

Meeting #49
November 9, 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
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
Roy Chavez - Concerned Citizens and Retired Miners
Jeff Bunklemann – Central Arizona College
Fred Gaudet – Arizona Trail Association
Pam Bennett – Queen Valley Community Liaison
Nancy Vogler – LOST Trail
Bill Vogler – Superior Copper Alliance

Community Working Group members not present:

Tiffany Rowell – Superior resident
Arlynn Godinez – Maricopa County
Rick Cartier – Superior Chamber of Commerce alternate
Mark Siegwarth – Boyce Thompson Arboretum

Resolution Copper Company:

Jim Schenck, Communities Manager

Facilitators – Godec, Randall & Associates (GRA)

John Godec
Debra Duerr

Speakers:

Mary Rasmussen – Tonto National Forest ID Team Leader
Nanebah Nez – Tonto National Forest Cultural Resources
Ryan Rausch – SWCA Special Management Area Project Manager
John Scaggs – Tonto National Forest Public Relations
Donna Morey – SWCA Project Coordinator
Ralph Brown – Tonto National Forest Realty

Public Guests:

None signed in

Housekeeping

John Godec welcomed everyone and asked them to introduce themselves. Tonto National Forest guest speakers introduced themselves as well.

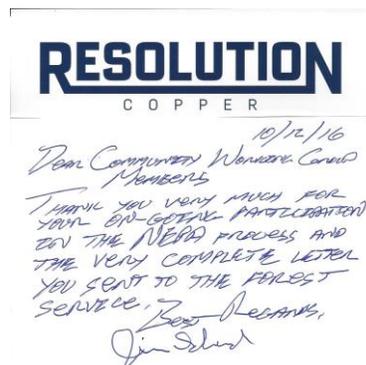
In local news, the Town of Superior reported that the transfer station opened on Saturday, and the burner is operational.

Godec asked CWG members to take some posters and ask businesses they know to please display them. He said there are also handout flyers left.

The December meeting is scheduled for the 14th, which will be the 50th meeting of the CWG. No guest speakers are scheduled, and we hope to have a CWG discussion about general plans for 2017 meetings. The Recreational Users Group (RUG) subcommittee meeting will be on December 7 if the Chamber is available. RUG members asked that we please let people know about meeting dates as early as possible so they can add it to their calendars; the RUG meeting cancellation this month came at the last minute.

A CWG member asked for clarification about the discussion at the last meeting regarding community investments. The question was characterized as Resolution's description of "bailing on the community" and felt it was a corporate answer. It appears that the company is retracting a number of things they've supported. Another member recommended that these are the types of things we should discuss on December 14th. A member observed that perhaps these are decisions being made by Rio Tinto, not Resolution. Queen Valley noted that they still have an agreement with Resolution. So that the group can have these kinds of discussions, Resolution was asked to not attend the December meeting.

Godec passed around a thank-you note from Jim Schenck for the CWG's scoping participation:



CWG Task Force Updates

It was reiterated that the Recreation User Group meeting scheduled for today had to be cancelled. The facilitators hope to reschedule it for December 7.

The Community Monitoring Task Force proposals from third-party technical consultants are due on November 15. They will be sent to the task force for review as soon as they come in. The CWG agreed that the Task Force would be delegated to select the consultant. A meeting to do this will be set up later that week or early the next week and the full CWG is invited to attend if they wish.

Forest Service Apache Leap Special Management Area Plan

Mary Rasmussen, Noni Nez, Ryan Rausch

Mary Rasmussen handed out a flyer about the project. She asked who had attended the Forest Service public meeting on October 20. She has developed a slightly different presentation for the meeting tonight, since it's a different audience.

She told the group that her background is in forest management and land planning, with the National Park Service and Forest Service, focusing on large land management projects for the last 10 years, most recently on the Chugash National Forest in Alaska. Prior to that she was with Prescott National Forest. She said that she is passionate about how we use and care for our public lands, and she's excited to be able to be part of the Resolution Copper project team.

In her presentation she will explain what a Special Management Area (SMA) is, how this project fits into the larger scheme of the overall Environmental Impact Statement, and the requirements for this SMA. The Apache Leap Special Management Area was designated by Congress in the land exchange legislation. SMAs can also be designated administratively. In this case, sec. 3003 of the legislation says the purpose of the area is threefold: preserve the natural character of Apache Leap, ensure and promote traditional uses by Native American people, and preserve archaeological and historical features. The area includes mostly existing Forest Service land, and 110 acres called Apache Leap South currently owned by Resolution Copper all of which would become part of the national forest if the land is exchanged. Rasmussen noted that although the main reason for creating a special management plan for this area is that Congress requires it, she feels that there are opportunities associated with this effort to 'shine a light' on the special qualities of that area. With a plan in hand the Forest Service can then monitor and protect natural and cultural resources. This will require involving the right people and groups who have interest in and knowledge about the area. This could also provide economic development and (guided) recreational opportunities such as climbing that could be provided by local vendors or the San Carlos tribe.

CWG members had many questions and comments about this project, as follow:

- How does the Forest Service decide what you're going to have and do there?
 - Congress has provided a skeleton for the basic management purposes as well as specifying some of the permissible activities such as seismic monitoring and signage.
- What will happen to the existing recreation and multiple uses that are occurring there now, such as hunting?

- The focus will now be on the primary uses outlined in the legislation, so all existing uses need to be evaluated. We will do this through consultation with the Town of Superior and other stakeholders.
- Does the Recreation User Group know about this, especially the climbers? They probably won't want to be 'guided'.
 - They are aware of this, and we will work with them.
- Will uses other than the primary purposes be excluded, e.g. livestock grazing?
 - The Forest Service will need to consider whether these are appropriate given the primary purposes. There are two existing grazing allotments, and the JI Ranch has cows on the ground.
- Several CWG members wondered what the community is supposed to do with the area if these uses aren't allowed. This area has been here forever, so why does it need to be managed now? What does the public get out of this? How will people get there? Will it be only foot traffic?
- What kind of uses would be restricted? Can you give an example of another Special Management Area in the Forest Service system?
 - A Wild and Scenic River would be a similar kind of area. There can be changes in allowable uses when these designations come along. This area is a bit different because it's been managed for multiple uses, and the new direction is more limited.
- Jim Schenck observed that this was part of the land exchange, and said he thought the goal was to protect this area from mining; is that correct?
 - John Scaggs read from the legislation, which says that Resolution will surrender to the U.S. all rights to land and minerals under Apache Leap. Yes, the idea was to protect it from mining.
 - A CWG member noted that the minerals underneath have already been extracted.
- Several members felt that the three uses outlined in the legislation are very restrictive. If other uses are to be allowed, they should be included in public informational materials. The way it's described is misleading. Do we need to go back to Congress to get recreational use included?
 - There are other purposes outlined, including recreational uses. But this is not a primary purpose. These concerns are part of what the Forest Service needs to evaluate and understand during this process.
- How do we get these things included?
 - The Tonto National Forest Supervisor will approve the plan, so local influence is important and will be considered.
- A CWG member suggested that the language in the legislation was written by Resolution in 2005 after the mining method was disclosed. The property belongs to Resolution now.
- Is it correct to say that the tribe, the public, and the Forest Service can have a say about what uses can be allowed?
 - Yes
- Will you be meeting with the Town of Superior privately or separately? They were not at the public meeting.
 - Yes, we will be having meetings with the town, on a government-to-government basis. The same is true for San Carlos Tribe.
- Will you be willing to come talk with the RUG?
 - Yes, their work is instrumental to the Apache Leap as well as to the overall Tonto National Forest Plan, which is being revised.
- Have you determined if there are traditional Native American uses in this area?
 - Yes, but we can't discuss what they are.

- Will the public be invited to the consultations with the San Carlos tribe? The CWG San Carlos representative said that the Tribal Council has denied meetings with community groups.
 - Probably not, because these would be government-to-government meetings.
- Would the Forest be willing to meet with San Carlos community groups or members?
 - Yes, we would do this. We're not limited to talking only with the Tribal Council.
- Ownership of the land was discussed. Magma patented the whole area in the 1960s. Oak Flat could not be mined because of the special Presidential Proclamation designation, but there was mining under Apache Leap. That's why the #9 Shaft is located where it is.
 - The management area only addresses surface uses, not subsurface rights.
- Is it right to say that an intent is to protect the area from the impacts of mining and subsidence?
 - Rasmussen didn't know that specifically. The edge of the subsidence zone is nearby, and one could speculate that part of the reason for the designation is to monitor and protect the area.
- If there is damage to this area from mining, what is the recourse?
 - These effects will be studied as part of the Environmental Impact Statement (EIS) for the mine and land exchange. This plan is an additional incentive to pay attention to this area and work toward its protection.
- Superior has always wanted to protect Apache Leap and values it, but when you talk about restricting access and uses it could be a problem for local folks.
 - This is why the Forest Service is talking with as many stakeholders as possible to understand traditional uses, values, hopes, and plans.
- The climbing community, mountain bikers, and hikers would like to see this made into a world-class recreation area. The town would also like to see this area become an impetus for economic development opportunities.
- Queen Valley Rescue Department was concerned that if the area is opened to general hiking it could present a problem for emergency access.
- There are prehistoric resources there that pre-date the Apache. That's part of the reason the area was designated. It was established as a Traditional Cultural Property last year, based on Forest Service studies.
- What have you heard from the public at the workshops and through meetings?
 - The comment period is still open, for 30 days after the October 20 meeting. There were climbers and mountain bikers there who made suggestions. Many people also said they just wanted to look at Apache Leap as a scenic resource. Various suggestions about different types of access were made as well.
 - Forest Service representatives committed to meeting again with people after the analysis is underway. Rasmussen noted that assessing the compatibility of uses will be a major focus of the studies, as will identifying tradeoffs. Therefore, some areas may be more restricted than others, e.g. to protect cultural resources.
- Will there be overnight camping allowed?
 - The area has already been looked at as part of the Forest Service Recreational Opportunity Spectrum (ROS), so we know about some suitable and current uses.
- What else are you planning to do in terms of public consultation? Are there other ways outside of the 30-day comment period to submit comments and ideas?
 - We'd like to get comments in November because of the tight project schedule, but nothing is final until it's finished. Forest Service would like to put a draft together for the public to review as soon as possible, as a way of helping the public to review and

evaluate the proposals. They said they would be willing to meet with the CWG Recreation User Group and members of the San Carlos community.

- A former elected official said that a way they might make decisions is to evaluate how important things are to people. So, is there a weight put on types of public input or the number of people who comment? Is lobbying useful?
 - It's not intended to be a vote, but we do recognize that there are some things more people care about. We try to be open-minded about all comments, but are also bounded by our regulatory requirements.
- There was a concern about meeting privately with the Town of Superior.
 - An invitation to meet has been extended, but the forum hasn't been decided.
- Can you clarify what preserving the unique natural character of Apache Leap means? What is that?
 - There are several dimensions to this. It's the geology and the way it looks, so things that would negatively affect the aesthetics would be incompatible, e.g. cell towers, ziplining, constructed roads.
- Would you cut off 4WD roads and access?
 - Yes, that could be a consideration.
- Could you designate it as a Wilderness Area?
 - Congress could, but the Forest Service can't.
- Can you document cultural use of the area going back a long way, e.g. Sunrise Ceremonies?
 - That is something the Forest Service is studying. There is a long timescale for use of Apache Leap. For example, on top there is a site that's evidence of a battle between the US Army and Apache.
- The San Carlos community representative took issue with some members of her community misrepresenting use and significance of the area. A Sunrise Ceremony was not held until 2012, when Mr. Nosey had one for his granddaughter. There were stories that Apache men did prepare for warfare there, but there is no sacred song or prayer attached to this area. These kinds of lies are being made in desperation to stop the mine.
 - The Forest Service clarified that Mr. Nosey didn't participate in any of the processes conducted to determine eligibility of Oak Flat for inclusion on the National Register of Historic Places. He was only part of the government-to-government consultations.
- Renelda Grant is the San Carlos Tribe's archaeologist. Did she provide information to the Forest Service about Oak Flat, trails, and the cultural resources out there?
 - Noni Nez said that they can't discuss this in public, but offered to meet separately with tribal members.
- Can we get a copy of the NDAA legislation?
 - It's on the Forest Service website (<http://www.resolutionmineeis.us/about-project#land-exchange>) and on the CWG website (<http://superiorazcwg.org/documents-data/>)
- How can the CWG and the RUG best meet the Forest Service needs by the end of November?
 - Any comments submitted are welcome. Rasmussen also noted that the Forest Service has a draft of the preliminary recreation plan map prepared by the RUG, although they recognize that it might be changing.
- How can people submit comments? Can the CWG submit comments?
 - Yes. People can send comments in writing, by email, or submit through the website (an electronic comment form is being set up). Please submit these by the end of November.
 - Website is <http://www.apacheleapsma.us/public-involvement>

- Other ways to comment:
 - Email input to: info@apacheleapsma.us(link sends e-mail)
 - Provide written input by mail to the Tonto National Forest at:
Apache Leap SMA
PO Box 34468
Phoenix, AZ 85067-4468

Oak Flat Traditional Cultural Property Designation

Nanebah (Noni) Nez

Ms. Nez explained the process the Forest Service used to designate Oak Flat as a Traditional Cultural Property under the National Historic Preservation Act. This is an application process that was designed mainly to protect historic buildings. While it affords some protective status to a cultural feature, it doesn't mean you can't touch or affect the property. The San Carlos Historic Preservation Officer agreed to explore the process of listing Oak Flat on the National Register according to the specific criteria outlined in the law. To do this the Forest Service conducted government-to-government consultations, archaeological studies, and oral history interviews. This is the basis of nomination for this site. The entire review process must start with State Historic Preservation Office, then is forwarded to local elected officials, the Forest Service regional archaeologist, the Washington DC Forest Service, and finally to the Keeper of the National Register for listing. Nez pointed out that there is nothing in the Forest Service Handbook that requires them to consult with everybody who cares about a particular site, but they did expand the nomination process for this application after they realized that so many people had comments and concerns.

Some CWG members thought that the process was done behind the backs of the community and was not transparent. Nez assured the group that this was not a deliberately secret process, and that the designation doesn't have any regulatory 'teeth' but was designed to recognize an area as historically significant.

Public Questions, Comments, Wrap-up

There were no members of the public attendance. John Scaggs of Tonto National Forest asked if CWG members knew about the Apache Leap SMA October 20 workshop in advance, and wondered if there were things the Forest Service could do to improve communications in future. He noted that email and hard-copy notices were sent, it was noticed in several newspapers, and there were posters in various locations. Donna Morey of SWCA offered to add anyone to their email distribution list who isn't on it.

Next Meeting

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