

Meeting #46  
July 13, 2016  
**MEETING SUMMARY**

**Meeting Attendees**

*Community Working Group members present:*

Bruce Wittig – Queen Valley Fire Department  
Hank Gutierrez - Superior Copper Alliance  
Anthony Huerta – Town of Superior  
Karen Jones – San Carlos Apache Tribe  
Nancy Vogler – LOST Trail  
Bill Vogler – Superior Copper Alliance  
Jeff Bunkelmann – Central Arizona College  
JoAnn Besich – Superior Optimist Club  
George Martin – JF Ranch  
Lynn Martin – JF Ranch  
Tiffany Rowell – Superior resident  
Cecil Fendley – Queen Valley Water Board  
Pamela Rabago – Superior Chamber of Commerce  
Fernando Shipley – Cobre Valley Regional Medical Center Board

*Community Working Group members not present:*

Fred Gaudet – Arizona Trail Association  
Mark Siegwarth – Boyce Thompson Arboretum  
Arlynn Godinez - Superior Unified School District  
Rick Cartier – Superior Chamber of Commerce alternate  
Roy Chavez - Concerned Citizens and Retired Miners  
Pam Bennett – Queen Valley Community Liaison

*Resolution Copper Company:*

Jim Schenck, Communities Manager

*Facilitators – Godec, Randall & Associates (GRA)*

John Godec  
Debra Duerr

*Speakers:*

Tom Torres, Deputy Supervisor, Tonto National Forest  
Mark Nelson, Project Manager Resolution EIS, Tonto National Forest  
Mark Sando, Globe District Ranger, Tonto National Forest  
John Scaggs, Public Affairs, Tonto National Forest

*Public Guests:*

Charlie Goff - Superstition Area Land Trust, Pinal Partnership Trails committee  
Chris Postel - businessman, Winkelman conservation district

## **Housekeeping**

John Godec welcomed the group members and reminded them that we will not be meeting in August. He introduced the new Cobre Valley Regional Medical Center representative, Mr. Fernando Shipley, from Globe.

Godec updated the group on the synopsis that he prepared of the ADHS health studies conducted over the years in the region. He has gotten some comments back from the state, as well as information from BHP on remediation activities in recent years. He is expecting to be able to share this with the CWG in September. All the original documents that have been used in this summary will also be added to the CWG website at that time.

## **CWG Subcommittee Status**

Debra Duerr reported that the next Recreation User Group meeting is rescheduled for September 14. An Historic Preservation Task Force meeting will be organized in late August or early September to review the requested cost estimates for rehabilitation of the smelter stack and associated historic buildings, reportedly to be completed by that time.

For the Community Monitoring Task Force, we hope to have a meeting in late August or early September. The objective is for the group to hire an independent consultant to take samples and test them. The facilitators are working with Casey McKeon to develop a scope of work for a third-party hydrogeology contractor to assist with independent water quality testing and sampling, which the task force will review. On this topic, Jim Schenck told the group that the Arizona Department of Environmental Quality had a public hearing last night on the discharge permit for discharges to Queen Creek.

Resolution is working on setting up a Community Investment Subcommittee meeting in the near future.

Schenck reminded the group that the lower smelter pond reclamation is done. Resolution is now working on Indian Pond (CP 105), and is about to start a project that will continue to the end of the year for remediation of "smelter-affected soils". Jim and Melissa Rabago have been going to training sessions for this. There are new buildings near the slag pile that have been constructed to support this work. The soils have cyanide, lead, and copper so workers will start the job wearing protective gear and respirators. AutoMeadows and Carey Environmental Engineering have the contracts.

A CWG member asked how Number 9 Shaft work is progressing. Schenck said that Rebecca Darling has been working on local hires and cultural resources work. There are a number of project packages to be completed; the CWG will be kept informed of progress.

## **Update on Resolution Copper Project Environmental Impact Statement (EIS)** Tonto National Forest

Godec introduced the Tonto National Forest (TNF) guests, saying that the EIS is underway and the public scoping period will end this Monday, July 18. He noted that the CWG has requested to hear from the Forest Service on an occasional basis to keep in touch with the EIS studies.

Tom Torres, Deputy Supervisor, thanked the group for inviting them to attend tonight. He confirmed that TNF staff are willing to attend meetings on a regular basis. He introduced John Scaggs, a new public affairs specialist. Torres said that about 30 to 40% of Tonto National Forest staff are new over the past year or so. Those directly related to the Resolution project include Noni Nez as a tribal liaison; an assistant project manager to support Mark Nelson; a forest geologist, Judd Sampson, who came from the BLM; and a geologist, Alex Menckin, in Globe who will be doing field work and monitoring. They are also recruiting for a senior geologist for Globe. Torres reported that there will also be an EIS for the Pinto Valley Mine for Capstone, which has been operating under special use permits and now needs a plan of operations to extend the life-of-mine.

John Scaggs introduced himself. He has been a public affairs specialist since 1984 with the Department of Defense and Forest Service. He assured the CWG that he is available to talk with members and answer questions at any time. He said that in his talk he will update the group on recent TNF activities, explain the next phase of the EIS project over the next two years, and discuss the Forest Service's authority as related to Resolution Copper.

Scaggs said that the EIS is an ongoing process to examine the effects of the Resolution Copper Project and the associated federal land exchange. Five public scoping meetings were held including an additional one in Santan Valley as suggested by the public. The scoping period was also extended an additional 60 days at public request, and will be open until next week. About 385 people attended the scoping meetings. About 22,000 total comments have been received from a variety of sources, of which 77% are form letters. The major issues raised were air quality, water quality, cultural issues, and subsidence. The entire range of public issues will be addressed in the EIS, as will possible alternatives. When the Draft EIS is completed there will be a minimum of 45 days public comment period.

CWG members asked for clarification about the issue of 'standing' in the EIS. Mark Nelson said that issue comes into play during the Forest Service 45-day objection period at the end of the Final EIS, during which anyone who has commented during the EIS may object on that basis.

Scaggs explained that the key roles of the Tonto National Forest include conducting government-to-government consultations with potentially affected Native American tribes, developing mitigations for TNF lands and recommending mitigations for lands not under Forest Service jurisdiction, administering approved mining plans of operations, and administering financial assurance for reclamation.

The TNF Supervisor is the responsible official who prepares the Record of Decision (ROD) for the EIS, approves the mining General Plan of Operations (GPO) and administers the land exchange.

Scaggs assured the group that the Tonto National Forest makes a commitment to the public to conduct an open and transparent process, and to work to address the public's concerns within the bounds of their authority. He thanked the group for the opportunity to talk with the CWG, and offered to come back when invited.

CWG members had the following questions and comments:

- Will jurisdiction for the land exchange stay with the Forest Service once the land exchange goes through?
  - Torres said that TNF only has jurisdiction to regulate mining on national forest lands. The Congressional legislation specifies that the exchange lands must be transferred 60 days after the Final EIS is published, at which time the Forest Service will no longer have any authority. However, state and possibly county permits will still be required as well. The ADEQ has been invited to become a cooperating agency for the EIS, but they have not committed to that yet.
- Is the plan for the tailings site to remain part of the National Forest?
  - Yes, the tailings would still be regulated by the Forest Service, as will any associated facilities located on TNF lands.
- Regarding the issue of transparency, a CWG member mentioned that a Forest Service official who was involved in designating Oak Flat as a cultural heritage site 'blindsided' the community, who did not know about this initiative. This was not a transparent process to the local community, and was not appreciated.
  - An Apache Leap Management Plan must be developed within 3 years from the time of the exchange legislation, and about half that time has already passed. Access and tribal concerns and needs must be considered. Torres promised to keep the group informed about this process. They are working with the EIS consultant, SWCA, on this. The plan will include a public outreach component.
- Using those lands (Oak Flat area) is important to the economic development and recreation goals of this region.
- A CWG member noted that she submitted a scoping statement discrediting information provided by a Forest Service contractor, which was not accurate. She asked the TNF who decides what is true and what is not true, and how individual claims may be protected or disputed in a fair and safe manner.
  - There was discussion of this point but no specific response to the question. Godec wondered if this might be made more difficult because many things are documented only through oral evidence.
- How does the Forest Service "weed through the bull"?
  - The goal is to be as objective as possible. Last year they completed the ethno-historic study that included gathering oral histories of many tribal members. Formal consultations with tribes are generally required to be with elected officials, so the Forest Service is obligated to work with the tribal representatives put forward by the elected officials.

- Can the CWG get a copy of the ethnographic study?
  - Yes, there is a public copy with sensitive information redacted.
- A CWG member suggested talking with and interviewing broader tribal community representation in addition to the government-to-government consultation. Would this be possible?
  - It's very difficult and not ethical to try to bypass the Tribal Council, but the Forest Service is very open to having more dialogue with the community. For example, they have offered to have scoping meetings at the tribes, both San Carlos and others.
  - The CWG recognized the difficulty and sensitivity of trying to gain a broad unbiased view of tribal community concerns, since politics will always enter into the picture (not just for tribes).
  - TNF staff agreed that it's very important to get the cultural resource analysis correct in the EIS. They noted, however, that the land exchange will still go through since it's been made federal law; this will not change unless there is new legislation.
- Can Noni Nez come to speak with the CWG?
  - Yes. We'll work with the facilitators to pursue this.
- How did Gilbert get into the mix for the scoping meetings?
  - TNF wanted to have a meeting somewhere in the Phoenix metropolitan area, and the Gilbert Public Library is a very good meeting facility.
- When will the Final EIS be done?
  - There are huge uncertainties associated with the schedule; for one thing, the scope of the EIS hasn't been finalized based on scoping yet. However, the goal is to complete it by Fall 2020. The 60-day time clock for exchange at Oak Flat starts when the FEIS is published, leaving 15 days for issuing the ROD for the land exchange after the 45-day public protest period; however, this is not a difficult decision for the Forest Supervisor since it is required in law. The ROD for the Mine Plan of Operations will likely be much more complicated and controversial, and may result in a lawsuit. It may take a year or more to finalize this.
- How do you deal with mitigations in the EIS? When are these implemented?
  - Mitigations are things that can be done to lessen the environmental effects. These are outlined as conditions on the Plan of Operations in the EIS, and they will be included in the ROD. This will require that the Plan of Operations be modified to meet the FS conditions for approval. The company would be required to post a bond to cover all conditions, and this becomes a contract for enforcement. The FS then inspects the sites during implantation.
  - There was discussion about compensation for the Oak Flat campground and exchange lands.
- How is this enforcement carried out?
  - The Forest Service negotiates with the mine operator to get them to do it voluntarily, but there are other legal and administrative options if this doesn't work.

Regarding public involvement, Tom Torres noted that the Forest Service's National Environmental Policy Act (NEPA) regulations outline an early public comment period during scoping, after which they go into "radio silence" for years until public comments are sought on the Draft EIS. He said that the TNF doesn't want to do that on this project, so they've been working with the EIS consultant on ways to engage the public during the interim. One idea is to conduct a public workshop to help develop project alternatives. Newsletters may also be

considered. The next phase will be alternatives development, starting next winter. Also, tribal and Superior and public consultation is required as part of the Apache Leap Management Plan; this will be a separate NEPA study, possibly an EA, which will run parallel to the mine EIS. TNF is having a meeting tomorrow with the consultants to finalize a plan for this, and it will be kicked off as soon as the Forest Supervisor approves it, probably this autumn. The goal is to have this plan completed in about 1.5 years. The CWG strongly endorsed this approach. They would like to see this project developed as a world-class project, so it would be good to “keep Resolution’s feet to the fire” and do things different and better than “normal”.

Godec asked Forest Service representatives if they heard any comments or suggestions at the scoping meetings that they didn’t expect. They mentioned the following:

- Cancer clusters in Superior, possibility of increased cancer risk from legacy soils, etc.
- Load-out facility near Santan – There was a lot of misinformation about this.
- Several people asked to have additional meetings in other locations like Tucson, but the comments they heard were consistent enough that other meetings weren’t needed.
- Various and different perspectives of the tribes and tribal community members, and effectiveness of relying on elected officials to suggest elders and people to talk to for ethnographic studies, etc.
- Special places, like Devil’s Canyon – people discussed and provided photos

Commenting on the scoping meetings, some CWG members thought that Resolution Copper was getting blamed for past mining problems, noting that bonds held on previous companies should have been enforced. Mark Nelson noted that these mining companies were following laws that existed in the past, too. We just need to get better. He imagined that the public doesn’t have any idea of the levels of permitting required these days.

Schenck asked the Forest Service to provide a better EIS schedule as the scope of the project becomes more clear. TNF said they would review and update the schedule as needed, particularly at/after major milestones.

Godec summarized that the CWG will invite Tonto National Forest back in the late fall, and also invite Noni Nez to speak with the group.

### **Future Planning**

Although there will not be a CWG meeting in August, members told the group about several local events that will occur, including:

- August 6, Optimist Club “Casino” at the Magma Club
- Cobre Valley Regional Medical Center will be opening new medical wing on August 4 at 4:00pm onward.
- Prickly Pear Festival is August 20 & 21.

The facilitators offered to prepare a brochure describing the CWG that can be used by members to hand out at events or distributed to local businesses and groups.

### **Public Questions & Comments**

A guest mentioned historic issues for Globe 'down-winders' with cancer problems from nuclear testing in New Mexico, and wondered if such indirect effects would be examined by the Forest Service for this EIS. TNF responded that the Forest Service has CERCLA authority (Comprehensive Environmental Response, Compensation and Liability Act) on public lands but the U.S. Environmental Protection Agency has authority on private lands. If it's just an issue of offsite legacy contamination on private lands, it won't be addressed in this EIS.

### **Next Meeting**

***Wednesday, September 14, 2016***  
*Superior Chamber of Commerce*  
*5:30pm light dinner for CWG members and invited speakers*  
*6:00pm Meeting*

Mark Stapp of the Real Estate and Investment program at the WP Carey School of Business at ASU will be coming in September to discuss real estate and property values. The Martins asked to please invite the Hewitt Station residents to this meeting since they live next to the tailings site. The group agreed this was a good idea.