



COLORADO OPERATIONS

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April 30, 2015

Via Electronic Delivery

Scott Fitzwilliams, Forest Supervisor
c/o Matt Grove, Project Leader
P.O. Box 190
Minturn, CO 81645

Re: Camp Hale Restoration and Enhancement Project

Dear Mr. Fitzwilliams:

The following scoping comments are submitted by the Climax Molybdenum Company, a wholly owned subsidiary of Freeport-McMoRan Copper, Inc. ("Climax") regarding the March 16, 2015 notice of EIS published at 80 Fed. Reg. 13,515 for the proposed Camp Hale Restoration and Enhancement Project. Climax was a stakeholder participant in the Camp Hale – Eagle River Headwaters Collaborative Group ("Collaborative Group") and is party to the 1998 Eagle River Memorandum of Understanding ("ERMOU"), seeking to development and exercise existing water rights in the Eagle Basin.

Climax supports the restoration and enhancement of the Eagle River through Camp Hale. Our support does, however, warrant some comment on the proposal's alignment with the recommendations made by the Collaborative Group, facilitated by the National Forest Foundation, and ongoing concerns of the ERMOU relative to the exercise of existing water rights in the Eagle River basin.

With respect to the recommendations of the Collaborative Group, the proposal is silent relative to project funding that will largely be reliant upon the development of wetlands that may be deemed by the US Army Corps of Engineers ("USACE") and US Environmental Protection Agency ("EPA") as acceptable for mitigation credits under Section 404 of the Clean Water Act. The connectivity of this action and long term protection of restored or enhanced wetlands to the need for interagency assurances for wetland mitigation credits is lacking in the scope of the project and is inconsistent with the shared vision of the Collaborative Group. Climax recommends the project scope provide clarity that the NEPA process will incorporate understandings between the USFS, USACE and EPA that restored or enhanced wetlands will meet the criteria for wetland mitigation credits. We recognize, consistent with USACE wetland mitigation criteria, that this proposed action acknowledges amendment of the Forest Plan to provide for long term protection for restored or enhanced wetlands.

The proposal scope is also silent on elements of the Collaborative Group's recommendations regarding the protection and preservation of water rights belonging to ERMOU stakeholders. The project must ensure the proposed action does not result in injury to existing water rights via obstruction of water delivery to meet decreed augmentation commitments or by diversions made against prior water right appropriations. Climax strongly suggests the Forest Service include proposed actions in its scope that involve stakeholder engineering and water rights review of the project designs to preserve ERMOU objectives. In this, Climax supports comments for this scoping notice made by other ERMOU parties.

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Climax appreciates the opportunity to comment on the proposed action and endorses the implementation of the full breadth of recommendations made by the Collaborative Group. We look forward to working with you and Forest staff in the advancement of this valued and important project. Please contact me at (710) 942-3231 if you have any questions related to these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryce Romig", with a stylized, cursive script.

Bryce Romig
Manager, Colorado Administration
Climax Molybdenum Company
bryce_romig@fmi.com