

In The Matter Of:

*Resolution Copper Project And Land Exchange Draft EIS
Public Hearing*

September 10, 2019



**G R I F F I N G R O U P
I N T E R N A T I O N A L**

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RESOLUTION COPPER PROJECT AND)
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LAND EXCHANGE DRAFT EIS)
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PUBLIC HEARING)
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Superior Jr./Sr. High School
1500 Panther Drive
Superior, Arizona

September 10, 2019
5:06 p.m.

REPORTED BY:
PAMELA A. GRIFFIN, RPR, CRR, CRC
Certified Reporter
Certificate No. 50010

PREPARED FOR:
^ SWCA

(Original)

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1 COMMENTER 1: Well, I just want to cast a
2 vote that I recommend the alternative site for Skunk Creek.

3 COMMENTER 2: I'm the same as him.

4 (Opening presentation.)

5 LESLIE GLASS: Good evening. My name is
6 Leslie Glass. Spelling is L-e-s-l-i-e. Last name Glass,
7 G-l-a-s-s.

8 My comments are specifically regarding tribal
9 values and concern, Section 3.14, which states:
10 Unavoidable impacts that cannot be fully mitigated.
11 Therefore, mitigation strategies are, number one, providing
12 jobs during the tribal monitoring; and, number 2, allowing
13 unfettered access to Emory Oak resources.

14 The DEIS also states, according to the
15 tribe's consulted adverse impacts on TCPs and TEKPs and
16 other places or resources of significance to tribes cannot
17 be mitigated. Therefore, mitigation strategies for tribal
18 resources are designed to provide an exchange of the last
19 of the resources.

20 Mitigation strategies will have and are
21 having positive impacts on tribal communities such as
22 providing jobs during the tribal monitoring and allowing
23 unfettered access to Emory Oak resources. Yet, all 21
24 federally recognized tribes in Arizona are opposed to the
25 Land Exchange.

1 These mitigation strategies and exchange for
2 the loss of the cultural resources are insulting and
3 disturbing to me. They are incomprehensible or
4 incomparable in value. The traditional cultural properties
5 that will be irreversibly damaged and the permanent changes
6 that affect the ability of tribal members and nonnative
7 people like myself to use this area for religious and
8 spiritual purposes is incomprehensible to me.

9 I would also like to comment and ask a
10 question. I would like to know why the DEIS, the Draft
11 Environmental Impact Statement, was released without having
12 cultural resource surveys completed on the preferred
13 alternative of Skunk Camp.

14 Thank you.

15 ROGER FEATHERSTONE: My name is Roger
16 Featherstone. R-o-g-e-r F-e-a-t-h-e-r-s-t-o-n-e.

17 I'm director of the Arizona Mining Reform
18 Coalition. We will, of course, be doing some really
19 detailed written comments, so this is just a few other
20 things.

21 We feel that this release of the draft was
22 premature. It needs to be withdrawn. It needs to be
23 redone and reissued. So I want to cover five quick points.

24 The original location of the tailings dump,
25 Rio Tinto swore up and down on a stack of Bibles that this

1 was the best thing since sliced bread. It was the perfect
2 location. Then after that, the Rio Tinto actually did
3 geotechnical testing and found out that the water table was
4 too high and the ground was too fractured, and it wasn't a
5 good site.

6 So now we're looking at this preferred
7 alternative at Skunk Camp, but they haven't done the same
8 level of geotechnical testing. They don't know if it's
9 actually suitable or not.

10 Why has the DEIS come out before they've done
11 this kind of work, and what happens if they found that --
12 find out, like the original location, it's unsuitable?

13 Water. Why does Rio Tinto think that they
14 can use only 10 percent of the average water that existing
15 Arizona mines use without any new techniques? This seems
16 to be magic like many of Rio Tinto's proposals.

17 In light of the recent circuit court decision
18 on the Rosemont Mine case that shows that the Forest
19 Service -- that ruled that the Forest Service cannot use
20 public land -- cannot allow mining companies to use public
21 land for dumping waste and other activities without special
22 permission, in light of this court case, we wonder why this
23 DEIS is being released now and if that -- that ruling,
24 obviously, has profound implications towards this whole
25 design.

1 Fourth, why have you chosen four tailings
2 dump alternatives that are illegal in both the countries of
3 Brazil and Chile? Are we in the United States now going to
4 accept dam criteria, tailings criteria that's illegal in
5 foreign countries?

6 And then, finally, why are we moving so
7 quickly on this proposal when Rio Tinto itself is saying
8 they're putting this proposal on the back burner behind
9 mining projects in Mongolia and Australia?

10 Thank you.

11 DAVID GUNN: My name is David Gunn, D-a-v-i-d
12 G-u-n-n.

13 Primarily I'm an engineer, a rock climber,
14 and now a resident of Superior. So I bring a number of
15 hats to the review of this document.

16 I haven't been able to read through the whole
17 thing. I've gone through basically the first volume. And
18 I have to say, there's a tremendous amount of work that's
19 gone into this, and I appreciate the level of detail that
20 it shows. A lot of detail on the alternatives, although
21 those aren't the only impacts that I see.

22 Specifically, the engineer in me sees some
23 differences in the grade of copper that's coming out a
24 couple of different places, different numbers. That
25 bothers the engineer in me. Not a big deal, but it bothers

1 me.

2 I see that the General Plan of Operations and
3 the Forest plan have some conflict. And in the Draft EIS
4 we say: Well, we're going to change the Forest plan. I
5 think that's backward. I think the General Plan of
6 Operations need to be changed to be consistent with the
7 current plan that the Forest has.

8 The rock climber in me says, well, we're
9 losing quite a bit of rock climbing out there. And in the
10 Draft EIS, it says there will be some mitigation, but in
11 Appendix J, the mitigation and monitoring plan, there's
12 nothing in there about it. So that bothers me.

13 Thank you.

14 SANDRA RAMBLER: Sandra Rambler. (Native
15 language spoken.) United States. (Native language
16 spoken.) San Carlos Apache Tribe. (Native language
17 spoken.) Aquifer. (Native language spoken.) Apache Leap.
18 (Native language spoken.) Apache Leap. (Native language
19 spoken.) Oak Flat. (Native language spoken.) San Carlos.
20 (Native language spoken.) San Carlos. (Native language
21 spoken.) Unofficially. (Native language spoken.)
22 Resolution Copper (Native language spoken.) Rothchild.
23 (Native language spoken.) Queen Elizabeth, (Native
24 language spoken.) Resolution Copper. (Native language
25 spoken.) Granddaughter. (Native language spoken.)

1 TOM WRIGHT: Hi. Name is Tom Wright, T-o-m
2 W-r-i-g-h-t.

3 Three minutes is not a whole lot of time, so
4 I'll try to keep it simple and quick.

5 First, I want to call attention to the
6 botched rollout of the Draft EIS. Multiple dates were
7 provided. There's a cover letter dated August 1st.
8 There's an official announcement that was dated August 9th.
9 The beginning of the comment period was October 10th. I
10 would note the last two dates were a Friday and Saturday,
11 which are not exactly ideal times to announce the release
12 of public documents.

13 Back in June I had received an email from the
14 Forest Service that specifically noted that hard copies or
15 electronic would be available to anybody who requested them
16 at that time.

17 So I did request a hard copy in writing in
18 June. I did not receive one at the time that the EIS
19 release was announced. I waited a few days. I still
20 didn't receive one. I sent an email to the public affairs
21 specialist on the 19th, I believe it was, of August, and
22 made kind of a stink about it. And the next day there was
23 a copy dropped off at my doorstep.

24 At that point, 10 days had elapsed. That's
25 10 percent of the comment period was gone before I was even

1 provided with a copy of the document that I had requested
2 two months previously.

3 That's not good.

4 I thought it was somewhere between amusing
5 and outrageous, though when I tried to get in touch with
6 Mr. Scaggs, the phone number that I had for him did not
7 work. It was suggested on the recorded message that I
8 contact the Mesa Ranger District. I did so by phone. The
9 individual who had answered said he didn't know anything
10 about it. So I asked for Mr. Scaggs' phone number and the
11 response is, "He doesn't have a phone." So the public
12 affairs specialist does not have a phone number.

13 Like I said, that's somewhere between funny
14 and outrageous, leaning towards the outrageous.

15 Let's see. We need to extend the comment
16 period. Scoping began -- the scoping began on March 18th,
17 2016. The Draft EIS was officially made available on
18 August 10th, 2019. That's a period of roughly three years
19 and five months.

20 I asked that the public be given the same
21 amount of time to review and comment on this document that
22 it took to prepare it. This may seem like an absurd,
23 ridiculous, outrageous thing to ask for, but the real
24 outrage is expecting anybody to review 1300 pages and
25 provide any meaningful comment within 90 days. I'm serious

1 about requesting a time extension that reflects the
2 extraordinary scope of this project and the impacts that it
3 will have on our region and our state.

4 Zero! Time is up.

5 DON ZOBEL: I'm Don Zobel. D-o-n Z-o-b-e-l.
6 And what I -- my input is that I didn't -- I don't think
7 anywhere in there -- I may be wrong. Do they look at what
8 the past history of the company is? And these are
9 foreigners coming over here and proposing to destroy part
10 of Arizona for their benefit. And when we're driving
11 around in Spain, in my van, I have a Lonely Planet, and I
12 ran across this thing that said Rio Tinto. And I thought,
13 well, that's interesting. I heard that before. And so I
14 said, Well, we'll go take a look at that, you know.

15 And you go there, and it's this mining area
16 that -- where they got their name, as it turned out, and
17 it's this bombed-out moonscape that they've, you know, been
18 mining there probably for millennia. But they, you know,
19 pick and shovel and small things.

20 And then these big companies come in and just
21 destroy the place. Then they went off. They just left.
22 And then they gave them a few shekels for a museum, and
23 that's it.

24 And in my old age, now, I guess what I've
25 learned is people and companies tend to do what they did in

1 the past. And I think that should be taken into account in
2 the EIS. I mean, I think past history of these companies
3 needs to be considered.

4 Thank you.

5 AUDREY JOHNSON: Hello, everybody. My name
6 is Audrey Johnson, A-u-d-r-e-y J-o-h-n-s-o-n. And I'm here
7 to say something about Oak Flat.

8 Oak Flat was my home one time. And now
9 they're trying to take it away, and I don't want that to
10 happen.

11 I remember when I was young, our parents used
12 to bring us over here to gather a cone, medicine, all tea,
13 everything, and end up staying there sometime the whole
14 summer, which they want to take away from us.

15 I don't think it's not going to happen. It's
16 not going to happen. Resolution, they want to make money
17 off of us, off of our land. It's Apache land. We were
18 here first as American Indian in United States. Mexican
19 was our neighbors. They used to chase us, what my
20 grandfather used to tell us. They were friends sometimes,
21 but they steal from us other sometime. They won't
22 miss (unintelligible) steal their call and all that.

23 But one of these days -- I call the Mexicans
24 my brothers, my sister, my relatives. But one of these
25 days they're going to be back, and we'll have Mexican

1 president of United States.

2 Thank you.

3 NANCY FREEMAN: Nancy Freeman, N-a-n-c-y
4 F-r-e-e-m-a-n. I am from Green Valley, Arizona, and I got
5 my initiation into being a mining activist because the
6 local mine slurry was in our public drinking water. It
7 took me five years and all my retirement funds. I retired
8 to Green Valley to relax. But the mining company did step
9 forward and spent, well, initially 50 million to get
10 interceptor wells and clean the slurry and give us new
11 wells, so we were no longer drinking slurry.

12 And the same with the air. The dust, who
13 knows, the big dust -- windstorm, the dust settles on
14 everything.

15 And some of you will remember that the last
16 time I was here in this high school -- no, I don't think it
17 was this high school; it was the old one -- that Senator
18 McCain conducted in a public session. McCain asserted that
19 the Rio Tinto Resolution Mining Company would bring
20 billions of dollars into the federal coffers.

21 I stood up and took offense at this
22 assertion. I had checked the Rio Tinto annual report from
23 their operations north of Salt Lake City and knew that they
24 did not pay a dime of federal taxes. Senator McCain
25 scoffed and said publicly that I didn't know anything,

1 which caused the audience to laugh at me.

2 Fortunately, there was one honest Resolution
3 official in the audience. He approached me afterwards and
4 took me aside and told me privately, "Nancy, you were
5 correct. Like all corporations, we do not pay any federal
6 taxes. When we refer to federal taxes, it is the income
7 tax that our employees will pay."

8 So if you were thinking that paid holidays,
9 et cetera, were write-offs or tax deductible, you were
10 wrong. They don't pay taxes.

11 Colonialism is still live and well in the
12 U.S., foreign mining companies not paying taxes, and they
13 do not pay any royalties. They just rip off the U.S.
14 citizens, taxpayers, for their benefit and take off. I'm
15 going to go through a list of federal laws that this
16 particular project will not be in compliance with.

17 Okay.

18 MITCHELL MICHAELS: My name is Mitchell
19 Michaels. M-i-t-c-h-e-l-l M-i-c-h-a-e-l-s. I've already
20 spoken with the court reporter earlier, so I won't go
21 through much of this material. But I would like to quote
22 from ES 3.7, Water Resources. It states: Ground water
23 supplies in Superior on Top-of-the-World could be impacted
24 by groundwater drawdown, but would be replaced through
25 mitigation. It's wonderful to finally see this in writing.

1 I've been fighting for over a decade to get
2 that admitted to a --

3 Madam Mayor, if I may make a suggestion, and
4 I quote from your letter where you indicated that the USFS
5 only disclosed these impacts in March, and Resolution
6 Copper Mining has committed to making sure that any
7 decrease in water will be replaced.

8 That's not mitigation. Right? We need to
9 fight for restitution. Mitigation simply means you're
10 going to make our problem less severe. Restitution means
11 you're going to make me whole. If you steal 100 pennies
12 from me, you can return 10, and you have lessened my
13 problem, but it's still severe. I don't want 10 pennies or
14 20 or 50 or 90. I want all of my hundred pennies returned.

15 And the point is that Top of the World for
16 you, Madam Mayor, you may drill extra wells down here at
17 Superior and solve your problem. But at Top of the World,
18 we have no other resource but the water that's underneath
19 our feet. We have no rivers, no streams, no babbling
20 brooks. And if you were to impact our water supply and
21 then drill a well into the water supply that you've
22 impacted, you would be basically robbing Peter to pay Paul.

23 My attitude is and always will be, I support
24 this project. But no company, none, should be allowed to
25 make a penny on the expense or to the hurt of any human

1 being. And if there is going to be restitution made, those
2 systems need to be in place before the problem occurs, so
3 that if there ever is a problem, we can basically flip the
4 switch, and we will be back where we were.

5 But the problem at Top of the World is it's 8
6 miles from here. Copper -- or Resolution Copper would have
7 to create a water company, pump water for 8 miles, become
8 Arizona Water, doing business as, and then get permission
9 from each one of us land owners to pipe your water supply
10 into our homes.

11 So please, folks, I don't know -- I'm not a
12 mining expert. I was not born and raised here. I only
13 came here as a preacher 25 years ago. I know nothing about
14 mining, but I do know this. Mitigation doesn't work.
15 Mitigation for the Queen Creek watershed, mitigation for
16 the Gila River water supply. Those problems were created
17 by Resolution, and if they can lessen them and make them
18 less severe, God bless them.

19 But you want restitution, not mitigation.
20 You don't want your problem less severe. You want your
21 problem brought back to where it was before any change
22 occurred.

23 How's that?

24 MARY GOMEZ: Hello. My name is Mary Gomez,
25 M-a-r-y G-o-m-e-z.

1 I'm wondering about the cultural issues.
2 Since the Forest Service considers Oak Flat to be sacred
3 and traditional cultural property, why is the Forest
4 Service thinking of allowing Rio Tinto to destroy Oak Flat?

5 And why haven't you fully analyzed the
6 cultural value of Oak Flat and then used Skunk Camp
7 tailings dump alternative?

8 Another thing is the results of the impact
9 analysis for the Post Action Alternative 2, the Near West
10 site. Environmental Justice Communities identified in the
11 analysis area include eight identified Native American
12 communities as well as the town of Hayden, Miami, Globe,
13 Superior, and Winkelman. However, economic effects from
14 the mine would be most apparent in the environmental
15 justice community of the Town of Superior due to its
16 immediate proximity to Resolution Copper project
17 operations.

18 While mine-induced beneficial economic
19 activity would be expected to increase in the region
20 generally, the expected influx of new workers may also lead
21 to shortages of area housing and/or pressures on municipal
22 infrastructure, such as roads, schools, and medical
23 facilities and may be accompanied by price increases. Such
24 changes would be most likely to adversely affect low income
25 and minority individuals in the Town of Superior and other

1 environmental justice communities in the region.

2 Environmental effects in the immediate area
3 such as increased traffic noise, increased potential
4 exposure to hazardous materials spills or releases as well
5 as loss of certain recreational opportunities and changes
6 to the area, scenic resources are anticipated to occur, but
7 would affect everyone equally and would therefore not be
8 disproportionate.

9 I also want to talk about socioeconomic.
10 Property values are expected to decline in close proximity
11 to the tailings storage facilities and are estimated to
12 average 4.1 percent under Alternative 2, and loss of
13 hunting revenue due to tailings storage facility is
14 expected to be greatest under Alternative 2, but also the
15 same for Alternative 3, 4, 5, and 6.

16 Effects of the nature-based tourism economy,
17 also there's going to be a potential effects to the impact,
18 socioeconomic impacts also for this area.

19 Construction and operations of the proposed
20 mine could affect both the Town of Superior cost to
21 maintain its network of streets and roads as well as those
22 of Pinal County. And that's it. Thank you.

23 ROY CHAVEZ: I just want to start off by
24 thanking first for coming up and doing the public hearing.

25 My name is Roy Chavez, R-o-y C-h-a-v-e-z.

1 I'm a lifelong resident of Superior, third generation. I
2 worked in the Magma operation. I worked in the PHP
3 operation. I worked for Kennecott. And I worked for Hecla
4 Mining, so I've got a little bit of experience in all
5 flavors of the mining industry.

6 This process should have been handled several
7 years ago through the NEPA, the National Environmental
8 Policy Act. And our elected officials circumvented that
9 for this special interest legislation, and that's what
10 finds us here today.

11 This whole process should have been done a
12 long time ago before those officials passed judgment and
13 made a ruling that these public lands being sacred,
14 important, viable for recreation use and other uses be
15 considered prior to allowing a private entity to take over
16 the land, whether it's a mine or a bowling alley. That was
17 the law. And that's what irritates me today, is that this
18 is the lawful procedure. This is special interest
19 legislation, people. And you have an opportunity to say
20 that in public comment.

21 The DEIS -- the DEIS paints a bleak picture
22 for the economic and social conditions and impacts on the
23 community of Superior. Especially referenced by our
24 Superior Mayor Mila in regards to her comments that she
25 made last -- two weeks ago or so in the local paper and on

1 social media.

2 I'd like to know a question in reference to
3 Alternative 6 tailing site. The reason the site is going
4 to be placed somewhere in this region is because of the
5 mining method, and that was explained in this beautiful
6 little video presentation.

7 But quite honestly, I'd like to see a
8 document that's signed by Rio Tinto, not Resolution, but
9 Rio Tinto, that guarantees that that's the placement of the
10 site. Because this is an alternative. I'll tell you what
11 I've been announcing it for many years in many sporting
12 events. I didn't get to play much. Ask Jimmy O'Donnell.
13 Where's Jimmy? I didn't know I was going into the game,
14 but I was there and ready, but they chose other players.

15 Lastly, I want to state that on July 14th,
16 2019, this year, Rio Tinto announced through Bloomberg
17 Financial that they were holding off with the Resolution
18 project here in Superior in favor of a new mining operation
19 in Australia and also focusing more on the Mongolian
20 project in Mongolia.

21 And by the way to end, the government and the
22 people of Mongolia are getting 34 percent of the revenue
23 from that mining operation. I think we're getting -- my
24 time is up. That means it's zero. That's what we're
25 getting.

1 ANNA JEFFREY: My name is Anna Jeffrey,
2 A-n-n-a J-e-f-f-r-e-y. Born and raised here. Still live
3 here. Still live in the house that I grew up in actually.
4 I brought these up here. I barely got these two weeks ago.
5 Okay? So I mean, really? I'm supposed to talk about them
6 right now? I can't do that.

7 I need -- I need time to study.

8 So what I did do, just about an hour or so
9 ago, I wrote down something that I would like to say. And
10 I can't -- because I can't sit and not say nothing. Yet, I
11 feel that time and my home is being taken away from me by
12 Resolution Copper, Rio Tinto.

13 If you guys allow it to be destroyed, if you
14 guys allow this destruction to take place, you kill my
15 identity and many others of -- I'm talking Apache
16 identities. And the reason I'm saying my identity too is
17 because Oak Flat is my church. It's been my church since I
18 was a little kid, since my father used to preach at San
19 Carlos.

20 Okay. Your unfairness on how you've
21 manipulated this whole public hearing too is -- I -- is
22 just -- there's no time. We have not had time to study, to
23 do anything. It's -- it's -- I think it's inexcusable and
24 I -- it's inexcusable to the very vows that you guys as the
25 Forest Department have taken to protect the land.

1 Time is on whose side here? I mean, really.
2 Claims have been made that RCM and their plans are to a
3 tee, but really they're not. They're well far off.
4 There's been claims made on this land. I see them
5 everywhere.

6 And it's outdated. It's outdated the way
7 they go about it for the 1872 Mining Reform Law. The
8 President Eisenhower set aside Oak Flat not to be
9 destroyed. When I was little, I remember looking at it,
10 looking at Globe and Miami, thinking, oh, my gosh, look at
11 what the mines have done. That's terrible. That will
12 never happen in Superior. That will never happen in my
13 mountains to my town.

14 And yet here I am fighting for this. And
15 it's -- it is very emotional to me because I love my town.
16 I love these mountains. I grew up here. I explore them.
17 I cherish them. They -- it is my place. It's my place, my
18 heart. And if you guys ruin it, you know, that's just --
19 that's not good. Shame on you.

20 SYLVIA BARRETT: Sylvia Barrett. S-y-l-v-i-a
21 B-a-r-r-e-t-t.

22 Why after all this time and over 1300 pages,
23 why do we still not have exact location picked or at least
24 narrowed down to two? What is everyone waiting for? When
25 will the exact location be made public? Especially since

1 Alternative 6 is the preferred site?

2 Now, there's not going to be a liner for
3 number 4 alternative, which is the Silver King. Why not?
4 There is a section on page 86 that says runoff in lined
5 ditches.

6 Why will the ditches be lined when you aren't
7 going to line the tailings? And how long is the lining
8 good for? And once the liner wears out, who pays for the
9 replacement, or will there even be a replacement and who
10 pays for this?

11 Sticking with Silver King, Volume 1, page 81,
12 2.2.6.1 reads like it is okay to have issues with water
13 quality, public health and safety that may be associated
14 with concrete pipeline ruptures and spills for Superior,
15 but not for the MARCo corridor area, which is the San Tan
16 Valley area.

17 So why would it be okay for Superior to have
18 these issues and none for anyone else?

19 Volume 1, Chapter 3. Still on Silver King.
20 No site specific geotechnical investigations have been
21 performed at the Silver King site. Why not?

22 Also, how much is RCM being bonded for? If
23 they should file for bankruptcy, as mines sometimes do,
24 will bonds still be in effect and will that bond cover all
25 of the cleanup or will it be placed on the Superfund list

1 and we the United States citizens pick up the tab.

2 Mines have to be cared for in perpetuity.
3 Will the bond cover perpetuity? At what depth will RCM be
4 able to stop dewatering? Can dewatering take place while
5 mining is going on, or does dewatering have to be complete
6 before mining commences?

7 If RCM is still dewatering at the time of
8 closure, how much deeper will someone have to go to stop
9 the dewatering?

10 And now, water. You're going to use over
11 2 billion gallons of water every single year. What do we
12 want to see? Do we want to see others come in from out of
13 state, or do we want to go thirsty and not have anyone come
14 out here?

15 Thank you. Oh, I'm not done.

16 It is not possible to make specific
17 predictions about mine-induced seismicity at the proposed
18 Resolution Copper Mine. However, the potential surface
19 effects for induced earthquakes that might occur at the
20 proposed mine would include ground shaking on a local scale
21 which would, could, include the Town of Superior. So think
22 about that.

23 Thank you.

24 HENRY MUNOZ: Good evening. My name is Henry
25 C. Munoz, Sr. H-e-n-r-y M-u-n-o-z, S-r with a dot.

1 First of all, I want to reference the Draft
2 EIS Chapter 4, Consulted Parties, Section 4.8, Cooperating
3 Agencies, specifically the USGS, which declined to
4 participate.

5 The USGS, United States Geological Survey, is
6 a science bureau within the Department of Interior that
7 says they declined to participate. Why? This is what the
8 USGS does. It provides science about the natural hazards
9 that threaten the lives and the livelihoods, the water, the
10 energy, the minerals and other natural resources we rely
11 on, the health of our ecosystems, the environment and the
12 impacts of climate and land use change. Okay?

13 Not having them is like the police department
14 having a homicide and they're sending their street cop over
15 there, and the homicide detective is saying, "No, no. I
16 don't want to go." It's an oxymoron. Okay?

17 This broad caving that they're proposing to
18 do has never been done nowhere in the world. By the way, I
19 have 23 years of mining experience, five generations of
20 family in the mines. 13 of it, block cave mining. Why is
21 there not an alternative to cut and fill?

22 About 12 years ago, I had a discussion with a
23 Dr. Robert McNish. He has 29 years with the USGS. He was
24 a professor at the U of A when he retired from USGS. And
25 he told me, "You know what, Henry? We're in a drought.

1 We're six years in a drought, and it's going to get worse.
2 The Native Americans are going to win their war, their
3 trial and their rights to their water."

4 And you know what? Guess what happens? Yes,
5 they did. He said, "We better be nice to them."

6 Check this out. July 18th, 2018, City of
7 Gilbert signed a 100-year water lease with the San Carlos
8 Apache Tribe for \$31.2 million. That's 6,000 acre-feet for
9 12 to 15,000 households a year.

10 On August the 9th, 2016, City of Chandler
11 pays Gila River Tribe \$43 million for 100-year lease on CAP
12 credits which could be worth up to 80 million over time if
13 water prices go up.

14 Chandler will receive 55 million gallons a
15 day of water.

16 Okay? What does CAP water mean to us? CAP
17 water means Arizona, now with this drought contingency plan
18 that just went in, is going to lose 192,000 acre-feet a
19 year. 2.8 million of that, tribes already own half of
20 that. Nevada is going to lose 8,000 acre-feet of water.
21 Mexico will lose 41,000 acre-feet of water.

22 Okay. That's 12 percent cut to CAP. CAP
23 provides water for 40 million people. That's 5 million
24 acres of farmland. You can see now they're going to start
25 drilling down here. The state is going to provide, like, 5

1 to 10 million to drill wells down here in the San Tan area
2 because there's no more water. They're going to be
3 drilling for water. But like Mr. Bosworth says, it's a
4 complex issue. Where's the USGS? That's the main thing
5 I'm saying. When we need the expertise, it's not there.

6 Thank you very much. God bless.

7 KIM SCHENCK: Hi. I'm Kim Schenck, K-i-m
8 S-c-h-e-n-c-k.

9 I'm a resident of Superior. Like Roy, I've
10 worked for a number of mining companies in the United
11 States and in Central and South America.

12 I'm a resident of Superior, small business
13 owner, a Vista volunteer. I'm generally in favor of this
14 project. However, I think there's a number of issues that
15 need to be looked at. I really encourage Superior
16 residents to attend the Thursday town meeting to hear how
17 the Town analyzes a number of these things and some of the
18 mitigations that they're looking at.

19 I invite you to look at the number of times
20 in this document where it says no mitigation. These are
21 things we need answers to.

22 Alternative 4, Silver King, irrespective of
23 it being dry stacking, is the only alternative that instead
24 of having the copper go down to San Tan in a pipeline, has
25 two 50-car trains every night. I have nowhere, and no one

1 has been able to tell me, why that's in Alternative 4 but
2 nowhere else.

3 I personally believe that reactivating the
4 MARCo Railroad would provide economic benefit for the Town
5 of Superior along with tourism options. So I'd like to see
6 that looked at.

7 I'm a member of the Board of Legends of
8 Superior Trails. We've worked with Resolution on the
9 recreational users group. We've come up with a trail
10 system that we think is really good. We're really excited
11 about that.

12 However, Bronco Creek owns mining rights on
13 that land, and they're in a joint venture with Rio Tinto to
14 explore there. Personally, I don't think this works as a
15 mitigation if those mining rights are outstanding. I
16 believe that Rio Tinto needs to buy those mining rights and
17 turn them over to the Town of Superior.

18 You know, the Cultural Heritage Project was
19 one year ago, and we looked at different options with
20 Resolution to value the fact that the stack and the
21 refinery area was destroyed. It's a year later, and we
22 still haven't seen an analysis of alternatives from
23 Resolution.

24 I believe that when we discuss mitigations,
25 they have to be solid. And, you know, it's common that

1 mining companies bond for environmental degradation and to
2 make sure that you can have a safe closure of a mine. I
3 believe that the socioeconomic issues have to be bonded
4 too.

5 The issues that we haven't looked at yet
6 could bankrupt Superior. I think it can be done, but there
7 needs to be negotiation between the Town and Resolution.

8 Thank you.

9 JERRY WATERS: Good evening. I'm Jerry
10 Waters. That's Jerry with a J, W-a-t-e-r-s. My background
11 was in environmental engineering and metallurgical
12 engineering. I'm a retired engineer.

13 My main concern really is the tailings pile
14 and the disaster potential that that represents. We're
15 talking about something 7 square miles and 500 feet tall,
16 so it's significant.

17 And I would be concerned that who might be
18 affected if this pile were to collapse? How many people
19 would be affected? Is there some sort of a buffer where
20 you can't move in close to the pile? Are we trying to make
21 sure that we have safety that's maintained?

22 Tailings drainage, I think, is a significant
23 issue. I understand we're going to try to separate the
24 pyrite out. And I don't know how this is done or if it is
25 monitored daily. But the pyrite would be a

1 sulfur-containing ore that I understand can become acidic
2 with weathering. So it's important that the pyrite doesn't
3 end up with the rest of the tailings and that we don't get
4 leachate that really contaminates the area.

5 Solid-state landfills deal with similar
6 issues, and they have liners. They have covers. They have
7 leachate collection so that we can't build up a lot of
8 water behind a big pile. And this kind of technology is
9 ready to be used in the mining industry if somebody wants
10 to pay for it.

11 So we don't have to tolerate things that
12 could kill people, and I don't think we should.

13 Thank you.

14 WENDSLER NOSIE: Good evening. My name is
15 Wendsler Nosie. I'm a former chairman and also on council
16 for the San Carlos Apache Tribe for 36 years. And so by
17 saying that alone, you can see how long I've been on this
18 issue. Practically all my life.

19 There's some few things I want to say.

20 First of all, where I'm really disappointed
21 is with the Forest Service and the people involved in
22 putting the study together with the spirituality of our
23 people. How do you replace that? In other words, it's
24 like destroying Mount Sinai, and how does that refer to
25 your Bible today? How are you going to make that

1 connection?

2 So for us here, that's very important to us,
3 how it's going to affect the next generation? How is that
4 going to be replaced?

5 So if they're going to be moving forward with
6 something like this, they need to be able to define that.
7 Because that defining should be for all religion if they're
8 going to destroy around the world. Because it's not fair
9 to do that to one race of people. And, yet, we're the
10 oldest people on this continent. And so that's why I'm
11 disappointed.

12 The number two that I'm disappointed is
13 talking to the Indian monitors that they hired from
14 different tribes. They didn't even know they were being
15 used as a token to list six places and identify one that
16 would be appropriate to put this tailing. Yet, they didn't
17 even know that they're going to be in the mix of this
18 discussion that's going on today about Native people being
19 used to say this is where it should go. So that it
20 eliminates them from the argument, which is really, really,
21 again, divide and conquer.

22 And then, again, not only in our community,
23 but pretty much here in Superior, a lot of people have
24 already being bought by Resolution Copper, yet they're the
25 ones making decisions at the government level and within

1 their activities. And yet, those guys should be null and
2 void in their speaking because they're already bought, and
3 they are already speaking for the project.

4 And the reason why I say this is there's so
5 many unanswered -- I'm going to go back to Rick Ramsey.
6 Rick Ramsey told me the day he got caught, which he said,
7 "Wendsler, this is wrong. You're going to -- it's a hill
8 to climb, but it can be won. Because they're trying to get
9 themselves exempt from NEPA, the law that governs this
10 country."

11 And just like some of the speakers before me
12 who already outlined that if NEPA would have done -- be
13 done in the very beginning, that we won't be here tonight.

14 And the other thing is water is life.
15 Everybody in this room got to remember that water is life.
16 I mean, no matter what we do to the future in technology,
17 if you do not have water, you do not have a community. You
18 do not have your family. That's something really important
19 you need to understand.

20 And the next thing is that what happens
21 underneath the ground and what's going to be brought to the
22 surface? What kind of new diseases are we going to be hit
23 with? These -- this is the very important reason why they
24 had to get exempt.

25 And there's so much more. But, people, you

1 have to ask these questions. You have to look deep down in
2 your heart to make that crucial decision of what tomorrow's
3 going to be for our children.

4 But I will be making statements as we go
5 because three minutes is not very -- enough time, and yet,
6 you know, we're -- we're facing a devastation to the
7 future. So we should be given the multiple time so all
8 this is addressed.

9 So thank you.

10 JILL GRAMS: Okay. I'd like to thank
11 everyone for participating. We do have time if anyone else
12 wants to provide a comment here during the hearing. So we
13 have more opportunity.

14 Would you like to finish? You did get cut
15 off, so we'll give you a little bit more time to finish.

16 NANCY FREEMAN: I appreciate that. These are
17 actually federal guidelines that this project does not
18 abide by. Evidently, the people have not read the 1872
19 mining law which they use as their reason that they can
20 do -- destroy our forest. Because the law specifically
21 states that mining claims can only be owned by U.S.
22 citizens, certainly not by a foreign corporation.

23 However, keep in mind that the Rio Tinto
24 group between 2000 and 2019 paid 20,785,000 to lobby U.S.
25 Congress. So they must not have thought it was a good deal

1 also if they had to go through that. They also between
2 2005 and '20, they paid 303,000 directly to Canada. This
3 would include the 7,500 perk that Senator -- that's spelled
4 s-i-n-a-t-o-r -- that Senator McCain received in 2014 at
5 the time he put the earmark on the military spending bill.

6 We also have the Winters Doctrine that
7 specifically states that when a federal reservation is
8 created, it means that it can maintain the water to sustain
9 the reservation. This law has been tested in court to
10 protect national forests, especially in California, but
11 also here in Arizona Supreme Court.

12 The presiding judge wrote: The doctrine
13 applies not only to Indian reservations, but also to other
14 federal enclaves, such as national parks, forests,
15 monuments, military bases, and wildlife preserves.

16 We need to note the number of trees that they
17 are planning to destroy by dewatering the region down to
18 7,000 feet and stop that action.

19 Presidential land orders to reserve Oak Flat
20 campground were signed by President Eisenhower and
21 President Nixon and were never rescinded as far as I can
22 ascertain. A presidential order is in place until another
23 president rescinds it. I find no records that it has been
24 rescinded.

25 Keep in mind that in the meeting in Superior

1 with Resolution Copper, Town officials and citizens, I
2 brought up the subject of using in situ mining which does
3 not need tailing impartment, waste piles, and creating
4 dust, the -- and chemicals in the air.

5 I was told by the Resolution Copper rep that
6 in situ was too expensive. So they have \$21 million to
7 influence Congress and billions to implement robots for a
8 project that is going to fail. It is not engineeringly
9 technically feasible. And I'll cover that in another
10 hearing.

11 JILL GRAMS: Okay. Thank you everyone for
12 participating this evening.

13 Oh, you want another three minutes? Okay.

14 I mean, we can keep going if other people
15 want to keep speaking.

16 DON ZOBEL: Basically two things. What I --
17 the whole premise of the project and she kind of alluded to
18 it also, is that somehow economics determines what they are
19 allowed to do, and I don't understand that.

20 In other words, they don't have to have that
21 thousand-foot hole. The Forest Service is choosing to
22 allow them to have that because it's more expensive to do
23 it some other way. Why? I mean, I don't understand that.

24 And the other thing is, I didn't realize they
25 had the picture there, and they showed that after Year 6

1 it's going to start subsiding, as I understand it. Why
2 don't just dump the stuff right back in the top? You know,
3 it's the same stuff; right? It sinks down. You just keep
4 putting out. You're all done. You don't have a hole.

5 So that was two things. I just don't
6 understand the premise of economics entering in.

7 JILL GRAMS: Okay. So we will have the open
8 house continuing for another -- until 8:30 p.m. this
9 evening. So --

10 Please. And, please, I'm asking you to
11 please state your name for your comment. Thank you.

12 CORRINE FREEMAN: Hi. My name is Corrine
13 Freeman. And I just want to give my opinion. And I'm
14 against Resolution tearing down Oak Flats. I was -- about
15 1960s, late '60s, I used to go to Oak Flats and gather
16 acorns with my relatives. Not only that, but I saw live
17 animals. I saw horny toads. I saw eagles fly.

18 And I went back, like, a month ago. I don't
19 see those creatures. They are dying. The ground is
20 looking dead. The trees are not blooming like they used to
21 bloom. And you know what? They are dying, and we're going
22 to follow.

23 Your kids are going to come down more with --
24 cancer rates are coming -- the incidence of cancer rates
25 are from Globe, Miami, Superior. Just look around you in

1 your neighborhoods. You know, somebody, next-door
2 neighbor, your family member that has died of cancer. Why?
3 Because of the tailings of the mine, the arsenic in the
4 water.

5 And I'm asking you stop the mining in Oak
6 Flats, in Apache Leap. We will be next. They die, and we
7 will die with them.

8 Thank you.

9 SYLVIA BARRETT: Sylvia Barrett. S-y-l-v-i-a
10 B-a-r-r-e-t-t.

11 My last comment. Why has Erik Filsinger,
12 group of the climbers, refused to say how much money they
13 are receiving from Resolution for signing on to them
14 backing this project? All parties profiting from this
15 venture should disclose what they have received for signing
16 on to this. We know what Superior is getting, but who else
17 is getting something? And I think that should be part of
18 what is in all this paperwork.

19 They're all getting something, but the
20 climbers are getting over a million dollars, and I don't
21 know what Superior is getting. But I've heard it could be
22 as high as 2 million.

23 TOM WRIGHT: My name, again, is Tom Wright,
24 T-o-m W-r-i-g-h-t.

25 Just a very quick note here because this is a

1 very complicated subject. But regarding the archaeological
2 survey, the archaeological values, the mitigation in
3 Section 106, Consultation. I helped write about 10 pages
4 worth of comments on this during the scoping phase.
5 They're not addressed. They're not even close to being
6 addressed in the Draft EIS.

7 I have looked at the draft programmatic
8 agreement. It's boilerplate. This could be done for any
9 project anywhere. It doesn't acknowledge or respect the
10 very special nature of the archaeological and cultural
11 sites in this area.

12 When something is submitted during the
13 scoping phase, as I understand it, it needs to be addressed
14 in the EIS. I was very careful to phrase all of those
15 issues as questions. There's question marks at the end of
16 each point. Questions have to be answered in the EIS.
17 That's not happening here.

18 I certainly understand the sensitive nature
19 of much of this information, and I would never ask for that
20 to be made public. But when we're talking about
21 procedures, standards, the details of how this is going to
22 be carried out, the quality control, the peer review, and
23 so forth, that can be discussed in the EIS. Again, it
24 isn't.

25 The PA needs to be completely redone. The

1 whole process needs to be made transparent. So that's my
2 comment for now.

3 Also, I had mentioned earlier that I had done
4 an email to Mr. John Scaggs, and I did get a response back
5 from him. And I want to provide that to Mr. Bosworth for
6 the record. Just to put on the record the problems that I
7 had even receiving a copy of this document in the first
8 place.

9 ANNA JEFFREY: I kind of wanted to -- Anna
10 Jeffrey, J-e-f-f-r-e-y.

11 Now, I kind of want to talk to you about
12 this.

13 I mean, how -- how well do you know Oak Flat
14 and all the endangered area? I mean, how well do you
15 really know it? Have you touched it, felt it, smelled it,
16 you know, tasted it? I mean, have you really experienced
17 it like maybe I have or the same way maybe the Apaches, or
18 even more other people who come there, who dream of Oak
19 Flat. They have dreams of Oak Flat ever since it's been,
20 you know, endangered, and they come there.

21 And what I'm asking for is for you to look at
22 the real issue here. I mean, this is like our heart. This
23 is like a -- this is like a family member. And they want
24 to trade us, our own family with some other family that I
25 don't even know what Land Exchange you -- you know, what

1 the value is on that or anything like that. Where is it
2 at? I don't even know. Is it in the books? I'm not sure.

3 But I just want you to know that you are
4 dealing with people who -- I mean, if they take this, it's
5 like ripping out our hearts. And I speak -- I speak for
6 myself, but I know I speak for a lot of other people too.
7 And I just want you to keep that in mind, you know. I do
8 not want to see my town be destroyed. I don't want see the
9 dust flying. I don't want to see the --

10 I go to Oak Flat all the time. And I've seen
11 how the springs have already dried up. How, you know,
12 the -- the deer, the deer tracks, trying to drink water out
13 of this much.

14 The pond out there. You guys remember the
15 pond? Remember that pond out there where there were crane
16 and there were ducks all the time and hawks flying around?
17 There's nothing, nothing anymore. And they haven't even
18 begun yet. This is just their first initial dewatering
19 process. So that the -- you know, they don't fill up the
20 tunnels.

21 But I just -- you know, consider everything.
22 That's all I'm asking. That's what I pray about, that God
23 opens up everyone's eyes that they just see it for what it
24 really is. You know, and we've got global warming coming
25 here and change, and we've got to be taking care of our

1 planet, not destroying it.

2 That's -- yeah. I could go on and on, but
3 you guys probably get bored.

4 Thank you.

5 SANDRA RAMBLER: I guess for the record, I
6 can speak English. My name is Sandra Rambler. I come from
7 the Nadu'usn Clan, which is a rocks people from the
8 Aravaipa that dwelled all over Oak Flat. I explained
9 earlier in Apache.

10 And my roots are there. My grand -- great
11 grandparents are buried there. And I sure don't want no
12 bulldozer to come over and take their remains because that
13 would be complete desecration.

14 My granddaughter had her ceremony there,
15 coming of age ceremony there. We've had multiple dances
16 there. And they will continue. We have a holy ground
17 there that we continue to come and participate. And it's a
18 church to us.

19 And taking the piece of Oak Flat from us is
20 like cutting an arm off or cutting a leg off. Because that
21 makes us who we are. That's our identity as Apache people.
22 And that's where my roots are from.

23 And I explained earlier that I didn't come
24 from no other land. I didn't come from Europe. Didn't
25 come from Asia. I didn't come from Queen Elizabeth's

1 family. None of that sort. I'm a full blood, bona fide,
2 100 percent San Carlos Apache, and I stand proud tonight to
3 let you know that I thank God, Creator God, for making me
4 an Apache and for giving me the ability to stand up and
5 speak out of how I feel about Oak Flat.

6 I worked for the Tribal Council for 25 years.
7 I worked under five different tribal administrations, and
8 each administration passed and reaffirmed resolutions,
9 saying that Oak Flat is a holy place to our people. And I
10 would continue to stand behind each and every council
11 member that voted in that favor.

12 And it will behoove you to at least think
13 sensibly and be smart. You don't want subsidence. You do
14 not want subsidence. In Apache we say (native language
15 spoken). That means that's the end, the end of time when
16 that happens. And that's a prophecy in our Apache
17 language, Apache culture.

18 When there's a subsidence, might as well
19 forget it. There goes your land. There goes your water.
20 There goes your livelihood, and there goes whatever you had
21 left of this land.

22 So to us it's sacred, and I ask the U.S.
23 Forest Service to not only extend, but to give us an
24 opportunity to fully be heard like we should have been
25 underneath and under the cultural laws that remain to

1 protect people like ourselves. And we will fight. We will
2 fight for our water. We're not going to give up. We're
3 fighters. That's who we are as Apaches.

4 Thank you.

5 WENDSLER NOSIE: I tell you the three minutes
6 is really fast to try to get everything you can in there.
7 Wendsler Nosie.

8 What I just want to touch on really quick is
9 that when -- when they were exempt from NEPA, as far as we
10 understand it is that regardless of the end, the land
11 transfer's going to happen anyway. So to us we see this is
12 just a show, but it's going to happen anyway. Because the
13 real fight -- because these guys here are mandated by the
14 people of Congress. I mean, because we talked to the
15 agencies in Washington, and they're adhering to Congress
16 and what John McCain had did, the late night rider. And so
17 the only way we could really get movement on it is in
18 Washington.

19 But these guys can also do us a favor and
20 really address this issue back to Congress and say they
21 need to bring it back for a hearing in Congress. So if
22 they mean well, this is what these individuals can do for
23 the betterment of all the people that live in southern
24 Arizona. Because the effect is going to be a major effect
25 that will affect us forever.

1 So here, we're just here. They're just doing
2 the process. I mean, let's be real. But what they can do
3 for us is to take this and address it back to Congressional
4 people and say: You have to have a hearing on this.
5 You've got to hear. It's a lot bigger than what we
6 thought. It's affecting the livelihood of people.

7 And then they know too because they go around
8 to the reservations, all the tribes, my relatives, and
9 offer them money. The Resolution can do this, do that. So
10 they start a lot of programs in different reservations so
11 they don't have to be a part of this issue.

12 So they're doing that to tribes. They're
13 doing that to all the communities. Because I'm in Globe.
14 The same way in Globe. You know, so talking to Globe
15 miners, they're real threatened by this, because why is it
16 a hush-hush? And why is it that they're subject to NEPA
17 when Resolution Copper, a foreign company, is not going to
18 be subject to NEPA?

19 So they're rushing around for NEPA -- what do
20 you call them when they come in and they check the mines to
21 see they're applying by the rules? Well, how can that be
22 for Resolution Copper when they're never even going to have
23 that?

24 And then the second thing they argue about is
25 that what happens after Resolution Copper leaves? Where is

1 the U.S. Forest Service going to play a role during and
2 after? What happens after?

3 And the last thing I need to tell you people
4 here in Superior and from other counties is what we learn
5 in Washington is that if you don't gripe now, then you can
6 never file a lawsuit against them later for your children.
7 For your children. Because if what we say is going to
8 happen and we don't say nothing now, our kids are going to
9 be upset at us today for not speaking up. Because where
10 are they going to go?

11 And one of the things that I learned is that
12 towns like this are no different than reservations. The
13 way we're stuck to the reservation, there are a lot of
14 people stuck here. They can't do much. That are stuck
15 from these county lines, cities.

16 So yours are called city and state. Ours are
17 called reservation. But anyway, you know, that's my
18 question to these guys. You know, they need to take it
19 back to D.C. and say: You've got to have a hearing on this
20 again. There's new information. You've got to hear it.

21 JILL GRAMS: Okay. Thank you very much for
22 participating this evening. Like I said, we will be here
23 until 8:30 with the open house. There are a lot of people
24 that participated in drafting parts of the EIS and know --
25 have a lot of information, so could answer any questions

1 that you might have.

2 So thank you.

3 (Hearing concludes at 7:42 p.m.)

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