

Meeting #48  
October 12, 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  
Maria Munoz – Central Arizona College  
JoAnn Besich – Superior Optimist Club  
George Martin – JF Ranch  
Lynn Martin – JF Ranch  
Cecil Fendley – Queen Valley Water Board  
Pamela Rabago – Superior Chamber of Commerce  
Fernando Shipley – Cobre Valley Regional Medical Center Board  
Rick Cartier – Superior Chamber of Commerce alternate

*Community Working Group members not present:*

Fred Gaudet – Arizona Trail Association  
Mark Siegwarth – Boyce Thompson Arboretum  
Pam Bennett – Queen Valley Community Liaison  
Nancy Vogler – LOST Trail  
Bill Vogler – Superior Copper Alliance  
Tiffany Rowell – Superior resident  
Arlynn Godinez – Maricopa County  
Roy Chavez - Concerned Citizens and Retired Miners

*Resolution Copper Company:*

Jim Schenck, Communities Manager  
Vickey Peacey, Senior Environmental Manager  
Heather Gluski, Tailings Engineer  
Frank Deal, Tailings Manager

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

John Godec  
Debra Duerr

*Speakers:*

Rebecca Darling – Resolution Copper Company  
Frank Deal – Resolution Copper Company  
Vicky Peacey – Resolution Copper Company

*Public Guests:*

Melissa Whellams - Avanzar  
Christina Sabater - Avanzar  
Erin Turner  
Adam Perlman – Ray FCV  
David Gunn – Superior resident  
Leslie Watson – Watson Environmental

## Housekeeping

John Godec welcomed everyone and asked visitors to please sign in. CWG members introduced themselves. Godec said that the Apache Leap Special Management Area Environmental Assessment (EA) is starting; there will be a public meeting at Superior Junior/Senior High School from 5:00 to 8:00pm on October 20. Vicky Peacey noted that the San Carlos Apache Tribal Council has been invited. Godec reminded the group that the Tonto National Forest representatives will be featured at the November 9 CWG meeting to talk about the management plan. Karen Jones asked the facilitators to mail her more of the CWG promotional flyers, which they will do.

In other community news and updates:

- Jim Schenck announced that there will be a Resolution project update in Queen Valley on November 17 at 6:00pm.
- The *Second Friday* is this week in Superior. Those who contribute photos for the Chamber of Commerce website are eligible to win a \$100 gift certificate.
- The *Footprints Matter* cleanup was held, and there will be a Superior cleanup on November 5. Lynn Martin said she was disappointed that there were not a lot of Superior residents at the recent cleanup, but mostly Forest Service, Resolution, and contractor staff.
- Tire cleanup will be November 15. In the meantime, there is a bin to deposit them. Volunteers are needed.
- Resolution has been working on railroad crossings on SR79 and SR60 near Queen Valley.
- If anyone wants to buy a raffle ticket for Thanksgiving turkeys for the food bank, please see Jim or Rebecca Darling.
- Schenck told the group that Melissa Whellams and Christina Sabater are working with the community to discuss social risks. They may be talking with some CWG members.
- Anthony Huerta reported that the transfer station will be open for business on November 1. If there's Dumpster space anyone can use them. There will be stickers provided for town residents, and any extras could go to people outside of town.

## CWG Community Investment Subcommittee Update

Rebecca Darling – Resolution Copper Communities Manager (CSP)

Godec reminded the group that we've been trying to set up a meeting of the Community Investment Subcommittee for some time, but there have been several changes within Resolution Copper. He introduced Rebecca Darling to discuss this.

Darling said there were several changes in the Communities team at Resolution, and that the Environmental Impact Statement (EIS) effort is consuming a great deal of resources. She said that "belts are getting tighter". As a result, there has been a shift in the company's investment priorities, which are now aimed at long-term strategic investments like regional economic development (RED). Consequently, Resolution will not be making so many spot investments and donations. The RED program includes educational support to encourage future mine workers who can live here in Superior and the region. The school's vision is to have students be career- and college-ready, which is consistent with Resolution's hopes. The company is also

working with the Chamber of Commerce on business attraction. Darling recognized that the hard part about this new approach for the community is that some of these investments may not bear fruit immediately.

She said that a community fund is one tool in the social benefits arena. She is familiar with the history of this discussion with the CWG, and said that several Rio Tinto communities have these. Community funds are difficult to set up and manage, however, and the timing on setting up a foundation is not good at present. Resolution must look at when it will start getting a return on its investments before committing to fund a long-term foundation.

In response to the group's questions and comments about whether a community fund is on the horizon for regional economic development, Darling outlined some of the considerations for future Resolution investments:

- Resolution considers that the three pillars for social investments - as expressed by the community - are education, economic growth, and the environment. These will guide long-term investments. However, any investments will be scrutinized in the next few years.
- Partnerships are key to success, so Resolution doesn't need, or want, to be the only funder. For example, education "workforce readiness roundtable" partnerships have already begun.
- Partly because of a recent conference on rural economic development and how communities around the country are doing this, a *Rural by Choice* task force was convened by Resolution.
- The company is also working with the new Town of Superior administration and with Globe to look at housing and blight.
- They are also working on the subject of "employability", in conjunction with municipalities.
- Resolution is supporting a grant writer working with six organizations to secure grants. She noted that it's often easier to get more grants after the first one, partly because organizations then have all the paperwork they need for future proposals.
  - Cecil Fendley noted that there are a lot funding sources around that people can go to; Queen Valley Water District has obtained several in recent years.
  - Several CWG members observed that investments don't need to be money; they could include services such as offering meeting rooms.

Godec asked Resolution representatives for more information about how the situation has changed since last year. Darling said that she understands an impetus for the community fund idea was the previous state of relationships with the Town of Superior, while at the same time the emergency services agreement (ESA) was under discussion. Now Town relationships are better, progress is being made on an ESA, and there is transparency in these discussions. This takes some of the urgency out of setting up a foundation. Also, due to the current economic situation critical path activities are ongoing, but other things need to slow down or cut back. Schenck noted that there are no guarantees that the project will be going into production as planned. While this is what they hope will occur, it's also necessary to evaluate what would happen if the project doesn't start for 20 years and, therefore, what could reasonably be done at present.

Members of the CWG Historic Preservation Task Force offered that many residents are concerned about the cultural and historic aspect of what we have; the community doesn't want to lose those, particularly if it would be 20 years until the issue can be addressed. The smelter and associated buildings and the Harding School are the most concern and interest. Vicky Peacey noted that many things will be covered in the EIS in terms of mitigation for cultural resources. Members observed that the CWG is not set up as a legal entity, so wondered what they or others in the community could do. It was suggested that *Rebuild Superior* be take this on, once it becomes a 501(c)3, although to date blight has been their bigger issue, not necessarily historic preservation. Members agreed that saving our history will bring tourism. They requested that the State Historic Preservation Office should be invited to speak with the CWG in future to explore laws, regulations, options and opportunities. The facilitators will pursue this.

Godec asked what the CWG should do about the Community Investment Subcommittee. Darling assured that group that the work already done won't go to waste, and when the time is right it will be used to restart the discussions. She offered to keep the CWG updated on social investment activities. Bruce Witting, representing the Community Investment Subcommittee, said there has always been an understanding that this might not be funded right away, and they feel that the structure will be there due to the work of the subcommittee; if that is true, they can agree with this approach. A CWG member asked why the structure of a foundation or fund can't be established now even if the funding isn't available. Schenck said there is no advantage in doing this until needed, since the Arizona Community Foundation requires seed money, and ongoing maintenance is needed under law. He observed that this decision is based on economics, not politics, which may have been a factor in the past; a benefit of a foundation is that it insulates from politics.

### **CWG Subcommittee Updates**

Debra Duerr reported that the Recreation User Group will meet on Wednesday, November 9 at 10:00 AM at the Superior Chamber of Commerce.

A Community Monitoring Task Force meeting will be set up to review a request for proposal (RFP) to hire a consultant to take water samples and arrange for independent laboratory testing. The monitoring and sampling will not likely start until sometime in 2017, a little later than was initially thought. Possible dates for a meeting were discussed, and it was agreed to meet on October 19 at 3:00pm.

### **Overview of Tailings Site Litigation**

Vicky Peacey – Senior Environmental Manager, Resolution Copper

Godec introduced the Resolution representatives, saying that there seems to be confusion even among people in town about what's going on at the tailings site. These presentations will, hopefully, answer the main questions and provide clarification.

Vicky Peacey offered an overview of the litigation situation. On August 22, the Forest Service completed the Environmental Assessment process for testing the tailings site hydrological and geological conditions by issuing what is known as a Finding of No Significant Impact (FONSI). Work on site testing then started in early September, and shortly thereafter a lawsuit was filed against the regional Forest Service and Tonto National Forest by several parties including Concerned Citizens and Retired Miners, Earthworks, and the Maricopa Audubon Society. Roger Flynn of Western Mining Action Project is the attorney. The lawsuits outline 7 general and 320 specific claims revolving around the litigants' claim that the Forest Service failed to consider entire impact of the mine in this analysis a failure to outline mitigation measures, and several others. No injunction has been filed to date. A second complaint was filed by San Carlos Apache Tribe. The Apache are using in-house counsel, and have the same claims plus a couple of additional ones regarding failure to consult with tribes and violation of the land exchange act.

Resolution filed a motion to intervene in the case on September 21. The company's position is that if they can't obtain the data needed to safely design the tailings facility they can't inform the EIS and can't complete the land exchange. San Carlos filed a counter-complaint to Resolution's intervention. Peacey said that the court will assess these motions and decide, and will also consolidate the two cases. The Forest Service must respond to all 320 complaints by December. The case probably won't go to court until at least January. The Forest Service will need to pay for costs associated with the lawsuit, which also stretches their staff resources. They will, however, seek recovery of these costs. The third-party consultant who prepared the EA will help to answer complaints, and Resolution is paying them for that.

On an editorial note, Peacey said she thinks the EA was a fantastic document, noted that the San Carlos Apache refused invitations to consult, and pointed out that there were extra terms and conditions attached to approval of the EA to satisfy expressed concerns. She said that the Sierra Club's scoping comments were well considered and made Resolution change some things that were proposed. There was discussion about whether and how the position of the Apache Tribal Council may have influenced recent uses of Oak Flat and claims of cultural heritage for the area. A CWG member asked Peacey whether the lawsuit was expected; she said that it was.

### **Tailings Site Data Gathering Activities**

Frank Deal – Tailings Manager, Resolution Copper

Frank Deal provided an overview of tailings site activities. Three years ago, Resolution proposed to do hydrological and geological testing of the tailings area so they could get data to prepare a final design. He explained that a proper understanding the seepage (in the vadose zone) and how water moves between surface and groundwater is key.

Work was started in August. This included improving the single road access that already existed. Deal showed a list of all the contractors working at the site, many of whom are local. They are all willing to talk with the public, so he invited folks to speak with them if they have questions or problems. Water for testing is being purchased from Omnia in Queen Valley. Cactus are

being salvaged and stored at the Martin's property. The Forest Service has provided a list of plants that need to be removed and then transplanted, e.g. saguaro.

Resolution is currently drilling for core samples, and is hoping to be done with this activity in January 2017. Thereafter, water levels and water quality data will be collected on a quarterly basis. No chemicals are being injected; they are just looking at existing conditions.

He showed a map of the 3 zones being tested between now and January. Zone B is completed. Zone C will be used to support borrow sources. A second drill rig may be added in November if needed. All road construction will be done by the end of October. For the most part, they are using existing FS roads. Resolution is trying to minimize traffic around Hewitt Station, and all vehicles must drive under 15 mph. Lynn Martin noted that there is very little change or disturbance due to these activities, and things look as Frank described. Reclamation of roads and hydro pads can start shortly and will be done as soon as testing at any given location is finished.

Deal provided details of the specific activities conducted at each zone. For example, Zone A started on August 31 and consisted of site clearing and road/pad construction. Hydrological drilling mobilization occurred on September 13, then drilling was done. The pad for the hydro drill rig is 80x100 feet. Drilling is done to a maximum depth of 2,900 feet. Waste is removed and hauled to Superior, and site reclamation is completed.

He explained how hydrological data is gathered, drilling in water-bearing zones. He noted that water levels seem high but the overlying rock is very tight, so there is not much connection. Heather Gluski described how an NMR probe is used to measure electrical conductivity and prepare an image log using nuclear magnetic resonance that measures how much pore and fracture there is. This helps to understand how water seepage from the tailings could move through the rocks, and how much might reach groundwater.

Geotechnical testing is done using a small drill rig on a 15x40 foot pad. After core samples are obtained rock type and strength is assessed, soil is characterized, fracture properties and orientation are evaluated, and site geophysics (shear wave/seismic potential) are determined. The focus of these activities is to look for soils that won't transmit water.

The testing will go on for 10 years, taking and testing water samples. Resolution will check variations over time and at different times of the year to establish a baseline of geology and hydrology conditions.

The CWG had several questions and comments:

- How many rigs are working?
  - Two
- What's the depth?
  - 2,900 feet is permitted on hydro samples, but most are not that deep. There will be 16 hydrologic holes, 250 soils samples, and 36 geotechnical cores.

- Is FR252 the main access?
  - Yes, except where it doesn't connect through.
- Is geotechnical drilling done with water?
  - Yes, both Geotech and hydro drilling are, but use only very small amounts.
- Have there been any surprises?
  - The water table is higher than we thought.
- Is the rock what you thought it would be?
  - Yes.

Jim Schenck asked if this presentation would answer the questions that Queen Valley folks have. Bruce and Cecil thought it would, although they said that some people may never be satisfied. They said that the biggest concerns are that 'Resolution is stealing our water, they'll contaminate our water, and they'll ruin the desert'. CWG members generally felt that the only way to see if this site will be suitable for the tailings is to test it, and these tests are aimed at protecting the area. Peacey said this testing will answer the water quality question as well as determining the integrity of the geology, and determine whether a liner is needed. Frank Deal noted that nobody has ever done any subsurface hydrology work in this area before, and all information will be available to anyone who wants it. Queen Valley representatives said this data would be very helpful to them.

Some CWG members wondered why the public is so afraid of having the data study done, when it has minimal environmental disturbance and the purpose is to test site safety. This was also put into the perspective of thousands of acres being destroyed by target shooting, illegal dumping, and OHV use. It was observed that the opposition in Queen Valley is not from local fulltime residents. The San Carlos Apache representative said the same is true for Oak Flat.

### **Public Questions, Comments, Wrap-up**

There were no public questions. A visitor said he had a lot of questions but didn't want to take the group's time by repeating things that had already been covered. Godec invited him to attend future meetings and to review the SuperiorAZCWG.org website for additional and historical information.

Jim Schenck thanked the CWG for taking the time to write their comprehensive scoping comments, and said they are available on the website. Vicky Peacey added that she thought the Forest Service gave a lot of weight to the CWG comments, as evidenced by the fact that they have and will continue to attend CWG meetings.

### **Next Meeting**

***Wednesday, November 9, 2016***  
*Superior Chamber of Commerce*  
*5:30pm light dinner for CWG members and invited speakers*  
*6:00pm Meeting*