

Jimmy Tyree, Field Manager  
St. George Field Office  
USDI, Bureau of Land Management  
345 East Riverside Drive  
St. George, Utah 84790

19 Oct 2011

Dear Mr. Tyree:

**RE: CITIZENS FOR DIXIE'S FUTURE (CDF) COMMENTS ON ENVIRONMENTAL ASSESSMENT UTU-87863**

**DOI-BLM-UT-C030-2010-0010-EA - GOOD EARTH MINERALS GYPSUM MINE**

It is apparent a great deal of effort went into writing this complex document. Your staff has been very friendly and helpful to us on a number of topics, including this one, and I want you to know we always appreciate their continued assistance.

As you know our organization's purpose is to maintain and protect the quality of life in Washington County, Utah. After careful review of this EA, we have concerns with the adequacy of the analysis, mostly dealing with potentially significant negative air quality and access impacts of this proposed mine, and with potentially adverse impacts to federally listed plant and animal species, especially the desert tortoise.

Our specific comments are listed below:

Page 3, Background. There should be a brief description of the applicant's history and experience in gypsum mining, compliance with previously required mitigation measures, and previous reclamation success of mined lands. We could find no record of this company's experience. We understand that the current market demand for gypsum is low.

Page 3, Need. This section essentially states that the 1872 Mining Law is a non-discretionary law as far as BLM being able to deny this application under the 43 CFR Part 3800 regulations. The Endangered Species Act is also a non-discretionary federal law and BLM must avoid "may affect" adverse impacts to listed species. This EA addresses an interesting situation where the 1872 Mining Law collides with the more recent, and equally non-discretionary, Endangered Species Act of 1973, as amended. We believe this section of the EA should also point out the non-discretionary nature of the Endangered Species Act, and not focus solely on mining law in order to achieve objective NEPA compliance and to reach a reasonably legal and defensible land management decision.

Page 7, Issues Considered but Eliminated From Further Analysis. We take great exception to air quality being eliminated. Air quality can and does significantly affect human health and affects tourism, a vital part of Washington County's economy. Good air quality is vital to the future of this county and definitely could be negatively affected by this proposed gypsum mine.

To begin with, the population of Washington County in general has a large component of small children and of retirees. Both of these groups tend to have reduced immune systems and are especially prone to

respiratory problems, such as asthma. The closest community to the proposed mine is Sun River, the largest planned retirement community in Utah, and one where almost all the residents are required to be over 55.

Air quality in Washington County generally appears good and is thought to be in compliance with existing state and federal standards most of the time. Ozone and particulate matter, especially the 2.5-micron size particulates, are of primary concern. Regional haze is also a concern as tourism is a major industry, and as tourists and photographers want to see clear western skies. Zion National Park is currently impacted by regional haze. Currently, there is inadequate air quality monitoring equipment in Washington County and so it is impossible to determine if an activity at a remote site, such as this proposed gypsum mine, is operating within technical state and federal air quality standards.

The Southern Utah Air Quality Task Force meets monthly in St. George, but BLM does not attend. There is also an annual Air Quality Summit in southern Utah, which only a couple BLM fire-fighting personnel attended this year and one was a guest speaker. To increase BLM's understanding of air quality issues, as well as air quality problems that are being addressed, we suggest BLM consider attending Task Force meetings and the annual Air Quality Summit. For further information, please contact Bill Swensen with the City of St. George at 435 627-4128.

Also on Page 7, Issues Considered but Eliminated From Further Analysis, we do not believe Threatened, Endangered, or Candidate Plant Species and Threatened, Endangered, or Candidate Wildlife Species should have been eliminated. Plants and animals in these categories are present in the area of the mining claims or in the area of the access routes. Both could be potentially affected. They may occur in low densities; for example, that is the case with the desert tortoise, which is federally listed as threatened, but tortoises are present in the area and may be affected.

Figure 2, Proposed Mine Area and Haul Route. It is interesting to see that this map shows the location where a live tortoise was found on the haul road, and also where a dead tortoise was found near the mine site.

Page 9, Introduction. Only stating that the proposed mining operations would encompass approximately 11.3 acres is inadequate. How much disturbance and habitat loss would be caused by the road widening and creation of new turnouts? Our calculations show that a 14 mile long access road 40 feet wide (including a drainage ditch on both sides and a 30 foot wide driving surface) would cover 67.88 acres. This number should be included in the analysis.

Are there existing rights-of-way across the federal land for these county roads to be widened and improved? Does the county hold the rights-of-way or will the mining company, if this proposal goes forward, own the rights-of-way? Will culverts and water bars be installed, as appropriate? Who will do the road construction and maintenance – the county or the mining company? In addition, will these roads when improved conform to BLM Manual requirements?

Page 10, " Mining operations would require"....this section is not complete and the list needs to be expanded. For example, regardless of who does the explosive work, some kind of explosives bunker will

be required unless the explosives are moved back and forth every day by vehicle. Also in all probability, a large trash dumpster and a large diesel fuel storage tank will be needed. Will there not also be at least some buildings, such as a small office structure? How will sewage be dealt with – porta-potties?

Page 10, Para, beginning with Pursuant to Federal 43 CFR 3809.401 (4)...We believe the air quality standards regarding particulate emissions have been changed to 2.5 microns. Furthermore, it is unclear where the water for the two 4000 gallon water trucks and the water for the on-site dust control would come from and where the water would be stored. Would another water truck just be used to haul water to the mine site?

Page 13, 2.2.2. It is unclear from the maps in this application where the Bloomington Mine Valley Road is located.

Page 15, last paragraph. This paragraph states that water would be applied during construction and when hauling rock. This should be changed to be clear that dust abatement should occur whenever dust is generated. For example, if the traffic from workers coming to or departing from the mine generates dust, the road needs to be watered to control the dust. If the mine workers are driving out from Navajo Drive in Bloomington and creating a dust problem, then the mine should have to mitigate that dust problem, as well.

Page 16. Again, we strongly believe that federally listed Threatened, Endangered, and Candidate plant and animal species were wrongly eliminated from consideration. These species, and potential impacts to them, should be adequately discussed.

Page 16, Public Safety. Probably the greatest danger to public safety from this proposed mine comes from the operation of the large ore hauling trucks on the roads, and yet this is not mentioned. This discussion is too focused on the mine site itself and is clearly inadequate. No discussion of road safety or even road use included Highway 91 or Interstate 15. And as we have mentioned before, dust itself is a health hazard, but in addition, dust on the roads can lead to vehicle accidents. This entire section needs to be re-written and expanded.

Page 17, Successful reclamation. Successful reclamation of vegetation needs to be results based on what grows and becomes established. It should not be based merely on what is seeded. The subject area probably receives an average of less than 8 inches of precipitation per year. In such an arid location and with extremely hot summer temperatures it will be difficult to get desirable vegetation to grow.

Page 17, Widen Haul Road. Since it is unclear where the water trucks are going to have to go to get water, the area of disturbances should be increased to cover the water truck hauling routes. For example, are the water trucks going to have to access a hydrant on Navajo Drive in Bloomington several times a day? And if the mine workers, as well as the BLM and others checking mine compliance, drive to and from Navajo Drive in Bloomington, that may be enough mine related traffic to cause that route also to be watered to control dust on a regular basis.

Page 3.2, General Setting. Land uses in the area should also include target shooting and at night, bonfires and partying. The existing roads west of Bloomington when dry are very dusty and receive considerable traffic mostly related to recreation seven days a week. When it rains, the roads in places are impassable. The first ¼ mile west of Bloomington's Navajo Drive has poor drainage and actually can become a 4 to 5 foot deep, water- filled canal when it rains heavily.

Page 21, 3.3.2, Fish and Wildlife. Cotton-tailed and jack rabbits, Great Basin rattlesnakes, and gopher snakes should be added to the species list.

Page 22, Tortoise. We understand that with federally listed species, consultation with the U.S Fish and Wildlife Service under Section 7 of the ESA is required in "may affect" situations. Since at least one tortoise has been recently located on the mine haul road, it would appear that truck traffic from the mine could injure or kill tortoises. Has the Service been notified of this recent tortoise discovery and has Section 7 consultation been initiated? What provisions are in place for incidental take of a tortoise relative to this proposed mine?

Page 22, BLM Sensitive Species. No plant species, either BLM sensitive or federally listed or candidate were mentioned in this section. Are no special status plant species present?

Page 23, 3.3.5 Lands/Access. Earlier we asked if there were existing road rights-of-way across the federal lands. Are there also existing rights-of-way across the Shivwits, SITLA, and private lands?

Page 24, Vegetation. As noted above, special status plants should have their own Plant Special Status Species heading. This paragraph needs to also include the status of each species, for example, the dwarf bear-claw poppy is federally listed as endangered.

We also understand that the Gierish globemallow is about to undergo a status review, so the species status may change during the life of this proposed mine.

We understand that the one-time survey observed no special status plants in the affected area of the mine. Is it safe to assume the proposed road widening and turnout areas were also surveyed? What are the provisions if once the mine is operational and a federally listed species is suddenly discovered in the area to be mined? Will emergency consultation be automatically called for?

Page 27, Fish and Wildlife. This document states "Impacts to Special Status Species would be similar to impacts to general wildlife in the area." This is not true. Federally listed species are protected from all forms of "take", severe consequences can happen, and federal agencies, including BLM, are mandated to avoid adverse impacts to listed species. This sentence needs to be re-written to reflect present law.

Page 31, Livestock Grazing. Actually, seeding with the BLM approved seed mix during reclamation and monitoring for re-vegetation success MAY, not would, eventually result in native forage. Seeding by itself may result in nothing growing; it really depends on what germinates and thrives.

Page 37. We disagree with the determination that no consultation with the Fish and Wildlife Service is required because a live tortoise was recently found on the haul road and the mine area is in tortoise

habitat. Admittedly, the density of tortoises is believed low. Nonetheless, these are tortoises in the area and the mining operation including the use of trucks on the haul road could impact or adversely affect a tortoise, thus we have a “may affect” situation, which required consultation. We suggest you first use informal consultation, but this will likely become formal.

Page 39, PCS-3. We disagree that this project will comply with all federal and state air and water quality standards. The BLM ID team was premature in determining that there would be no impacts to air. Obviously, dust will be created. The amount of dust, the opacity, the number and size of particulates, etc. all have to be measured with scientific devices to determine if the standards are violated. What BLM should say instead is that BLM will monitor the air quality at the mine site (with proper monitoring equipment) to ensure that all federal and state air quality standards are met. The applicant can be responsible for buying the monitoring devices, but BLM or the State Division of Air Quality should be responsible for the actual monitoring.

Appendix KOP Photo 3 is not of an RV park, but of the RV storage area.

Page 1 of the Fugitive Dust Control Plan. The use of explosives to blast was not addressed in this plan. Blasting in general creates dust and blasting times probably should be coordinated with the nearby communities such as Sun River and Bloomington through the City of St. George.

Page 1 of the Small Source Exemption Registration. Is this the current form? It does not mention PM 2.5 particulate matter and has a 06 date.

Also, it is very interesting to note that the business location given is the mine site with driving directions out Navajo Road. Navajo Road is in the residential community of Bloomington and extensive commercial vehicle traffic is not appropriate for the neighborhood. An estimated increase of 20 vehicles a day, especially large trucks, would not be appreciated. In addition, to get to I-15 from Navajo Drive, the shortest distance would be next to Bloomington Drive and then Man O War where there is an elementary school. Repeated truck traffic should not be routed by elementary schools.

The fourth page of the registration form indicates seven trucks working 10 hours per day 210 days per year with each truck making four seventeen miles trips each day. It is unclear if these 68 miles per day per truck is all on the haul road as earlier the haul road length was only 5 miles.

This also raises the question of when a loaded ore hauling truck goes down the haul road, where does it unload. Is the gypsum stored by Highway 91 and why was this storage not included in this analysis?

Thank you for the opportunity to comment. If you have any questions about our comments, please contact me at 435 673-0710.

Mike Small

President, Citizens For Dixie's Future