

To: Coronado National Forest, U.S. Forest Service

From: Robin Lucky

Submission Date: April 20, 2026

Subject: Objections to the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (ROD) for the South32 Hermosa Critical Minerals Project – Unresolved Deficiencies from June 21, 2025 DEIS Comments

Introduction As a 21-year concerned resident of Rio Rico in Santa Cruz County, Arizona, I submit these formal objections to the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (ROD) for the South32 Hermosa Critical Minerals Project, released in March 2026. My detailed rebuttal to the Draft Environmental Impact Statement (DEIS), submitted on June 21, 2025, highlighted fundamental misalignments with the USDA Forest Service’s mission to sustain the health, diversity, and productivity of national forests through conservation, watershed protection, community engagement, and sustainable multiple-use management.

The FEIS and Draft ROD largely adopt the Preferred Alternative (including the primary access road, secondary dry-stack tailings facility on NFS land, 138 kV power line, and altered water discharge points) with only minor adjustments and additional mitigation measures claimed by South32. However, the document fails to substantively address or resolve the core issues I raised regarding misalignment with FS mission, Plan of Operations suitability, aquifer and water supply impacts, tailings risks, road and utility construction, climate change, regulatory compliance, manganese regulation, and public monitoring. New information and the selected actions confirm ongoing deficiencies rather than resolving them.

I continue to advocate strongly for the **No Action alternative**, which best aligns with the Coronado National Forest (CNF) Forest Plan and FS goals by avoiding irreversible harm to this fragile “Sky Island” ecosystem.

General Concerns with the FEIS The FEIS does not provide the rigorous, site-specific analysis or adaptive management required under NEPA, NFMA, and the CNF Forest Plan. It understates cumulative and long-term impacts, relies on optimistic assumptions and generic mitigations, and fails to justify the project’s negligible contribution to global critical mineral supplies against severe local and regional trade-offs in water security, air quality, scenic integrity, and community well-being. The selected alternative shifts some impacts (e.g., traffic away from Patagonia) but introduces or exacerbates others without adequate study.

1. Misalignment with Forest Service Mission and Multiple-Use Management (Unresolved)

Summary: The FEIS fails to address the DEIS comment on the project’s misalignment with the Forest Service mission and multiple-use mandate.

Gap: The FEIS does not quantify or justify the project’s minimal global mineral contribution relative to the substantial environmental costs, including dewatering ~195,000 acre-feet over the project life (~2,790 AF/year), creation of a cone of depression affecting wells for decades, and risks to endangered species and critical habitat. Watershed protection and ecosystem health remain compromised.

Why it must be addressed: NEPA (40 CFR 1502.14, 1502.16) and NFMA require the Forest Service to demonstrate that a project is consistent with the agency’s conservation ethic and the Coronado National Forest Land and Resource Management Plan’s multiple-use and watershed-protection mandates. The FEIS cannot lawfully approve the project without this justification.

Recommendation: The FEIS must include a clear, quantified comparison of the project's global critical-minerals benefit versus its local and regional environmental costs, with a full analysis of watershed and ecosystem impacts. The No Action alternative must be re-evaluated as the environmentally superior option.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The FEIS contains no discussion whatsoever of the Forest Service mission, multiple-use management, global mineral contribution or the balance of costs versus benefits. Searches for "mission," "multiple-use," "watershed protection," "ecosystem health," or "No Action" return zero relevant hits in any section.

B. Why This Is Inadequate Under NEPA and Other Regulations:

The DEIS comment explicitly challenged the project's misalignment with the Forest Service's core duties of conservation and sustainable multiple-use. The FEIS acknowledges the dewatering volume and cone of depression yet provides no justification that these impacts are outweighed by any public benefit. This shows the Forest Service is unable to demonstrate compliance with its statutory mandates.

C. Bottom Line:

This is a clear NEPA and NFMA failure. The FEIS left the mission-alignment gap unaddressed. Without a credible cost-benefit justification, the Forest Service cannot lawfully conclude that the project is consistent with its conservation ethic or the Coronado National Forest Plan. The No Action alternative remains the superior choice.

2. Plan of Operations Suitability and Monitoring Gaps (Unresolved)

Summary: The FEIS Response Report fails to address the Plan of Operations Suitability and Monitoring Gaps. The FEIS does not resolve the speculative nature of the Plan of Operations (PoO), which relies on ongoing exploration without fully defined long-term ore reserves or risks. Adaptive management remains vague, with insufficient detail on real-time monitoring for air quality (e.g., PM2.5 and manganese), groundwater levels, tailings stability, or heavy metals. Public reporting and independent verification processes are inadequate. This violates NEPA's requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including long-term operational viability and enforceability of mitigation (40 CFR 1502.14, 1502.16). On NFS land, the lack of a complete PoO prevents meaningful evaluation of environmental risks to water resources, air quality, and downstream communities. The FEIS must include a fully developed PoO with specific monitoring protocols and verification mechanisms before advancing. This issue also ties directly to the air quality, groundwater, and tailings management gaps raised previously and remains unaddressed.

Gap: The Report does not address the speculative PoO, undefined ore reserves, vague adaptive management, insufficient real-time monitoring, or inadequate public reporting and independent verification.

Why it must be addressed: NEPA and Forest Service regulations require a sufficiently detailed Plan of Operations and adaptive management framework to evaluate long-term environmental risks, ensure enforceability, and allow the public and decision-makers to assess cumulative impacts.

Recommendation: Require a more complete Plan of Operations with defined long-term ore reserves, detailed real-time monitoring protocols for air quality (PM2.5 and manganese), groundwater levels, tailings stability, and heavy metals, plus robust public reporting and independent verification processes, before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Plan of Operations Suitability and Monitoring Gaps. Searches of the FEIS document for "Plan of Operations," "PoO," "adaptive management," "real-time monitoring," "PM2.5," "manganese," "groundwater levels," "tailings stability," "heavy metals," "public reporting," or "independent verification" return zero relevant hits addressing the suitability or gaps. "Plan of Operations" appears only incidentally in general project descriptions without any new data on long-term ore reserves or risks. Adaptive management is referenced in passing under environmental mitigation or operations sections, but never with specific real-time monitoring protocols, triggers, or verification processes. No additional studies or data resolve the speculative nature of the PoO or the monitoring deficiencies identified in the DEIS.

The FEIS therefore carries forward the exact same speculative Plan of Operations and vague adaptive management framework that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For a mining project on National Forest System (NFS) land, this includes a sufficiently detailed Plan of Operations so the public and decision-makers can evaluate:

- Long-term viability and risks based on fully defined ore reserves
- Effectiveness and enforceability of adaptive management
- Real-time monitoring and mitigation for air quality, groundwater resources, tailings stability, and heavy-metal mobilization.

The DEIS specifically flagged the speculative nature of the PoO and the need for:

- Fully defined long-term ore reserves and associated risks
- Detailed real-time monitoring protocols for air quality (e.g., PM2.5 and manganese), groundwater levels, tailings stability, and heavy metals
- Robust public reporting and independent verification processes.

None of this was supplied or analyzed in the FEIS. The vague adaptive management framework "inadequately represents the long-term operational impacts" — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (adaptive management and public oversight):

- A speculative PoO with undefined reserves prevents credible evaluation of cumulative impacts to water quality, air quality, and downstream resources (40 CFR 1508.1(g)(3)).
- Without specific real-time monitoring, trigger thresholds, and independent verification, the public cannot assess whether mitigation will actually protect NFS resources and surrounding communities.
- NEPA and Forest Service policy require transparent, enforceable adaptive management with public reporting to support informed decision-making. The FEIS is silent.

Industry standards ignored:

- EPA and modern mining guidelines require detailed real-time monitoring protocols, public data access and independent verification for air quality, groundwater and tailings facilities to ensure protectiveness.
- Adaptive management plans must include specific, measurable triggers and corrective actions to be considered credible and enforceable — vague commitments do not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum detail in the Plan of Operations needed for a credible "hard look." The FEIS still relies on the same

speculative, incomplete PoO and inadequate monitoring framework that prevent meaningful analysis of long-term environmental risks, adaptive management, and public oversight.

3. Plan of Operations Suitability and Monitoring Gaps (Unresolved)

Summary: The FEIS Response Report fails to address Plan of Operations Suitability and Monitoring Gaps. The FEIS does not resolve the speculative nature of the Plan of Operations (PoO), which relies on ongoing exploration without fully defined long-term ore reserves or risks. Adaptive management remains vague, with insufficient detail on real-time monitoring for air quality (e.g., PM2.5 and manganese), groundwater levels, tailings stability or heavy metals. Public reporting and independent verification processes are inadequate. This violates NEPA's requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including long-term operational viability and enforceability of mitigation (40 CFR 1502.14, 1502.16). On NFS land, the lack of a complete PoO prevents meaningful evaluation of environmental risks to water resources, air quality, and downstream communities. The FEIS must include a fully developed PoO with specific monitoring protocols and verification mechanisms before advancing. This issue also ties directly to the air quality, groundwater, and tailings management gaps raised previously and remains unaddressed.

Gap: The Report does not address the speculative PoO, undefined ore reserves, vague adaptive management, insufficient real-time monitoring or inadequate public reporting and independent verification.

Why it must be addressed: NEPA and Forest Service regulations require a sufficiently detailed Plan of Operations and adaptive management framework to evaluate long-term environmental risks, ensure enforceability, and allow the public and decision-makers to assess cumulative impacts.

Recommendation: Require a more complete Plan of Operations with defined long-term ore reserves, detailed real-time monitoring protocols for air quality (PM2.5 and manganese), groundwater levels, tailings stability, and heavy metals, plus robust public reporting and independent verification processes, before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Plan of Operations Suitability and Monitoring Gaps. Searches of the FEIS document for "Plan of Operations," "PoO," "adaptive management," "real-time monitoring," "PM2.5," "manganese," "groundwater levels," "tailings stability," "heavy metals," "public reporting," or "independent verification" return zero relevant hits addressing the suitability or gaps. "Plan of Operations" appears only incidentally in general project descriptions without any new data on long-term ore reserves or risks. Adaptive management is referenced in passing under environmental mitigation or operations sections, but never with specific real-time monitoring protocols, triggers, or verification processes. No additional studies or data resolve the speculative nature of the PoO or the monitoring deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same speculative Plan of Operations and vague adaptive management framework that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For a mining project on National Forest System (NFS) land, this includes a sufficiently detailed Plan of Operations so the public and decision-makers can evaluate:

- Long-term viability and risks based on fully defined ore reserves
- Effectiveness and enforceability of adaptive management

- Real-time monitoring and mitigation for air quality, groundwater resources, tailings stability and heavy-metal mobilization.

The DEIS specifically flagged the speculative nature of the PoO and the need for:

- Fully defined long-term ore reserves and associated risks
- Detailed real-time monitoring protocols for air quality (e.g., PM2.5 and manganese), groundwater levels, tailings stability, and heavy metals
- Robust public reporting and independent verification processes.

None of this was supplied or analyzed in the FEIS. The vague adaptive management framework “inadequately represents the long-term operational impacts” — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (adaptive management and public oversight):

- A speculative PoO with undefined reserves prevents credible evaluation of cumulative impacts to water quality, air quality, and downstream resources (40 CFR 1508.1(g)(3)).
- Without specific real-time monitoring, trigger thresholds, and independent verification, the public cannot assess whether mitigation will actually protect NFS resources and surrounding communities.
- NEPA and Forest Service policy require transparent, enforceable adaptive management with public reporting to support informed decision-making. The FEIS is silent.

Industry standards ignored:

- EPA and modern mining guidelines require detailed real-time monitoring protocols, public data access and independent verification for air quality, groundwater, and tailings facilities to ensure protectiveness.
- Adaptive management plans must include specific, measurable triggers and corrective actions to be considered credible and enforceable — vague commitments do not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum detail in the Plan of Operations needed for a credible “hard look.” The FEIS still relies on the same speculative, incomplete PoO and inadequate monitoring framework that prevent meaningful analysis of long-term environmental risks, adaptive management, and public oversight.

4. Tailings Storage Facility (TSF) and Acid-Generating Waste (Unresolved)

Summary: The FEIS Response Report fails to address Tailings Storage Facility (TSF) and Acid-Generating Waste. The FEIS endorses the secondary dry-stack TSF on NFS land but does not adequately address long-term risks of acid mine drainage (AMD), dust emissions or perpetual management needs.

Remediation and post-closure restoration plans to restore scenic integrity and ecological standards remain insufficient, ignoring best practices such as thickened tailings or desulphurization. Historical precedents of AMD persistence underscore the threat to vegetation, wildlife, and water quality. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including long-term post-closure risks and enforceability of reclamation (40 CFR 1502.14, 1502.16). On NFS land, the inadequate TSF design and perpetual management prevent meaningful evaluation of threats to scenic integrity, ecological resources, and downstream water quality. The FEIS must include detailed long-term AMD mitigation, adoption of best-practice tailings technologies, and fully developed post-closure restoration plans before advancing. This issue also ties directly to the subsidence, scenic-integrity, groundwater, and air-quality gaps raised previously and remains unaddressed.

Gap: The Report does not address long-term AMD risks, dust emissions, perpetual management needs, insufficient remediation/post-closure plans, or ignored best practices (thickened tailings or desulphurization) for the TSF.

Why it must be addressed: NEPA and Forest Service regulations require detailed analysis of tailings facilities, acid-generating waste, and post-closure restoration to evaluate long-term environmental risks, ensure scenic and ecological integrity, and protect NFS resources.

Recommendation: Require detailed long-term risk assessments for AMD and dust emissions, adoption of best practices such as thickened tailings or desulphurization, and sufficient remediation/post-closure restoration plans to restore scenic integrity and ecological standards before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Tailings Storage Facility (TSF) and Acid-Generating Waste. Searches of the FEIS document for "Tailings Storage Facility," "TSF," "dry-stack," "acid mine drainage," "AMD," "dust emissions," "perpetual management," "post-closure," "remediation," "restoration," "scenic integrity," "thickened tailings," or "desulphurization" return zero relevant hits addressing the long-term risks or gaps. "TSF" or "dry-stack" appears only incidentally in general project descriptions without any new data on AMD risks, dust emissions, or perpetual management. Post-closure or reclamation is referenced in passing under environmental mitigation or operations sections, but never with specific remediation plans, best-practice technologies, or measures to restore scenic integrity. No additional studies or data resolve the speculative long-term risks or the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same inadequate secondary dry-stack TSF design and vague post-closure framework that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For a tailings storage facility on National Forest System (NFS) land, this includes sufficiently detailed TSF design and post-closure plans so the public and decision-makers can evaluate:

- Long-term risks of acid mine drainage (AMD) and dust emissions
- Perpetual management needs and financial assurance
- Remediation and restoration sufficient to restore scenic integrity and ecological standards.

The DEIS specifically flagged the TSF and acid-generating waste and the need for:

- Adequate addressing of long-term risks of AMD, dust emissions, and perpetual management needs
- Sufficient remediation and post-closure restoration plans to restore scenic integrity and ecological standards
- Consideration of best practices such as thickened tailings or desulphurization.

None of this was supplied or analyzed in the FEIS. The endorsement of the secondary dry-stack TSF "inadequately represents the long-term operational and post-closure impacts" — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (scenic integrity and long-term resource protection):

- The secondary dry-stack TSF on NFS land threatens the Coronado National Forest 2018 Land and Resource Management Plan's scenic and ecological objectives.
- Historical precedents of AMD persistence create perpetual threats to vegetation, wildlife, and water quality downstream.

- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy require explicit assessment of post-closure burdens on NFS lands. The FEIS is silent.

Industry standards ignored:

- Modern mining guidelines (EPA, ICMM, and state-of-the-art TSF practices) require thickened tailings, desulphurization, or other AMD-prevention technologies for acid-generating waste to minimize long-term risks.
- Post-closure plans must eliminate perpetual management needs and achieve full ecological and scenic restoration — vague commitments or reliance on dry-stack alone do not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum analysis of TSF risks and best practices needed for a credible “hard look.” The FEIS still relies on the same inadequate dry-stack TSF and insufficient post-closure framework that prevent meaningful evaluation of long-term AMD, dust, scenic-integrity, and ecological impacts on Forest Service Land.

5. Road Construction and Environmental Impacts (Unresolved)

Summary: The FEIS Response Report fails to address Road Construction and Environmental Impacts. The primary access road on NFS land is presented as reducing traffic through Patagonia, but the FEIS provides limited new analysis of riparian / wildlife impacts, noise, light pollution, mixed-use conflicts or cumulative effects on recreation and scenic resources. Road maintenance responsibilities, erosion control, and alternative routing options to avoid sensitive areas are not fully resolved. Inaccurate or incomplete routing details from the PoO persist as a concern. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect and cumulative impacts (40 CFR 1502.14, 1502.16). On NFS land, the limited analysis and unresolved issues prevent meaningful evaluation of environmental impacts to riparian areas, wildlife, recreation, and scenic resources. The FEIS must include comprehensive new analyses, resolved maintenance responsibilities, detailed erosion controls, alternative routing options, and accurate routing details before advancing. This issue also ties directly to the roadway design, scenic-integrity, and mixed-use safety gaps raised previously and remains unaddressed.

Gap: The Report does not address limited new analysis of riparian / wildlife impacts, noise, light pollution, mixed-use conflicts, cumulative effects on recreation and scenic resources, unresolved road maintenance responsibilities, erosion control, alternative routing options to avoid sensitive areas, or inaccurate / incomplete routing details from the PoO.

Why it must be addressed: NEPA and Forest Service regulations require detailed analysis of road construction and environmental impacts on NFS land, including riparian / wildlife effects, noise / light pollution, mixed-use conflicts, cumulative effects, maintenance responsibilities, erosion control, and alternative routing to evaluate direct, indirect, and cumulative impacts and ensure compatibility with recreation and scenic objectives.

Recommendation: Include detailed new analysis of riparian/wildlife impacts, noise, light pollution, mixed-use conflicts, and cumulative effects on recreation and scenic resources; resolve road maintenance responsibilities, erosion control, and alternative routing options to avoid sensitive areas; and correct inaccurate or incomplete routing details from the PoO before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service’s Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Road Construction and Environmental Impacts.

Searches of the FEIS document for “primary access road,” “riparian impacts,” “wildlife impacts,” “noise,” “light pollution,” “mixed-use conflicts,” “cumulative effects,” “recreation,” “scenic resources,” “road maintenance responsibilities,” “erosion control,” “alternative routing,” “routing details,” or “PoO” return zero relevant hits addressing the impacts or gaps. “Primary access road” appears only incidentally in unrelated sections (vegetation, hydrology, or traffic), but never with any new analysis of riparian/wildlife impacts, noise, light pollution, mixed-use conflicts, cumulative effects, road maintenance, erosion control, or routing details. No additional studies or data resolve the limited analysis or the unresolved maintenance, erosion, and routing deficiencies identified in the DEIS.

The FEIS therefore carries forward the exact same limited analysis and unresolved road-construction issues that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For the primary access road on National Forest System (NFS) land, this includes sufficiently detailed environmental impact analysis so the public and decision-makers can evaluate:

- Riparian and wildlife impacts, noise, light pollution, mixed-use conflicts, and cumulative effects on recreation and scenic resources
- Road maintenance responsibilities, erosion control, and alternative routing options to avoid sensitive areas
- Accurate and complete routing details from the PoO.

The DEIS specifically flagged the primary access road on NFS land and the need for:

- Detailed new analysis of riparian / wildlife impacts, noise, light pollution, mixed-use conflicts or cumulative effects on recreation and scenic resources,
- Resolution of road maintenance responsibilities, erosion control, and alternative routing options to avoid sensitive areas,
- Accurate and complete routing details from the PoO.

None of this was supplied or analyzed in the FEIS. The presentation of the primary access road as reducing traffic through Patagonia “inadequately represents the environmental impacts” — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (recreation and scenic resources):

- The primary access road on NFS land will affect riparian areas, wildlife, and create noise/light pollution and mixed-use conflicts, directly conflicting with the Coronado National Forest 2018 Land and Resource Management Plan’s recreation and scenic objectives.
- Without resolved maintenance responsibilities, erosion control, or alternative routing, cumulative effects on recreation and sensitive resources cannot be evaluated.
- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy (FSM 7700 Transportation System, 36 CFR 212) require explicit assessment of road-construction impacts on NFS lands. The FEIS is silent.

Industry standards ignored:

- AASHTO Geometric Design of Highways and Streets and Forest Service road construction guidelines (FSM 7700) require detailed environmental impact assessments, erosion control plans, and consideration of alternative routing options to minimize impacts on sensitive riparian, wildlife, and scenic areas.
- Best practices for NFS roads include specific measures for noise and light pollution mitigation in recreation areas, as well as clear road-maintenance responsibilities. Inaccurate routing details and unresolved issues do not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum detailed analysis of road construction and environmental impacts needed for a credible “hard look.” The FEIS still relies on the same limited analysis and unresolved maintenance, erosion, and routing issues that prevent meaningful evaluation of riparian, wildlife, recreation, and scenic impacts on Forest Service Land.

6. Utility Lines and Scenic Integrity (Unresolved)

Summary: The FEIS Response Report fails to address Utility Lines and Scenic Integrity. The FEIS allows a portion of the 138 kV transmission line on NFS land but does not mandate underground placement per FS guidelines for scenic protection. Fire risks from above-ground lines in this wildfire-prone area, along with impacts to visual resources and climate adaptation, are not adequately mitigated. Relocation or burial options were not sufficiently explored. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including visual resources, fire risks, and long-term scenic integrity (40 CFR 1502.14, 1502.16). On NFS land, the inadequate mitigation and lack of underground or relocated options prevent meaningful evaluation of threats to scenic integrity, visual resources, wildfire safety, and climate adaptation. The FEIS must mandate underground placement per FS guidelines, provide adequate mitigation for fire risks and visual impacts, fully explore relocation or burial options, and address climate adaptation before advancing. This issue also ties directly to the scenic-integrity, visual-resource, and roadway-design gaps raised previously and remains unaddressed.

Gap: The Report does not address the failure to mandate underground placement per FS guidelines, inadequate mitigation of fire risks from above-ground lines, impacts to visual resources and climate adaptation, or insufficient exploration of relocation or burial options.

Why it must be addressed: NEPA and Forest Service regulations require detailed analysis of utility lines on NFS land, including compliance with scenic-protection guidelines, fire-risk mitigation in wildfire-prone areas, visual-resource impacts, and exploration of alternatives such as underground placement or relocation to evaluate direct, indirect, and cumulative effects.

Recommendation: Mandate underground placement of the 138 kV transmission line per FS scenic-protection guidelines, provide adequate mitigation for fire risks, visual-resource impacts, and climate adaptation, and fully explore relocation or burial options before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service’s Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Utility Lines and Scenic Integrity. Searches of the FEIS document for “138 kV transmission line,” “utility lines,” “underground placement,” “scenic integrity,” “fire risks,” “visual resources,” “climate adaptation,” “relocation,” or “burial options” return zero relevant hits addressing the mitigation or gaps. “Transmission line” or “utility lines” appears only incidentally in general project descriptions without any new analysis of underground placement, fire risks, visual impacts, or relocation/burial options. Scenic integrity or visual resources are referenced in passing under environmental mitigation or operations sections, but never with specific FS guideline compliance, fire-risk mitigation, climate-adaptation measures, or alternative routing/burial data. No additional studies or data resolve the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same inadequate allowance of above-ground utility lines and vague scenic-protection framework that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For utility lines on National Forest System (NFS) land, this includes sufficiently detailed design and mitigation so the public and decision-makers can evaluate:

- Compliance with FS scenic-protection guidelines (underground placement)
- Fire risks from above-ground lines in wildfire-prone terrain
- Impacts to visual resources and climate adaptation
- Relocation or burial options to avoid sensitive scenic areas.

The DEIS specifically flagged the 138 kV transmission line on NFS land and the need for:

- Mandated underground placement per FS guidelines for scenic protection
- Adequate mitigation of fire risks from above-ground lines, along with impacts to visual resources and climate adaptation, •
- Sufficient exploration of relocation or burial options.

None of this was supplied or analyzed in the FEIS. The allowance of above-ground lines “inadequately represents the scenic integrity and fire-risk impacts” — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (scenic integrity and wildfire protection):

- The 138 kV transmission line on NFS land directly conflicts with the Coronado National Forest 2018 Land and Resource Management Plan’s scenic and visual-resource objectives.
- Above-ground lines in this wildfire-prone area increase ignition risks without adequate mitigation or climate-adaptation measures.
- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy require explicit assessment of utility-line impacts on scenic integrity and public safety on NFS lands. The FEIS is silent.

Industry standards ignored:

- Forest Service guidelines (FSM 2700 Special Uses and visual resource management standards) require underground placement of transmission lines where feasible to protect scenic integrity and minimize visual impacts.
- Best practices for wildfire-prone areas (NFPA 1144, utility wildfire-mitigation standards) mandate fire-hardened design, burial, or relocation options to reduce ignition risk and support climate adaptation. Vague above-ground approvals do not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum analysis of utility-line design and scenic-protection measures needed for a credible “hard look.” The FEIS still relies on the same inadequate allowance of above-ground 138 kV lines and insufficient mitigation that prevent meaningful evaluation of scenic integrity, visual resources, fire risks, and climate adaptation on Forest Service Land.

7. Climate Change and Energy Impacts (Unresolved)

Summary: The FEIS Response Report fails to address Climate Change and Energy Impacts. The FEIS does not fully integrate the five FS-identified climate change factors. Increased water demand from dewatering, high-carbon cement use in backfilling and reliance on non-renewable energy sources (sources of electricity despite some power line versus generator sets) exacerbate scarcity and emissions. Robust alternatives for renewables (e.g., solar integration) and low-carbon materials are still lacking. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including climate-change factors, water scarcity, greenhouse-gas emissions, and enforceable mitigation (40 CFR 1502.14, 1502.16). On NFS land, the failure to integrate the five FS

factors and the absence of robust alternatives prevent meaningful evaluation of long-term exacerbation of water scarcity, emissions, and climate-adaptation needs. The FEIS must fully integrate the five FS-identified climate change factors, analyze and mitigate increased water demand, high-carbon cement use, and non-renewable energy reliance, and include robust alternatives for renewables and low-carbon materials before advancing. This issue also ties directly to the groundwater, air-quality, and energy gaps raised previously and remains unaddressed.

Gap: The Report does not address the failure to fully integrate the five FS-identified climate change factors, increased water demand from dewatering, high-carbon cement use in backfilling, reliance on non-renewable energy sources, or the lack of robust alternatives for renewables (e.g., solar integration) and low-carbon materials.

Why it must be addressed: NEPA and Forest Service regulations require detailed analysis of climate change and energy impacts on NFS land, including full integration of the five FS-identified factors, to evaluate exacerbation of water scarcity and emissions and to ensure enforceable mitigation through renewables and low-carbon alternatives.

Recommendation: Fully integrate the five FS-identified climate change factors, analyze and mitigate increased water demand from dewatering, high-carbon cement use in backfilling, and reliance on non-renewable energy sources, and include robust alternatives for renewables (e.g., solar integration) and low-carbon materials before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations. **A. What the Response Report Actually Says:**

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Climate Change and Energy Impacts. Searches of the FEIS document for "climate change," "five FS-identified," "water demand," "dewatering," "high-carbon cement," "backfilling," "non-renewable energy," "renewables," "solar integration," "low-carbon materials," "power line," or "generator sets" return zero relevant hits addressing the integration, exacerbation, or alternatives. "Climate change" or "energy impacts" appears only incidentally in general project descriptions without any new analysis of the five FS-identified factors, water-demand increases, cement use, or non-renewable energy reliance. Renewable energy or low-carbon materials are referenced in passing under environmental mitigation or operations sections, but never with specific integration of the five FS factors, mitigation measures, or robust alternatives. No additional studies or data resolve the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same failure to integrate climate-change factors and the same reliance on high-carbon, non-renewable energy sources that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For a mining project on National Forest System (NFS) land, this includes sufficiently detailed climate-change and energy analysis so the public and decision-makers can evaluate:

- Full integration of the five FS-identified climate change factors
- Increased water demand from dewatering and high-carbon cement use in backfilling
- Reliance on non-renewable energy sources and their exacerbation of scarcity and emissions
- Robust alternatives for renewables (e.g., solar integration) and low-carbon materials.

The DEIS specifically flagged the climate change and energy impacts and the need for:

- Full integration of the five FS-identified climate change factors

- Analysis and mitigation of increased water demand from dewatering, high-carbon cement use in backfilling, and reliance on non-renewable energy sources
- Robust alternatives for renewables (e.g., solar integration) and low-carbon materials.

None of this was supplied or analyzed in the FEIS. The failure to integrate the five FS factors “inadequately represents the climate change and energy impacts” — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (climate adaptation and resource protection):

- Increased water demand and emissions on NFS land directly conflict with the Coronado National Forest 2018 Land and Resource Management Plan’s climate-adaptation and resource-protection objectives.
- Reliance on non-renewable energy sources (power line or generator sets) without alternatives exacerbates scarcity and cumulative emissions in a climate-stressed landscape.
- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service climate policy require explicit assessment of climate-change factors and energy impacts on NFS lands. The FEIS is silent.

Industry standards ignored:

- EPA and modern mining guidelines (e.g., ICMM Climate Change Position Statement and best-practice low-carbon mining) require full integration of climate factors, transition to low-carbon materials (reduced-cement alternatives for backfilling), and renewable energy integration (solar and other renewables) to minimize water scarcity and GHG emissions.
- Vague reliance on non-renewable sources without robust alternatives does not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum integration of climate-change factors and energy alternatives needed for a credible “hard look.” The FEIS still relies on the same incomplete analysis and high-carbon, non-renewable energy framework that prevent meaningful evaluation of water scarcity, emissions, and climate-adaptation impacts on Forest Service Land.

8. Mineral Leasing and Mining Laws Compliance (Unresolved)

Summary: The FEIS Response Report fails to address Mineral Leasing and Mining Laws Compliance. Transparency on royalty payments for critical minerals and full adherence to the Mining Law of 1872 (including justification for speculative exploration) remain unaddressed. Public benefit assessment is incomplete. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including legal compliance, royalty transparency, and public benefit (40 CFR 1502.14, 1502.16). On NFS land, the lack of transparency and incomplete adherence prevent meaningful evaluation of public benefits, legal compliance, and equitable use of public resources. The FEIS must include full transparency on royalty payments, justification for adherence to the Mining Law of 1872 (including for speculative exploration), and a complete public benefit assessment before advancing. This issue also ties directly to the Plan of Operations suitability and public benefit gaps raised previously and remains unaddressed.

Gap: The Report does not address transparency on royalty payments for critical minerals, full adherence to the Mining Law of 1872 (including justification for speculative exploration), or the incomplete public benefit assessment.

Why it must be addressed: NEPA and Forest Service regulations require detailed analysis of mineral leasing and mining laws compliance on NFS land, including royalty transparency and public benefit assessment, to evaluate legal adherence and public interest in the project.

Recommendation: Provide full transparency on royalty payments for critical minerals, demonstrate full adherence to the Mining Law of 1872 (including justification for speculative exploration), and include a complete public benefit assessment before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Mineral Leasing and Mining Laws Compliance. Searches of the FEIS document for "mineral leasing," "Mining Law of 1872," "royalty payments," "critical minerals," "speculative exploration," "public benefit assessment," "adherence," or "Mining Law" return zero relevant hits addressing the transparency, adherence, or gaps. "Mineral leasing" or "royalty" appears only incidentally in general project descriptions without any new data on transparency or critical minerals. Public benefit or adherence is referenced in passing under operations or economic sections, but never with specific royalty transparency, justification for speculative exploration, or complete assessment. No additional studies or data resolve the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same lack of transparency and incomplete public benefit assessment that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For a mining project on National Forest System (NFS) land, this includes sufficiently detailed mineral leasing and mining laws compliance so the public and decision-makers can evaluate:

- Transparency on royalty payments for critical minerals
- Full adherence to the Mining Law of 1872 (including justification for speculative exploration)
- Complete public benefit assessment.

The DEIS specifically flagged the mineral leasing and mining laws compliance and the need for:

- Transparency on royalty payments for critical minerals
- Full adherence to the Mining Law of 1872 (including justification for speculative exploration)
- Complete public benefit assessment.

None of this was supplied or analyzed in the FEIS. The lack of transparency and adherence "inadequately represents the mineral leasing and mining laws compliance" — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (mineral leasing and public benefit):

- The project on NFS land requires full compliance with the Mining Law of 1872 and transparent public benefit assessment to ensure equitable use of public resources.
- Without justification for speculative exploration or royalty transparency (especially for critical minerals), the public cannot assess whether the project serves the national interest. • NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy require explicit assessment of legal compliance and public benefits on NFS lands. The FEIS is silent.

Legal and regulatory standards ignored:

- The General Mining Law of 1872 requires a valid discovery of a valuable mineral deposit and does not support purely speculative exploration without site-specific justification; modern expectations for critical minerals further demand royalty transparency and public-benefit disclosure.
- NEPA and Forest Service mineral-leasing policies (43 CFR 3809, FSM 2800) require complete public benefit assessments to justify approval. Vague or unaddressed compliance does not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum transparency and legal compliance analysis needed for a credible “hard look.” The FEIS still relies on the same incomplete adherence to the Mining Law of 1872 and inadequate public benefit assessment that prevent meaningful evaluation of royalty transparency, speculative exploration justification, and public benefits on Forest Service Land.

9. Title V and Mineral Withdrawals (Unresolved)

Summary: The FEIS Response Report fails to address Title V and Mineral Withdrawals. No substantive Title V right-of-way alternatives analysis appears in the FEIS to justify mineral withdrawals. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including a hard look at alternatives for rights-of-way and mineral withdrawals (40 CFR 1502.14, 1502.16). On NFS land, the absence of substantive alternatives analysis prevents meaningful evaluation of the necessity, justification, and impacts of mineral withdrawals. The FEIS must include a substantive Title V right-of-way alternatives analysis to justify mineral withdrawals before advancing. This issue also ties directly to the mineral leasing, mining laws compliance, and Plan of Operations suitability gaps raised previously and remains unaddressed.

Gap: The Report does not address the absence of substantive Title V right-of-way alternatives analysis to justify mineral withdrawals.

Why it must be addressed: NEPA and Forest Service regulations require a detailed alternatives analysis for Title V rights-of-way and mineral withdrawals on NFS land to justify the proposed action, evaluate impacts, and ensure informed decision-making.

Recommendation: Include a substantive Title V right-of-way alternatives analysis to justify mineral withdrawals before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service’s Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Title V and Mineral Withdrawals. Searches of the FEIS document for “Title V,” “right-of-way,” “mineral withdrawals,” “alternatives analysis,” “withdrawal justification,” or “ROW alternatives” return zero relevant hits addressing the analysis or gaps. “Mineral withdrawals” or “right-of-way” appears only incidentally in general project descriptions without any substantive alternatives analysis or justification data. No discussion of Title V compliance or alternatives is provided in any section. No additional studies or data resolve the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same lack of substantive Title V right-of-way alternatives analysis that was criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For mineral withdrawals and associated rights-of-way on National Forest System (NFS) land, this includes a sufficiently detailed Title V alternatives analysis so the public and decision-makers can evaluate:

- Reasonable alternatives to the proposed right-of-way and mineral withdrawal
- Justification for the specific withdrawal action,
- Impacts and necessity of the withdrawal on NFS land.

The DEIS specifically flagged Title V and mineral withdrawals and the need for:

- A substantive Title V right-of-way alternatives analysis to justify mineral withdrawals.

None of this was supplied or analyzed in the FEIS. The absence of a substantive alternatives analysis “inadequately represents the justification for mineral withdrawals” — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (mineral withdrawals and right-of-way compliance):

- Mineral withdrawals on NFS land require a full alternatives analysis under FLPMA Title V and NEPA to ensure compatibility with the Coronado National Forest 2018 Land and Resource Management Plan.
- Without this analysis, the public and decision-makers cannot evaluate whether less impactful alternatives exist or whether the withdrawal is truly necessary.
- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy require explicit assessment of withdrawal justification on NFS lands. The FEIS is silent.

Legal and regulatory standards ignored:

- FLPMA Title V (43 U.S.C. 1761 et seq.) and implementing regulations (36 CFR 251 Subpart B) require a complete right-of-way alternatives analysis before granting or justifying mineral withdrawals on federal lands.
- NEPA (40 CFR 1502.14) mandates that agencies rigorously explore and objectively evaluate all reasonable alternatives to proposed actions. The complete absence of substantive analysis does not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum Title V right-of-way alternatives analysis needed for a credible “hard look.” The FEIS still relies on the same unsupported justification for mineral withdrawals that prevent meaningful evaluation of alternatives, necessity, and compliance on Forest Service Land.

10. Public Monitoring and Collaboration (Unresolved)

Summary: The FEIS Response Report fails to address Public Monitoring and Collaboration. The FEIS does not establish meaningful citizen collaboration mechanisms, such as community dashboards for real-time air / water quality data or annual public reports on tailings and monitoring results. This violates NEPA’s requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including public involvement, transparency, and enforceability of monitoring and mitigation (40 CFR 1502.14, 1502.16). On NFS land, the absence of meaningful citizen collaboration mechanisms prevents meaningful evaluation of ongoing environmental risks, public oversight, and accountability. The FEIS must establish meaningful citizen collaboration mechanisms, including community dashboards for real-time air / water quality data and annual public reports on tailings and monitoring results, before advancing. This issue also ties directly to the Plan of Operations suitability and monitoring gaps, air quality, groundwater, and tailings management gaps raised previously and remains unaddressed.

Gap: The Report does not address the failure to establish meaningful citizen collaboration mechanisms, such as community dashboards for real-time air / water quality data or annual public reports on tailings and monitoring results.

Why it must be addressed: NEPA and Forest Service regulations require detailed public monitoring and collaboration mechanisms on NFS land to ensure transparency, public oversight, enforceability of environmental protections, and informed decision-making.

Recommendation: Establish meaningful citizen collaboration mechanisms, including community dashboards for real-time air / water quality data and annual public reports on tailings and monitoring results, before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Public Monitoring and Collaboration. Searches of the FEIS document for "public monitoring," "citizen collaboration," "community dashboards," "real-time air," "real-time water quality," "annual public reports," "tailings monitoring results," "citizen oversight," or "public reporting" return zero relevant hits addressing the collaboration mechanisms or gaps. "Monitoring" or "public reports" appears only incidentally in general project descriptions without any new data on citizen collaboration, dashboards, or annual public reporting. Collaboration or public involvement is referenced in passing under environmental mitigation or operations sections, but never with specific mechanisms such as real-time dashboards or annual reports on tailings and monitoring results. No additional studies or data resolve the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same lack of meaningful citizen collaboration mechanisms that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations:

NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For a mining project on National Forest System (NFS) land, this includes sufficiently detailed public monitoring and collaboration mechanisms so the public and decision-makers can evaluate:

- Real-time public access to air and water quality data
- Annual public reports on tailings stability and monitoring results
- Meaningful citizen collaboration and ongoing oversight.

The DEIS specifically flagged public monitoring and collaboration and the need for:

- Meaningful citizen collaboration mechanisms
- Community dashboards for real-time air / water quality data
- Annual public reports on tailings and monitoring results.

None of this was supplied or analyzed in the FEIS. The failure to establish these mechanisms "inadequately represents the public oversight and transparency" — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (public oversight and transparency):

- The absence of citizen collaboration mechanisms on NFS land conflicts with the Coronado National Forest 2018 Land and Resource Management Plan's emphasis on community engagement and public involvement in resource management.
- Without real-time dashboards and annual public reports, the public cannot independently verify mitigation effectiveness or participate meaningfully in adaptive management.
- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy require explicit public collaboration to support informed decision-making on NFS lands. The FEIS is silent.

Industry standards ignored:

- EPA and modern mining guidelines require public data access via community dashboards, real-time monitoring transparency, and annual public reports on tailings and environmental monitoring results to enable citizen collaboration and accountability.
- NEPA public participation requirements (40 CFR 1501.9) and Forest Service collaboration policies mandate meaningful citizen engagement mechanisms beyond vague commitments.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum public monitoring and collaboration mechanisms needed for a credible "hard look." The FEIS still relies on the same lack of citizen collaboration, dashboards, and annual public reports that prevent meaningful evaluation of transparency, oversight, and environmental accountability on Forest Service Land.

11. Manganese Regulation (Unresolved)

Summary: The FEIS Response Report fails to address Manganese Regulation. The FEIS does not resolve the lack of manganese as a hazardous air pollutant (HAP) under Federal standards. A comprehensive site-specific health risk assessment, air dispersion modeling and enforceable limits comparing to ATSDR MRL (0.300 µg/m³) and EPA RfC are still needed. Emissions data (5.46 tpy per ADEQ permit) and potential neurotoxic risks to residents warrant stronger action to avoid increased healthcare and liability burdens. This violates NEPA's requirement for a detailed project description and analysis of direct, indirect, and cumulative impacts, including public health risks from air toxics and enforceable mitigation (40 CFR 1502.14, 1502.16). On NFS land, the unresolved manganese regulation prevents meaningful evaluation of neurotoxic risks, air-quality impacts, and public-health protection. The FEIS must require a comprehensive site-specific health risk assessment, air dispersion modeling, enforceable limits comparing to ATSDR MRL (0.300 µg/m³) and EPA RfC, and stronger action on manganese emissions before advancing. This issue also ties directly to the air quality and monitoring gaps raised previously and remains unaddressed.

Gap: The Report does not address the lack of manganese as a HAP under Federal standards, absence of site-specific health risk assessment, air dispersion modeling, enforceable limits compared to ATSDR MRL (0.300 µg/m³) and EPA RfC, unaddressed emissions data (5.46 tpy), or neurotoxic risks to residents.

Why it must be addressed: NEPA and EPA regulations require detailed analysis of air toxics (even if not federally listed as HAP), site-specific health risk assessments, air dispersion modeling, and enforceable limits to protect public health and evaluate cumulative impacts.

Recommendation: Require a comprehensive site-specific health risk assessment, air dispersion modeling, enforceable manganese emission limits comparing to ATSDR MRL (0.300 µg/m³) and EPA RfC, and stronger action on the 5.46 tpy emissions before finalizing the FEIS.

Discussion: The FEIS did not address this issue at all under NEPA or related regulations.

A. What the Response Report Actually Says:

The Forest Service's Comment Analysis and Response Report contains no consolidated statement and no response whatsoever to the Manganese Regulation. Searches of the FEIS document for "manganese," "HAP," "hazardous air pollutant," "health risk assessment," "air dispersion modeling," "enforceable limits," "ATSDR MRL," "EPA RfC," "5.46 tpy," "neurotoxic," or "neurotoxic risks" return zero relevant hits addressing the regulation, assessment, modeling, or gaps. "Manganese" appears only incidentally in general project descriptions or water-quality sections without any new data on HAP status, health risk assessment, air dispersion modeling, or enforceable limits. Air toxics or emissions are referenced in passing under environmental mitigation or operations sections, but never with site-specific modeling, ATSDR/EPA comparisons, or stronger action on the 5.46 tpy emissions. No additional studies or data resolve the deficiencies identified in the DEIS. The FEIS therefore carries forward the exact same lack of manganese regulation and unresolved health-risk analysis that were criticized in the DEIS.

B. Why This Is Inadequate Under NEPA and Other Regulations: NEPA (40 CFR 1502.14, 1502.16) explicitly requires a detailed project description and analysis of direct, indirect, and cumulative impacts. For air emissions on National Forest System (NFS) land, this includes sufficiently detailed regulation and health analysis so the public and decision-makers can evaluate:

- Manganese as a hazardous air pollutant (HAP) under Federal standards
- Comprehensive site-specific health risk assessment and air dispersion modeling,
- Enforceable emission limits compared to ATSDR MRL (0.300 µg/m³) and EPA RfC,
- Neurotoxic risks to residents from 5.46 tpy emissions and avoidance of increased healthcare and liability burdens.

The DEIS specifically flagged manganese regulation and the need for:

- Resolution of the lack of manganese as a HAP under Federal standards,
- Comprehensive site-specific health risk assessment, air dispersion modeling, and enforceable limits comparing to ATSDR MRL (0.300 µg/m³) and EPA RfC,
- Stronger action on emissions data (5.46 tpy per ADEQ permit) and potential neurotoxic risks to residents.

None of this was supplied or analyzed in the FEIS. The failure to resolve manganese regulation “inadequately represents the air-quality and public-health impacts” — exactly as raised previously — and the Response Report offers no correction.

Additional NEPA violation on Forest Service land (air quality and public health):

- Manganese emissions on NFS land threaten public health in nearby communities and conflict with the Coronado National Forest 2018 Land and Resource Management Plan’s air-quality and resource-protection objectives.
- Without site-specific modeling and enforceable limits, cumulative neurotoxic risks to residents cannot be evaluated.
- NEPA cumulative-impact analysis (40 CFR 1508.1(g)(3)) and Forest Service policy require explicit assessment of air-toxics health risks on NFS lands. The FEIS is silent.

Industry standards ignored:

- EPA air-toxics guidelines and ATSDR toxicological profiles require site-specific health risk assessments, air dispersion modeling, and enforceable limits for manganese (even when not federally listed as a HAP) to protect against neurotoxic effects.
- Modern mining and air-quality standards (ADEQ permits and EPA risk-assessment protocols) mandate comparison to ATSDR MRL (0.300 µg/m³) and EPA RfC and stronger controls to avoid healthcare and liability burdens. Vague or unaddressed regulation does not satisfy this standard.

C. Bottom Line:

This is a clear NEPA failure: the agency simply ignored a substantive issue that demanded the minimum site-specific health risk assessment, air dispersion modeling, and enforceable limits needed for a credible “hard look.” The FEIS still relies on the same unresolved manganese regulation that prevent meaningful evaluation of neurotoxic risks, public-health impacts, and air-quality protection on Forest Service Land.

Conclusion and Requested Actions: The FEIS and Draft ROD fail to remedy the deficiencies identified in my June 21, 2025 DEIS rebuttal. They do not align with the Forest Service’s core mission of conservation, watershed protection and sustainable multiple-use management. The selected actions prioritize mining expansion over protection of the Coronado National Forest’s biodiversity, water resources, scenic integrity and community health.

I respectfully request that the Forest Service:

- Adopt the **No Action alternative** or prepare a supplemental EIS addressing all unresolved issues with site-specific, independent studies and enforceable mitigations.
- Extend or reopen the objection period as needed for full review.
- Reject the Draft ROD until robust monitoring, integrated water and climate plans, best-practice tailings / road / utility designs, underground utilities where feasible and transparent public collaboration are in place.
- Ensure direct engagement with Santa Cruz County residents and alignment with NEPA, NFMA and CNF Forest Plan requirements.

The long-term protection of this unique ecosystem and local communities must take precedence over a project with limited global benefit and significant local risks.

Sincerely,

Robin Lucky

Rio Rico, Santa Cruz County, Arizona