

November 10, 2020
MEETING SUMMARY

Meeting Attendees

Community Working Group members present:

Todd Pryor – Town of Superior
Jim Schenck – Rebuild Superior and Legends of Superior Trail
Hank Gutierrez - Superior Copper Alliance
Fred Gaudet – Arizona Trail Association
Arlynn Godinez – Superior Unified School District Board / Maricopa County
Mila Besich – Town of Superior
Silvia Werre – Top of the World
Ricardo Provencio – United Superiorites
JoAnn Besich – Superior Optimist Club
Jeff Bunkleemann – Central Arizona College
Rick Cartier – Superior Chamber of Commerce
Lynne Nemeth – Boyce Thompson Arboretum

Community Working Group members not present:

Pam Bennett – Queen Valley Community Liaison
Fernando Shipley – Cobre Valley Regional Medical Center Board
Bruce Wittig – Queen Valley Water Department, Fire Department
Tweedy Armitage – Superior Historical Society
Pamela Rabago – Superior Chamber of Commerce
Karen Kitchayan Jones – San Carlos Apache Tribe
Tino Flores – Copper Corridor Economic Development Coalition
Anna Flores – Town of Kearny (retired from Town of Kearny and CWG)
Sylvia Kerlock – Town of Winkelman
Richard Matthews – Queen Valley Water Board
Cecil Fendley – Queen Valley Water Board
Tiffany Rowell – Superior community
Lynn Martin – JF, JI Ranch
George Martin – JF, JI Ranch
Cathy Melvin – Gila County
Anthony Huerta – Town of Superior
Mayor Bracamonte – Town of Winkelman
Gloria Ruiz – Town of Winkelman

Resolution Copper Company:
none

Facilitators – Godec, Randall & Associates (GRA):
John Godec, Debra Duerr

Public Visitors: The public was not able to attend this online meeting.

Housekeeping

Reporting on the Recreation User Group (RUG) meeting this morning, Jim Schenck said that he had met with representatives of the Sun City Anthem Hiking Club to look at the area around Pinal City for suggestions on trail access and additional signage. Lynn Nemeth added that she finally saw the Castleberry area along with the cultural resource specialists. She has a much better idea of it now, thinks it's beautiful, and is looking forward to discussing the Arboretum's participation in the campsite planning with her board.

Update on Community Monitoring at Skunk Camp

John Godec reported that Jim Schenck, Debra Duerr, and he met with Dr. Bobbi Lancaster about joining the Community Monitoring Task Force, as she was recommended by Lynne Nemeth. Dr. Lancaster has expertise in water issues, is on the Boyce Thompson Arboretum Board, and is very interested in joining.

The facilitators also met with Greg Ghidotti of Resolution Copper about the possibility of community monitoring at the Skunk Camp tailings site. Greg has been given responsibility for this site. Godec briefed him about the task force background, purpose, and membership. Greg promised to discuss this with the local people still living in the area to see if anyone wants to join the group. He indicated that the local folks don't want anybody trespassing on their land, and are not necessarily comfortable with people from Winkelman and Kearny either. Therefore, we would probably need to limit the sampling to wells located on Resolution property. It was also suggested that we contact Supervisor Woody Cline to see if he has any suggestions for additional local monitors. Greg thought it probable that Skunk Camp sampling could begin early next year.

A CWG member asked if all the wells would be sampled in the same day. Due to the distance between the current wells and the Skunk Camp site, sampling at Skunk Camp would probably need to be completed on a different day, but it's up to the task force how they'd like to handle it. Since this site will not start to be used for, perhaps, 15 years, and because we are only doing baseline sampling, it was recommended that the site be sampled only a couple of times per year for a short period, e.g. 2 years.

CWG Discussion on Recent Mitigation Communications

Background:

This discussion was precipitated by recent communications from Resolution Copper Company to the Town of Superior indicating that many mitigation measures that the CWG had believed were committed may not now be funded until impacts of the project actually occur. This was interpreted to mean, hypothetically, that impacts expected from the mine (for water, recreation, socioeconomics, etc.) may not be addressed until subsidence occurs, in about 40 years. These communications have raised alarms and confusion about what the company has committed to and when those commitments would be honored.

To better accommodate this discussion, Resolution representatives agreed not to attend the CWG meeting tonight, although they are aware that the discussion will take place and will be briefed about it afterward.

It was reported that release of the Final Environmental Impact Statement (FEIS) has been delayed until January. One reason for this is that a federal appraisal process must be completed, and the appraiser had a family emergency. This delay makes it more difficult for CWG members to determine timely details of mitigation measures that will be included.

In reviewing some historical discussions, it was observed that two years ago today Superior won the football state championship, and the smelter stack also fell that morning. And the town and the community asked Resolution to put resources into documenting the stack and the importance of the entire Magma complex in the historical context of the region. Impacts on surface and groundwater resources have been extensively discussed as have social and economic impacts, and recreational impacts have been partially addressed through development of the RUG plan.

Since September, the Town of Superior has been in verbal and written communications with Resolution to ask what kind of plan they had for implementing and funding mitigation measures. In an Oct. 28 2020 meeting between the Town and Resolution it was suggested by company representatives that funding for specific mitigations (water, RUG, socioeconomics) would not be funded until there were actual impacts. This prompted fears that most of the work the RUG has done and the CWG has done would be 'null and void'. Several important areas of mitigation that were considered settled are now unclear. For example, waiting until subsidence begins could mean 40 years before funding the RUG plan; for this, the agreement says Resolution will fund 'in part' in hopes that other funding sources will be found. The water situation is even more dire. The EIS didn't account for a fissure in Queen Creek that is holding released water, so wells in Superior are drying up. The town feels that, in trying to identify a solution, they are met with dismissive tones. Arizona Water Company said there was an agreement to provide an assured water supply, but now, it was stated, Resolution says they are not responsible for that. The water that the town had asked to have released into Queen Creek is now going to be used by the company for processing using a reverse osmosis system. Regarding socioeconomic mitigation, Resolution is now indicating that all Copper Corridor communities would be considered for funding, whereas the town believes that contacts with the company on this issue have been well documented. It was stated that it would not be fair to the smaller communities in the area to have to compete with Superior for funding priorities. Regarding emergency services, Resolution, it was suggested, might just keep renewing the existing contracts, and could even then start its own police department.

In response to these concerns, the Mayor said that the Superior Council will be approving another letter to the Tonto National Forest (TNF) alerting them to these issues. The Mayor also intends to send letters of concern to Rio Tinto Board members. State Representatives have also been contacted.

Discussion:

CWG members were very surprised by this news and wondered whether something has happened to cause this apparent shift in thinking. No one is sure about this, and the situation is quite confusing. The Town Manager has been negotiating with Resolution for a long time. All parties recently agreed on the socioeconomic impacts, agreed on dollar amounts, and were going to discuss funding methods. This was going to be presented to the Town Council, but Resolution called the Mayor and asked that her letter not be put on the Council agenda. A Resolution representative then said if people think agreements have been made they were mistaken, and nothing will be funded until impacts start. It was also suggested that the Forest Service told Resolution they couldn't negotiate until the EIS was finished; however, Tom Torres, the new TNF Supervisor, told the Town of Superior that they should be negotiating.

It was pointed out that this is a time when Rio Tinto is in a difficult situation worldwide, so it's not clear who's telling Resolution to do this, or why. The town is hoping that a letter to the Rio Tinto board would convene a board meeting about this and avoid collapse of the partnership. It was suggested that the letter should emphasize that this is a major shift in the direction we've been taking for years, and the company should be more concerned about its image at this delicate stage.

Todd Pryor emphasized that the town is not trying to be adversarial. The issue is that many mitigations have already been agreed to, and the community was told the resources were coming, but now the response is that they will only do it if and when required. It is feared that no one at Resolution has authorization to do anything since Rio Tinto upper management has been assuming more and more control over the local project.

CWG members asked for clarification on what is meant by "impacts". Resolution has now stated that their interpretation is when subsidence occurs. However, it was pointed out development activities have already caused impacts to Queen Creek. For example, it was recently discovered that #10 shaft had an impact on the watershed, and mine dewatering and the consequent drop in well depths are not considered impacts in the EIS but have been occurring for the past 10 years.

Group members were also unclear about who decides on mitigation. Is it the Forest Service, Resolution, or others? All these entities have responsibility for different types and aspects of the overall mitigation program. While the Forest Service is responsible for certain things, others like socioeconomics aren't in the purview of the Forest Service, which has no authority to make financial decisions on behalf of the company.

It was suggested that if the CWG wishes to take action in response to this situation, it's possible that anyone who has standing by virtue of DEIS comments may be able to submit comments on this now.

Thoughts from individual CWG members follow:

1. Agreement with the Mayor on sending a letter to the Rio Tinto Board. Surprise that we've gotten to this point, expecting to have clarification on mitigation, but now even that's unclear. Does the town get the impression that this sudden turnaround may have something to do with what happened in Australia? It could be that because of what's happening in Rio Tinto, they have punted this back to Resolution, implying that local Resolution managers have more authority than they say. However, normally, the financial commitment process is top-down. Is Rio Tinto willing to risk millions of dollars in lawsuits in trade for ore?
2. Questions about many of the commitments that Resolution has made since the beginning, e.g. staff living in the community, which never happened. Concern that retreating from understood commitments is the way they're going to proceed.
3. We need to be aware that Resolution is behaving as a 'toddler', playing a game to see what they can get away with. But we owe it to future generations to make sure these impacts are addressed properly.
4. This is very disappointing. Belief that the town and the CWG came to many agreements over the years, but because there were no specific timelines committed to, the company is now able to avoid taking action sooner. Can no more letters be sent to the Forest Service? We have official standing to protest when the FEIS comes out. Meanwhile, the town and Forest Service have been talking, but there are still no solutions in hand. It seems that several politicians support Superior, and the media may also have interest.
5. Member suggested that the facilitators review all commitments from CWG meetings and document as an addendum to the town's official letters. Wondered whether Boyce Thompson Arboretum would still be interested in pursuing the Castleberry Campground under these circumstances; the Arboretum responded that they would not be at this time.
6. Responsible parties have always operated in good faith with the company, and supported them all along. Now there is a feeling of betrayal. There is an obligation to alert the public to this, without trying to be adversarial. Most people just want Resolution to be accountable and open, and it's surprising that Rio Tinto would want to hedge their bets to this extent. Superior has never had the stage in this process but has been overshadowed by Oak Flat and other environmental controversies; it's important not to let ourselves be forgotten among the demands and concerns of tribes and other entities. Having lobbyists in Washington DC has been one of the best investments the town has made. Who are Rio Tinto investors? Can they be accessed? It costs the Town of Superior a lot of money to hold this company responsible, and it's been an uphill battle all the way. Much of Superior's success is due to its own efforts, not to Resolution. It might be good to share the town's letter with local newspapers and media, as well as with the Congressional delegation, especially new Senator Kelly. (The CWG endorsed this approach, because they feel this should not be a surprise to the community when it comes to light).

7. A former Resolution employee shared that he's said many times that the reason he worked for the company was because they were committed to communities; however, over the last 5 years they've retreated from that practice. We need to emphasize that the community is still in favor of this project, but there's an asymmetrical relationship between a small town and a multi-national corporation, and we need to be public about this.

8. This member doesn't understand who's making these calls. Has corporate really delegated these decisions to the locals, or is it the opposite? We can't risk taking 'the nuclear option' unless we know that elected officials will stand behind us. Mentioned the international mining conference that the CWG has spoken at for several years, where attendees have always been skeptical that Rio Tinto was taking community input seriously; imagines having to tell them that the company did just what they expected. Social acceptance was stated as a priority by Resolution years ago, but it is not a priority now.

9. We've worked within the process for a long time, and we should give this one more chance by continuing to work with the Forest Service. We need to stay strategic. Going to the media may be difficult because of so many other news items now. This is a different process from most EIS's, because when the final EIS comes out it starts the land exchange – regardless of the protest period. This is why comments should get submitted before the FEIS comes out. The FEIS may be newsworthy and raise the profile.

10. We need to figure out what our leverage is, and "go for it". At a recent water meeting somebody from Resolution said they won't know if the project is feasible for another 2 years. It was pointed out that Rio Tinto is reportedly spending 20% of their global exploration budget in Superior. The water issue is huge for the whole region, and they've been dishonest about it, frankly – e.g. not returning the water to the creek but using it for their own purposes.

11. If this isn't just a communication problem, Resolution has either been planning this all along and they've been stringing us along, or something has changed within the company. There may be something political going on that we don't understand. This will cost them a lot of money and has potential for a lot of trouble for them.

12. We need some "good trouble", like calling senators/representatives, protests, blockades. We should decide what to do and start doing it.

In summary, the CWG thinks that Resolution needs to answer these questions about mitigation:

- When?
- How much?
- How?

Action Items:

The Mayor offered to visit with any organizations and boards that CWG members represent if they'd like more information. She thanked everybody for their time and thoughts. It was suggested and agreed that:

- The facilitators will review past meeting summaries for commitments and prepare a summary for the CWG.
- We will invite Resolution to the December CWG meeting to answer specific questions. In the meantime, each CWG member was asked to submit questions they might think of.

Public Questions & Comments

Due to restrictions for online meetings, the public was not able to attend this meeting.

Next Meeting

Wednesday, December 9, 2020
6:00pm