and if a thorough analysis indicates it is a concern, those impacts should be included and thoroughly evaluated and the MPO revised accordingly. There is little information on how slopes will be flattened to prevent landslides, or even if flattening of slopes is possible in some areas. The DEIS should describe each tailings and rock dump facility and leach pad and show what will be done to ensure that spills don't occur and evaluate the impacts of any spills. It should also include analysis of any contingency measures to protect the public's resources.

The MPO seems to say that development of a pit lake after closure is a good thing in that it contributes to a long-term zero-discharge mine. The DEIS should discuss and thoroughly analyze the pit lake water quality and its effects on migratory birds and any measures that will be taken to protect wildlife from drowning, drinking toxic water, or other impacts. It should also describe the effect on the groundwater table in the area after decades (centuries) of water reporting to the pit depletes water in other areas.

The reclamation plan discusses Points of Compliance wells being monitored on private land for 30 years after closure, but not what happens afterward. Will the mine require perpetual water treatment? Who will be responsible for problems on the private land after 30 years of obligations end? The impacts could extend well beyond 30 years.

The discussion on reclamation mentions bonding but gives no clues as to what possible bond amounts to the Forest Service might be or what they have been in the past. The DEIS should provide that information and what it might cover and include what form the bond will take.



The reclamation plan should discuss and thoroughly evaluate the impacts of erosion of tailings and rock dump caps and who will be responsible over the long term if erosion exposes tailings and rock that could cause problems downstream.

We will be submitting supplemental scoping comments on this proposal in the near future.

Thank you for considering our comments.

Sincerely,



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