

Key Issues for Public Comments on the Copper Creek Exploration Project EA

1. Must Prepare an Environmental Impact Statement (EIS)

The Bureau of Land Management (BLM) has issued a Draft Environmental Assessment (EA) for the Copper Creek Exploration Project despite the likelihood of significant environmental impacts. Under the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) is required when a project may significantly affect the environment (42 U.S.C. § 4332). The EA fails to adequately analyze cumulative effects, segmentation of environmental review, and the full scope of impacts on endangered species, water resources, and cultural sites. This incomplete review violates BLM's obligations under 43 CFR 46.415(a).

Public Comment Point: Demand that BLM prepare a full EIS instead of relying on an inadequate EA.

2. Violation of the Endangered Species Act (ESA) - Lack of Section 7 Consultation

The EA does not properly assess impacts on federally protected species such as the yellow-billed cuckoo, ocelot, and Mexican spotted owl, which rely on the project's riparian and connectivity corridors. The Endangered Species Act (ESA) requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) before approving projects that may impact listed species (16 U.S.C. § 1536(a)(2)). However, there is no evidence that BLM conducted the required Section 7 consultation.

Public Comment Point: Urge BLM to conduct formal ESA consultation before approving this project.

3. Hydrological Impacts on Copper Creek Ignored

The project plans to withdraw groundwater for drilling but fails to analyze how this will affect Copper Creek's riparian ecosystem and the species dependent on it. NEPA and the Clean Water Act require full disclosure of potential hydrological impacts, yet the EA does not model how water withdrawals may lower the water table. Riparian-dependent species, such as the yellow-billed cuckoo and Gila chub, could be significantly affected.

Public Comment Point: BLM must analyze the project's impact on Copper Creek's hydrology before approval.

4. Tribal Consultation Failures - Violation of Federal Law

The San Carlos Apache Tribe has repeatedly requested government-to-government consultation regarding the project's impact on cultural resources, sacred sites, and water rights. The National Historic Preservation Act (NHPA) and BLM's own regulations require

meaningful Tribal consultation (36 CFR 800.2(c)(2)(ii)). However, BLM has failed to properly consult the Tribe before issuing its EA.

Public Comment Point: Demand that BLM pause the project until proper Tribal consultation occurs.

5. 24/7 Drilling Noise and Light Pollution Will Harm Nocturnal Wildlife

The EA allows continuous, 24-hour drilling, which will create significant noise and light pollution affecting Mexican spotted owls, jaguars, and ocelots, all of which are nocturnal species that rely on undisturbed habitats. The EA does not include mitigation measures to reduce these impacts, violating NEPA's requirement to fully analyze environmental consequences.

Public Comment Point: BLM should restrict drilling hours and implement stronger mitigation measures to protect wildlife.

6. Lack of Proper Cumulative Impact Analysis

The EA does not fully assess how ongoing and past mining activities compound the environmental effects of the current project, violating NEPA's cumulative impact assessment requirements (40 CFR 1508.7).

Public Comment Point: BLM must conduct a full cumulative impact analysis before approving the project.

7. Failure to Address Alternative Locations or Restrictions

NEPA requires agencies to consider a full range of alternatives (40 CFR 1502.14), yet the EA dismisses important alternatives such as restricting drilling near sensitive habitats.

Public Comment Point: Demand that BLM evaluate alternative locations and restrictions to minimize environmental harm.

8. Deficient Air Quality Analysis

The EA does not analyze increased particulate matter, diesel emissions, or fugitive dust from expanded drilling activities, violating the Clean Air Act.

Public Comment Point: BLM must conduct a thorough air quality impact assessment and enforce mitigation measures.

9. Water Pollution & Sediment Discharge Risks

Increased sediment and potential drilling fluid runoff into Copper Creek are not adequately assessed, which could violate the Clean Water Act.

Public Comment Point: BLM should analyze sedimentation risks and implement strong erosion control measures to protect Copper Creek.

10. Insufficient Analysis of Wildlife Corridors

The EA identifies the Galiuro-San Pedro corridor as important for wide-ranging species like jaguars and ocelots but does not evaluate fragmentation effects from increased human activity and road expansion.

Public Comment Point: Urge BLM to assess impacts on wildlife corridors and implement protections to prevent habitat fragmentation.

11. Failure to Evaluate Impacts on Recreation & Public Land Use

The EA does not consider how expanded drilling and road use will negatively impact hiking, birdwatching, and other recreational activities in the area.

Public Comment Point: BLM must evaluate recreational impacts and protect public land access for non-industrial use.

12. Weak Reclamation Plan & Lack of Long-Term Monitoring

The EA lacks enforceable post-project restoration measures to ensure that disturbed lands, water sources, and habitats recover.

Public Comment Point: Demand that BLM strengthen the reclamation plan and establish long-term monitoring requirements for habitat restoration.