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U.S. Forest Service
Tonto National Forest

Coconino, Gila, Maricopa, Pinal, Santa Cruz, and Yavapai Counties, Arizona

Record of Decision
Authorization of Special Uses and Road Use

Resolution Copper Project, March 2026

ABSTRACT

The final environmental impact statement (FEIS) for the Resolution Copper Project and Land Exchange analyzes the potential environmental effects from the disposition of National Forest System (NFS) land and development of the proposed Resolution Copper Mine near Superior, Arizona. Under the Southeast Arizona Land Exchange and Conservation Act (16 U.S.C. § 539p) Congress mandated that the U.S. Forest Service dispose of certain NFS land by exchange. Congress further specifies that proposed mining operations on land to be conveyed in the exchange are not to be regulated by the Forest Service.

The Forest Service does regulate uses of NFS land outside of the exchange area that will be required to conduct mining operations. This record of decision (ROD) documents the Forest Service's decision to authorize uses of NFS land by issuing a road use permit and special use authorizations for pipeline and power line corridors associated with the Resolution Copper Project.

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Record of Decision

Authorization of Special Uses and Road Use
Resolution Copper Project

LEAD AGENCY: U.S. Department of Agriculture
Tonto National Forest

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DATE DECISION SIGNED: March 16, 2026

COOPERATING AGENCIES: U.S. Army Corps of Engineers
U.S. Department of the Interior Bureau of Land Management
U.S. Environmental Protection Agency
Arizona State Land Department
Arizona Department of Environmental Quality
Arizona Department of Water Resources
Arizona Game and Fish Department
Arizona State Mine Inspector
Pinal County Air Quality Control District

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APPENDICES

Acronyms and Abbreviations

ACRONYM / ABBREVIATION	DEFINITION
ACHP	Advisory Council on Historic Preservation
ADEQ	Arizona Department of Environmental Quality
AGFD	Arizona Game and Fish Department
ASLD	Arizona State Land Department
AZPDES	Arizona Pollutant Discharge Elimination System
BLM	Bureau of Land Management
CAA	Clean Air Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEIS	draft environmental impact statement
EIS	environmental impact statement
FEIS	final environmental impact statement
forest plan	Tonto National Forest Land Management Plan
Forest Service	U.S. Department of Agriculture Forest Service
FWS	U.S. Department of the Interior Fish and Wildlife Service
GDE	groundwater-dependent ecosystem
GPO	General Plan of Operations
HPTP	historic properties treatment plan
kV	kilovolt
MARRCO	Magma Arizona Railroad Company
MOU	memorandum of understanding
MSHA	Mine Safety and Health Administration
NEPA	National Environmental Policy Act
NFS	National Forest System
NHPA	National Historic Preservation Act
NPAG	non-potentially acid generating
PA	Programmatic Agreement
PAG	potentially acid generating
PL	Public Law
project	Resolution Copper Project and Land Exchange

ACRONYM / ABBREVIATION	DEFINITION
Resolution Copper	Resolution Copper Mining LLC
ROD	record of decision
ROS	recreation opportunity spectrum
SHPO	State Historic Preservation Office
SRP	Salt River Project
SUA	special use authorization
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
VQO	Visual Quality Objective

Preface

In December 2014, the Tonto National Forest accepted a proposed General Plan of Operations (GPO) submitted to the Tonto National Forest by Resolution Copper Mining LLC (Resolution Copper). Resolution Copper is proposing to develop an underground copper mine currently on National Forest System (NFS) land that is to be conveyed to Resolution Copper near the town of Superior in Pinal County, Arizona, approximately 60 miles east of Phoenix, Arizona, where Resolution Copper currently holds unpatented mining claims. Resolution Copper is a limited liability company that is owned by Rio Tinto (55 percent) and BHP (45 percent). Rio Tinto is the managing member. The portion of the Resolution Copper Mine deposit explored to date is located primarily on NFS land that is open to mineral entry under the General Mining Law of 1872. The land exchange, and the proposed mine, will also include land within the Oak Flat Withdrawal Area that has been withdrawn from entry under the Mining Laws.

In December 2014, Congress mandated a land exchange pending completion of the environmental impact statement (EIS), as outlined in the Southeast Arizona Land and Conservation Act, 16 United States Code (U.S.C.) § 539p (which is referred to in this document as Public Law (PL) 113-219). The NFS land to be conveyed to Resolution Copper encompasses the copper deposit. PL 113-291 further specified the following:

> *Prior to conveying Federal land under this section, the Secretary shall prepare a single environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall be used as the basis for all decisions under Federal law related to the proposed mine and the Resolution mine plan of operations and any related major Federal actions significantly affecting the quality of the human environment, including the granting of any permits, rights-of-way, or approvals for the construction of associated power, water, transportation, processing, tailings, waste disposal, or other ancillary facilities.*

The EIS therefore considered the environmental impacts not only of the mining proposal and all connected actions, but also of the land exchange itself. However, the decisions to be made by the Forest Service are limited to authorization of the proposed uses of NFS land outside of the land to be exchanged, since PL 113-291 mandates the land exchange if certain requirements are met, and specifies that mining operations to be conducted on the NFS land to be conveyed are to be regulated under State and local laws that pertain to mining operations on private land (16 U.S.C. § 539p(c)(8)). Accordingly, mining operations within the area to be conveyed by the Forest Service in the exchange will not be subject to regulation by the Forest Service, since Forest Service regulation of mining operations pertains only to mining operations conducted on NFS land under the jurisdiction of the Secretary of Agriculture (36 Code of Federal Regulations (CFR) § 228.2). Further, PL 113-291 requires that the EIS consider impacts to cultural and archaeological resources that may be located on Federal land, and identify measures that may be taken to minimize potential impacts to those resources (16 U.S.C. § 539p(c)(9)(C)). Based on this analysis, and consultation with Indian Tribes, the Forest Service is required to consult with Resolution Copper to find mutually acceptable measures to address concerns of the Indian Tribes and minimize adverse effects on the affected Indian Tribes resulting from mining and related activities on the Federal land conveyed to Resolution Copper (16 U.S.C. § 539p(c)(3)).

PL 113-291 directs, “Not later than 60 days after the date of publication of the final environmental impact statement, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to Resolution Copper” (16 U.S.C. § 539p(c)(10)).

Following the land exchange, all mineral extraction operations will take place on private land. In addition, Resolution Copper has indicated that it intends to place the tailings storage facility on private lands or Arizona State Trust lands. As a result, the only decision to be made by the Forest Service concerns the proposed use of NFS roads, and the use of NFS land for pipeline corridors and power line corridors across NFS lands. The authorization for uses of NFS lands and roads associated with the Resolution Copper Project would be implemented by issuance of authorizations under 36 CFR § 251 Subpart B and 36 CFR § 212 Subpart A, since they will be associated with mining operations that take place exclusively on private land, and not on Federal land under the Mining Laws.

PART 1 INTRODUCTION

1.1 About This Document

The U.S. Forest Service (Forest Service), in cooperation with the U.S. Army Corps of Engineers (USACE), U.S. Department of the Interior Bureau of Land Management (BLM), U.S. Environmental Protection Agency, Arizona State Land Department (ASLD), Arizona Department of Environmental Quality (ADEQ), Arizona Department of Water Resources, Arizona Game and Fish Department (AGFD), Arizona State Mine Inspector, and Pinal County Air Quality Control District, prepared an environmental impact statement (EIS) to review the potential environmental impacts of the Resolution Copper Project and Land Exchange (herein called the project).

In addition to the proposed action, four action alternatives were considered, along with the no action alternative. Public scoping for this project began in 2016 and resulted in the identification of the issues described in Final EIS (FEIS) (U.S. Forest Service 2021), released to the public in January 2021. However, on March 1, 2021, the U.S. Department of Agriculture (USDA) directed the Forest Service to withdraw the notice of availability and rescind the FEIS and the accompanying Draft ROD. The USDA took this step to provide an opportunity for the agency to conduct a thorough review, to ensure regulatory compliance of environmental, cultural, and archaeological analyses, and to provide time for the Forest Service to fully understand concerns raised by Tribes and the public and the project's impact to these important resources.

The notice of availability of the updated FEIS (U.S. Forest Service 2025) was released to the public in the Federal Register in June 2025, along with the notification of the opportunity to object on the updated Draft ROD in the "Arizona Capitol Times" (paper of record).

This Forest Service ROD is specific to the authorization of special uses on National Forest System (NFS) lands.

This ROD is organized into eight parts:

- *Part 1 – Introduction* provides background information about the proposed Resolution Copper Mine from Resolution Copper Mining LLC (Resolution Copper), which has mineral claims for the Oak Flat area.
- *Part 2 – Decision* explains the authorities of the Forest Service to regulate use and occupancy of NFS lands for special use permit activities associated with development of the Resolution Copper Project.
- *Part 3 – Principal Reasons for the Decision* explains the circumstances and rationale behind the Forest Service decisions.
- *Part 4 – Applicant-Committed Environmental Protection Measures, Monitoring, and Mitigation* specifies the requirements necessary for implementation of special use permit activities.
- *Part 5 – Public Involvement and Issues* describes the public involvement process, a summary of public comments, a description of government consultation, and a summary of the issues.
- *Part 6 – Alternatives Considered* briefly summarizes the no action alternative and the action alternatives that were considered in detail, the environmentally preferred alternative, and alternatives that were eliminated from detailed analysis.
- *Part 7 – Legally Required Findings* lists the laws and regulations that were considered during the decision-making process.

1.2 Proposed Resolution Copper Mine Project

1.2.1 Project Overview (as originally proposed)

In November 2013, Resolution Copper submitted a General Plan of Operations (GPO) to the Tonto National Forest for development and operation of a large-scale mine near Superior, Arizona. The proposed GPO sought authorization for surface disturbance on NFS lands for mining operations and processing of copper and molybdenum. The proposed mine would be located in the Tonto National Forest Globe and Mesa Ranger Districts. The Forest Service determined that the proposed GPO was complete in December 2014. The GPO describes the full breadth of activities that would take place for construction, operation, closure, and reclamation of the mine project. These activities are also described in detail in chapter 2 of the FEIS. They are briefly summarized below to provide context to the decisions considered in this ROD.

The project will progress through three distinct phases: construction (years 1 to 9), operations (years 6 to 46), and closure and reclamation (years 46 and beyond). The type of copper deposit that would be mined at the East Plant Site is a porphyry deposit, a lower-grade deposit that requires higher mine production rates to be economically viable. The copper deposit that Resolution Copper proposes to mine averages 1.54 percent copper (i.e., every ton of ore would on average contain 31 pounds of copper). Operational projections are removal of 1.4 billion tons of ore and production of 40 billion pounds of copper using a mining technique known as panel caving. Using this process, a network of shafts and tunnels is constructed below the ore body. Access to the infrastructure associated with the panel caving would be from vertical shafts in an area known as the East Plant Site, located on an area known as Oak Flat. This area would include mine shafts and a variety of surface facilities to support mining operations. As originally proposed in 2013, portions of the East Plant Site were located on NFS lands and would have been subject to Forest Service regulation; however, these operations will now be occurring on private lands following the land exchange and will be subject to regulations outside Forest Service jurisdiction.

While all mining will be conducted underground, removing the ore would cause the ground surface to collapse, creating a subsidence area at Oak Flat. The crater will start to appear in year 6 of active mining. The subsidence area ultimately will be between 800 and 1,115 feet deep and roughly 1.8 miles across. The EIS evaluated alternative mining techniques that could avoid subsidence, and explains why the Forest Service determined that those mining techniques were not reasonable alternatives to consider in detail. As the mine will be on private land, the Forest Service will not be approving any mining method.

Under Resolution Copper's proposed plan, mined ore will be crushed underground and then transported underground approximately 2.5 miles west to an area known as the West Plant Site (the location of the old Magma Mine in Superior, Arizona), where ore will be processed to produce copper and molybdenum concentrates. As originally proposed, a portion of the West Plant Site would have been located on NFS lands, which would have been subject to Forest Service regulatory jurisdiction. Resolution Copper later modified this portion of the West Plant Site to avoid use of NFS land (see "Changes to the Proposed Action during the NEPA Process" below).

Once processed, the copper concentrate will be pumped as a slurry through a 22-mile pipeline to a filter plant and loadout facility located near Florence Junction, Arizona, where copper concentrate will be filtered and then sent to off-site smelters via rail cars or trucks. The molybdenum concentrate will be filtered, dried, and sent to market via truck directly from the West Plant Site.

The copper concentrate slurry pipeline corridor will be located along an existing, previously disturbed right-of-way known as the Magma Arizona Railroad Company (MARRCO) corridor. The MARRCO corridor will also host other infrastructure for the mine, including water pipelines, power lines, pump

stations, and groundwater wells. Resolution Copper holds an existing right-of-way for those portions of the MARRCO corridor that cross NFS lands.

Tailings produced at the West Plant Site will be pumped as a slurry through several pipelines to a tailings storage facility. The tailings storage area will gradually expand over time. As originally proposed, the tailings storage facility was to have been located on NFS lands, which would have been subject to Forest Service regulatory jurisdiction. Resolution Copper later modified that part of the proposed mine plan to avoid use of NFS land (see "Changes to the Proposed Action during the NEPA Process" below).

All power to the mine will be supplied by the Salt River Project (SRP). Portions of the proposed electrical infrastructure will be located on NFS land and will require Forest Service authorization.

Water for the process will come from a variety of sources. Filtrate from the filter plant, recycled water from the tailings storage facility, and recovered water from the concentrator complex will be recycled for use in the mining process. Additional water will be obtained from dewatering of the mine workings, potential direct delivery of Central Arizona Project water, and pumping from a well field along the MARRCO corridor.

Reclamation will be conducted to achieve post-closure land use objectives, including closing and sealing the mine shafts, removing surface facilities and infrastructure, and establishing self-sustaining vegetative communities using local species. The proposed tailings storage facility will be reclaimed in place, providing for permanent storage of mine tailings.

1.2.2 Changes to the Proposed Action during the NEPA Process

In March 2016, the Tonto National Forest undertook preparation of an EIS in order to (1) consider the effects of anticipated mining operations that would be reasonably incident to extraction, transportation, and processing of copper and molybdenum, and (2) consider the effects of the exchange of lands between Resolution Copper and the United States as directed by the Southeast Arizona Land and Conservation Act, 16 United States Code (U.S.C.) § 539p (which is referred to in this document as Public Law (PL) 113-219).

During this process, a number of alternatives to the proposed action were considered for purposes of the environmental analysis. These include the following:

- Facilities near the West Plant Site on NFS lands were redesigned to avoid the need to use NFS lands.
- A number of tailings storage facility alternatives were considered, including the location evaluated in Alternative 6 – Skunk Camp, under which the tailings storage facility will be located off of Federal lands, on private and Arizona State Trust lands (which Resolution Copper will need to acquire). Alternative 6 – Skunk Camp became the preferred alternative in the FEIS.

As a result of these changes and the congressionally mandated land exchange, the elements of the mine project to be located on NFS land, and thus subject to Forest Service regulations, have changed since initial submittal of the GPO. The activities or surface disturbance associated with the East Plant Site, subsidence area, West Plant Site, and tailings storage facility will no longer take place on NFS lands. These components of the project therefore will require no decision or authorization by the Forest Service.

The sole remaining uses of NFS lands associated with the Resolution Copper Project are as follows:

- several new or upgraded power lines;

- a pipeline corridor to convey tailings slurry from the West Plant Site to the tailings storage facility;
- the upgrade, maintenance, construction, and use of NFS roads; and
- authorization of uses within the existing MARRCO corridor right-of-way held by Resolution Copper.

This decision applies only to these project components as analyzed in the FEIS.

PART 2 DECISION

2.1 Introduction and Decision Authority

In December 2014, Congress mandated a land exchange pending completion of the EIS, as outlined in the Southeast Arizona Land and Conservation Act, 16 U.S.C. § 539p (which is referred to in this document as PL 113-219). The NFS land to be conveyed to Resolution Copper encompasses the copper deposit. PL 113-291 specified,

> *Prior to conveying Federal land under this section, the Secretary shall prepare a single environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall be used as the basis for all decisions under Federal law related to the proposed mine and the Resolution mine plan of operations and any related major Federal actions significantly affecting the quality of the human environment, including the granting of any permits, rights-of-way, or approvals for the construction of associated power, water, transportation, processing, tailings, waste disposal, or other ancillary facilities.*

The EIS therefore considered the environmental impacts not only of the mining proposal and all connected actions, but also of the land exchange itself. PL 113-291 further directed, "Not later than 60 days after the date of publication of the final environmental impact statement, the Secretary shall convey all right, title, and interest of the United States in and to the Federal land to Resolution Copper" (16 U.S.C. § 539p(c)(10)).

Mining operations within the area conveyed by the Forest Service in the exchange are not subject to regulation by the Forest Service, since Forest Service regulation of mining operations pertains only to mining operations conducted under the U. S. mining laws (30 U.S.C. § 22 *et seq.*) on NFS land under the jurisdiction of the Secretary of Agriculture (36 CFR § 228.2). The decisions to be made by the Forest Service are limited to authorization of the proposed uses of NFS land outside the exchanged land.

The Forest Service and USACE are making separate but coordinated decisions related to the proposed Resolution Copper Project. These decisions are based on the FEIS and applicable laws, regulations, and policies. The Forest Service is making a decision regarding whether and how to authorize the use and occupancy of NFS land for mine-related pipeline and power line infrastructure crossing NFS lands, along with maintenance, reconstruction, and use of NFS roads.

Any associated uses of NFS land for pipelines and utilities are special uses and are regulated under 36 CFR § 251.50 because they are associated with mining on private property and therefore do not involve operations conducted under the U.S. mining laws. Authorization for a special use or occupancy of NFS lands requires submittal of a special use application (SF-299). Once submitted, this proposal is subject to initial screening (36 CFR § 251.54(e)(1)). After completion of the initial screening, a secondary screening is undertaken (36 CFR § 251.54(e)(5)). After consideration of the screening criteria, the Forest Service may decide to accept an application for processing (36 CFR § 251.54(g)). In processing the application, the Forest Service must consider the potential environmental effects of authorizing the proposed uses of NFS land in accordance with the National Environmental Policy Act (NEPA), and the Forest Supervisor must proceed to either approve or deny the authorization. The special use authorization (SUA) must include terms and conditions (36 CFR § 251.56), including minimizing damage to the environment, protecting the public interest, and requiring compliance with applicable water and air quality standards.

The following applications are part of my decision:

- SRP would be the owner and operator of the power line to the tailings storage facility, largely co-located with the tailings slurry pipelines. SRP would be responsible for construction, operation, and maintenance of the power line and would hold the special use permit. SRP submitted an SF-299 Special Use Permit proposal on November 11, 2020. Tonto National Forest staff carried out initial and secondary screenings and accepted the application on November 18, 2020. These documents are found in appendix Q of the FEIS.
- Resolution Copper submitted an SF-299 Special Use Permit proposal on September 7, 2020. Tonto National Forest staff carried out initial and secondary screenings and accepted the application on September 28, 2020. These documents are found in appendix Q of the FEIS.
- Resolution Copper submitted an SF-299 Special Use Permit proposal in 2026 for the use of the MARRCO corridor for future concentrate pipelines and current and future water pipelines. The infrastructure that was authorized in 2008 was evaluated in NEPA documentation at that time. Both the existing and proposed new infrastructure were evaluated in the Resolution Copper Project and Land Exchange FEIS. Tonto National Forest staff carried out initial and secondary screenings and accepted the application on March 15, 2026. These documents are found in appendix A of the Errata.

The Tonto National Forest implemented a new "Tonto National Forest Land Management Plan" (forest plan) in December 2023 (U.S. Forest Service 2023). The Resolution FEIS and project record contain an analysis of the project's compliance with the new forest plan, which determined that the selection of Alternative 6 – Skunk Camp would require a multi-component amendment to the forest plan. The forest plan would be amended as part of the action to approve the project. The proposed amendment would be limited to apply only to this project. Only the selected Federal action detailed in this ROD would be excepted from the specific current plan desired conditions and guidelines included in the amendment. This project complies with all other desired conditions, objectives, standards, and guidelines applicable to the actions of this project. Refer to appendix T of the updated FEIS for more detailed information on the specific proposed amendment for the selected Federal action, as well as assessment of the consistency of the forest plan amendment with the National Forest Management Act.

It is expected that the USACE will issue an individual permit under Section 404 of the Clean Water Act (CWA) for dredge and fill of waters of the U.S. associated with the tailings storage facility and the tailings pipeline corridor. Because of separate agency authorities, the Forest Service and USACE each prepare a separate ROD for their respective decision. The decision of each agency is developed in close coordination with the other because operations are interconnected and the FEIS was required to support both decisions. This Forest Service decision presumes that the USACE will select the preferred alternative (Alternative 6 – Skunk Camp) identified in the FEIS, as opposed to the no action alternative.

2.1.1 Authorization of Special Use for Salt River Project Power Lines

My decision approves the issuance of an SUA (in compliance with 36 CFR 251.54) in order to allow the construction, operation, maintenance, and reclamation of transmission lines by SRP across NFS lands. These include the following:

- A new 3.6-mile, 230-kilovolt (kV) power line from the Silver King substation to Oak Flat substation, to serve the East Plant Site.
- A new 16.9-mile power line from the existing Silver King substation to serve the Skunk Camp tailings storage facility located on private and State of Arizona trust lands. Preliminary assessment of line voltage options show that either a 69-kV or 115-kV voltage level would be adequate to supply power to the tailings storage facility; the design is for a 115-kV line. The

power line would almost entirely follow the same corridor as the tailings pipelines, except for a section between the Silver King substation and the tailings pipeline corridor where the 115-kV line parallels the existing 230-kV power line. Approximately 298 acres of NFS lands would be included in the power line corridor, which is collocated with the pipeline corridor described below. An additional 28 acres of NFS lands would be required outside the collocated corridor for power poles and access roads or trails.[1]

- Maps of the SUA routes are included as appendix A. It should be noted that SRP must obtain a Certificate of Environmental Compatibility from the Arizona Corporation Commission, following what is known as the "line siting" process. The SUA would not be issued to SRP until this process is complete.

2.1.2 Authorization of Special Use for Resolution Copper Pipelines

My decision approves the issuance of a SUA in order to allow the construction, operation, maintenance, and reclamation of tailings and water pipelines by Resolution Copper across NFS lands, including the following:

- To continue operation and maintenance of an 18-inch existing water pipeline traversing 9.5 miles in length (50,160 feet) from a water treatment plant in Superior, AZ, traveling along the existing MARRCO railroad right-of-way, and exiting Forest Service onto state land and ending near Florance Junction, AZ. This was first authorized in 2008.
- A 19.6-mile pipeline corridor from the West Plant Site to the Skunk Camp tailings storage facility. Approximately 593 acres of NFS lands would be part of the pipeline corridor.
- Maps of the SUA routes are included as appendix B.

2.1.3 Road Use Permit

My decision approves the commercial use of NFS roads in accordance with 36 CFR § 212, Subpart A, which will include the construction, reconstruction, use, and maintenance of NFS roads in the vicinity of the West Plant Site and the MARRCO corridor. Resolution Copper has submitted a revised road use plan describing the planned uses (Resolution Copper 2020b).[2] The road use plan as submitted includes the following components (a final road use plan will be included with the appropriate request for authorization):

- There are 17 proposed access points from NFS roads along the MARRCO corridor for use for both construction and operation/maintenance purposes.
- Several NFS roads intersect the MARRCO corridor. The sections of NFS roads that cross the pipeline will be temporarily closed in coordination with the Forest Service and/or other relevant land management agencies (e.g., ASLD), and then reestablished to their existing maintenance level after construction.
- The tailings storage facility will not impact NFS roads. However, the tailings pipeline and the various power line corridors will cross NFS roads. The pipeline infrastructure will be buried via trench installation during construction (except for tunnel and bridge span sections). The sections of NFS roads that cross the pipeline will be temporarily closed in coordination with Forest Service and ASLD as needed, and then reestablished to their existing maintenance level after

[1] These acreages reflect the conditions after the land exchange has occurred.
[2] Any existing routes will be maintained in compliance with the designated route system as detailed in the ROD for Travel Management on the Tonto National Forest. The revised road use plan is available as a reference to the FEIS and includes a detailed list of the specific roads to be used.

construction in coordination with Forest Service, ASLD, and Pinal County as needed. Two new road segments (PNR-1 and PNR-2) would need to be constructed on Tonto National Forest land for access to the tailings pipeline and power line corridor.

- Approximately 20 NFS roads will be maintained by Resolution Copper at a range of maintenance levels.
- Resolution Copper has also proposed an alternative routing of Silver King Mine Road (NFS Road 229), which would be used to transport mine personnel, equipment, supplies, and molybdenum and other mine products, to and/or from the West Plant Site, as described in section 2.2.9.2 of the FEIS.

As the Forest Service responsible official, I have decided to issue SUAs to permit these activities associated with the Resolution Copper Project under regulations codified at 36 CFR § 251 Subpart B, and permission for road use under regulations codified at 36 CFR § 212 Subpart A, and to determine the terms and conditions of such authorizations.

2.1.4 Approval of Project-Specific Land Management Plan Amendment

Additionally, my decision approves the multi-component project-specific plan amendment to the 2023 "Tonto National Forest Land Management Plan" (U.S. Forest Service 2023).

Details of Amendment

The full context of 2023 forest plan desired conditions, objectives, standards, and guidelines (plan components) were taken into consideration in making this decision, as detailed in the forest plan consistency review (SWCA Environmental Consultants 2025). Under the National Forest Management Act and its implementing regulations at 36 CFR § 219 (2012 Planning Rule), a plan may be amended at any time. Plan amendments may be broad or narrow, depending on the need for the change. The responsible official has the discretion to determine whether and how to amend the forest plan and to determine the scope and scale of any amendment.

The selected Federal action would not comply with all forest plan components without an amendment. The purpose of this amendment is to except the selected Federal action from complying with specific forest plan desired conditions and guidelines, which would allow this project to be consistent with the forest plan. This multi-component, project-specific forest plan amendment includes nine guidelines and seven desired conditions. The amendment of the forest plan components would except the activities approved as part of the selected Federal action, including the powerline, pipeline, and road uses from complying with the specified plan components. Other than the proposed exceptions, no other changes to the forest plan would occur with the proposed amendment. The effects of the project-specific plan amendment are documented in chapter 3 of the FEIS following Forest Service NEPA procedures at 36 CFR § 220 and are summarized below in table 1. Because the amendment applies to only this project, and because potential adverse effects from project implementation will be addressed through environmental protection measures and mitigation, they are not considered a significant change to the forest plan for the purposes of the National Forest Management Act (36 CFR § 219.13(b)(5)).

This signed ROD for the Resolution Copper Project marks the date when the amendments are effective. Since the plan amendments apply to only one specific project, they are effective on the date on which the project is implemented in accordance with administrative review regulations at 36 CFR § 218, Subpart A (36 CFR § 219.17(a)(3)). The objection process under 36 CFR § 218 was used for both the project activities and the project-specific amendments (36 CFR § 219.59(b)).

Table 1. Multiple-component, project-specific amendment to the forest plan for the Resolution Copper Project

Forest Plan Component	Reason for Amendment
Recreation Guideline 10 (REC-G-10) (forest plan, p. 31)	The pipeline, electrical transmission line, and associated infrastructure that would be authorized with the selected Federal action would not meet current recreation opportunity spectrum (ROS) criteria.
Wildlife Related Recreation Guideline 03 (REC-WR-G-03) (forest plan, p. 44)	The analysis of wildlife connectivity concludes there would be a loss of long-term movement habitat along pipeline corridors with the selected Federal action; therefore, wildlife connectivity would not be maintained or enhanced.
Cultural and Historic Resources Desired Condition 01 (CUH-DC-01) (forest plan, p. 55)	While the selected Federal action includes mitigation measures designed to avoid, minimize, rectify, reduce, or compensate for resource impacts, impacts to historic properties cannot be avoided or fully mitigated. It is not feasible to retain all characteristics that qualify impacted properties for listing.
Cultural and Historic Resources Desired Condition 02 (CUH-DC-02) (forest plan, p. 55)	The pipeline, electrical transmission lines and associated infrastructure constructed and operated with the selected Federal action would impact historic properties.
Cultural and Historic Resources Desired Condition 07 (CUH-DC-07) (forest plan, p. 55)	The selected Federal action would disturb cultural resources, including artifacts, and data recovery and curation would be conducted on these sites.
Scenery Desired Condition 03 (SC-DC-03) (forest plan, p. 67)	Infrastructure constructed with the selected Federal action would not meet criteria for existing Scenic Integrity Objectives (SIOs) and would degrade views from U.S. Route 60, a state designated scenic route.
Scenery Guideline 01 (SC-G-01) (forest plan, p. 67)	Infrastructure constructed with the selected Federal action, including transmission lines and pipelines, would not be consistent with or move the area toward achieving SIOs.
Scenery Guideline 03 (SC-G-03) (forest plan, p. 67)	It is not currently known whether the electrical transmission line constructed with the selected Federal action would remain in place after reclamation has occurred. Therefore, the selected Federal action may not achieve or move toward achieving SIOs in the long term.
Wildlife, Fish, and Plants Guideline 06 (WFP-G-06) (forest plan, p. 142)	The analysis of wildlife connectivity concludes that there would be a loss of long-term movement habitat along pipeline corridors with the selected Federal action; therefore, dispersal and movement of species would be adversely affected.
Wildlife, Fish, and Plants Guideline 07 (WFP-G-07) (forest plan, p. 142)	The analysis of wildlife connectivity concludes that there would be a loss of long-term movement habitat along pipeline corridors with the selected Federal action; therefore, dispersal and movement of wildlife would be adversely affected.
Soils Guideline 02 (SL-G-02) (forest plan, p. 147)	The selected Federal action would disturb and impact soils on NFS land. Biological crust soils (referred to as biotic soils and desert pavement in the FEIS) are present in some of these areas and cannot be completely avoided.

Forest Plan Component	Reason for Amendment
National Trails Management Area Desired Condition 03 (NTMA-DC-03) (forest plan, p. 182)	New pipelines constructed within the MARRCO corridor[3] would cross the Arizona National Scenic Trail. Any new development intersecting the Arizona National Scenic Trail corridor would interfere with the nature and purposes of the Arizona National Scenic Trail.
National Trails Management Area Desired Condition 06 (NTMA-DC-06) (forest plan, p. 182)	New pipelines constructed within the MARRCO corridor would cross the Arizona National Scenic Trail. The selected Federal action would not meet the criteria to provide visitors with expansive views of a natural-appearing landscape along all segments of the Arizona National Scenic Trail, or conserve scenic resources within the trail corridor.
National Trails Management Area Desired Condition 07 (NTMA-DC-07) (forest plan, p. 182)	New pipelines constructed within the MARRCO corridor would cross the Arizona National Scenic Trail. The selected Federal action would not be consistent with or move the area toward high or very high SIOs.
National Trails Management Area Guideline 01 (NTMA-G-01) (forest plan, p. 182)	New pipelines and access road constructed within the MARRCO corridor would cross the Arizona National Scenic Trail. Any new development intersecting the Arizona National Scenic Trail corridor would interfere with the nature and purposes of the Arizona National Scenic Trail.
National Trails Management Area Guideline 08 (NTMA-G-08) (forest plan, p. 183)	The selected Federal action would result in impacts to the scenic character of the Arizona National Scenic Trail that cannot be fully mitigated through design elements.

Substantive Provisions for Project-Specific Amendments

The specific substantive rule provisions within 36 CFR § 219.8 through 36 CFR § 219.11 that are directly related and therefore applicable to the amendment are described in appendix T of the FEIS and summarized below. As described below, the project-specific amendment complies with the procedural provisions of the 2012 Planning Rule (36 CFR § 219.13(b)). The amendment is based on a review of relevant scientific information, consideration of responsible opposing views, and the acknowledgment of any incomplete or unavailable information, scientific uncertainty, and risk. The specific substantive provisions evaluated relative to the project-specific amendments are as follows:

- § 219.8(a)(2)(ii) – Soils and soil productivity due to the exception of guideline SL-G-02 [forest plan, p. 147].
- § 219.10(b)(1)(i) – Sustainable recreation due to the exception of desired conditions SC-DC-03 [forest plan, p. 67], NTMA-DC-06 [forest plan, p. 182], and NTMA-DC-07 [forest plan, p. 182]; and guidelines SC-G-01 [forest plan, p. 67], SC-G-03 [forest plan, p. 67], NTMA-G-01 [forest plan, p. 182], and NTMA-G-08 [forest plan, p. 183] (SIO); desired condition NTMA-DC-03 [forest plan, p. 182] and guideline NTMA-G-01 [forest plan, p. 182] (Arizona National Scenic Trail); and guideline REC-G-10 [forest plan, p. 31] (ROS).
- § 219.8(a)(1)(i) – Ecosystem integrity, interdependence of terrestrial and aquatic ecosystems in the plan area due to exception of guidelines REC-WR-G-03 [forest plan, p. 44], WFP-G-06 [forest plan, p. 142] and WFP-G-07 [forest plan, p. 142].

[3] The MARRCO corridor is an existing utility corridor containing Arizona Water Company facilities, water lines, a Qwest fiber-optic line, an El Paso Natural Gas pipeline, a power line, and a telephone line in its right-of-way.

- § 219.9(a)(2)(i) – Ecosystem diversity, key characteristics associated with terrestrial and aquatic ecosystem types due to the exception of REC-WR-G-03 [forest plan, p. 44], WFP-G-06 [forest plan, p. 142] and WFP-G-07 [forest plan, p. 142].
- § 219.8(a)(b) – Social and economic sustainability – cultural and historic resources and uses due to the exception of desired conditions CUH-DC-01 [forest plan, p. 55], CUH-DC-02 [forest plan, p. 55], and CUH-DC-07 [forest plan, p. 55].
- § 219.10(a)(1) – Integrated resource management for multiple use – cultural and heritage resources due to the exception of desired conditions CUH-DC-01 [forest plan, p. 55], CUH-DC-02 [forest plan, p. 55], and CUH-DC-07 [forest plan, p. 44].
- § 219.10(a)(3) – Appropriate placement and sustainable management of infrastructure, such as recreational facilities and transportation and utility corridors due to the exception of desired conditions and guidelines NTMA-DC-03 [forest plan, p. 182] and NTMA-G-01 [forest plan, p. 182].
- § 219.10(b)(1)(ii) – protection of cultural and historic resources due to the exception of desired conditions CUH-DC-01 [forest plan, p. 55], CUH-DC-02 [forest plan, p. 55], and CUH-DC-07 [forest plan, p. 55].

Rationale for Exception from Land Management Plan Desired Conditions and Guidelines

The project was reviewed for consistency with the 2023 forest plan. The consistency evaluation (SWCA Environmental Consultants 2025) demonstrated the need for exception from nine guidelines and seven desired conditions from the forest plan. The rationale for exception is detailed in appendix T of the FEIS and summarized in table 2.

Table 2. Rationale for exception from forest plan for the Resolution Copper Project

Forest Plan Component	Rationale for Exception
Recreation Guideline 10 (REC-G-10) (forest plan, p. 31)	Construction, operation, and maintenance of new pipelines, electrical transmission lines and associated infrastructure would result in a reduction of 166 acres from semiprimitive nonmotorized ROS to semiprimitive motorized ROS). Implementation of the Resolution Copper Project selected Federal action would reduce the amount of semiprimitive nonmotorized ROS on the Forest from 715,024 acres to 714,858 acres, a reduction of 0.02 percent forest-wide. Semiprimitive motorized recreation would increase from 1,072,671 acres to 1,072,837 acres, an increase of less than 0.02 percent forest-wide. Although this has an adverse impact on nonmotorized recreation, it is not a substantial adverse impact due to the relatively small amount of effects across the Tonto National Forest. Non-discretionary environmental protection measures are incorporated into the design of the project that would act to reduce potential impacts on recreation. The remaining 51 guidelines, 80 desired conditions, 15 standards, and nine objectives would remain applicable to the entire Tonto National Forest, including the selected Federal action area of disturbance. The one excepted guideline would continue to apply to that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action.

Forest Plan Component	Rationale for Exception
Wildlife Related Recreation Guideline 03 (REC-WR-G-03) (forest plan, p. 44) Wildlife, Fish, and Plants Guideline 06 (WFP-G-06) (forest plan, p. 142) Wildlife, Fish, and Plants Guideline 07 (WFP-G-07) (forest plan, p. 142)	Construction, operation and maintenance of new pipelines, electrical transmission lines and associated infrastructure would result in 1,417 acres of habitat disturbance in the tailings corridor, transmission line corridor, and access roads. This would result in a loss of long-term movement habitat along pipeline corridors since vegetation would be expected to eventually reestablish in the disturbed areas but would be unlikely to return to preconstruction conditions. The total acres of intact habitat connectivity on the Tonto National Forest is not known. However, the 1,417 acres of habitat connectivity that would be affected by the selected Federal action is a minor component of the habitat available across the 2,965,716 acres of the Tonto National Forest. Potential impacts to biodiversity would likely be limited to impacts at the local level for most species and would not be significant at the population level. Non-discretionary environmental protection measures and mitigation measures are incorporated into the design of the project that would act to reduce potential impacts on wildlife connectivity. The remaining 11 desired conditions, four guidelines, and one standard related to wildlife connectivity would remain applicable to the entire Tonto National Forest, including the selected Federal action area of disturbance. The one excepted desired condition and three excepted guidelines would continue to apply to that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action.
Scenery Desired Condition 03 (SC-DC-03) (forest plan, p. 67) Scenery Guideline 01 (SC-G-01) (forest plan, p. 67) Scenery Guideline 03 (SC-G-03) (forest plan, p. 67) National Trails Management Area Desired Condition 06 (NTMA-DC-06) (forest plan, p. 182) National Trails Management Area Desired Condition 07 (NTMA-DC-07) (forest plan, p. 182) National Trails Management Area Goal 08 (NTMA-G-08) (forest plan, p. 183)	Construction, operation, and maintenance of new pipelines, electrical transmission lines, and associated infrastructure would reduce 516 acres of high SIO to the low category and reduce 345 acres of moderate SIO to the low category. There are 1,706,521 acres of high SIO on the Tonto National Forest. A reduction of 516 acres constitutes a change to 0.03 percent of the amount of high SIO across the forest. These numbers include impacts to scenic resources in the Arizona National Scenic Trail corridor, which would reduce 20 acres of high SIO to the low category. There are 597,020 acres of moderate SIO on the Tonto National Forest. A reduction of 345 acres constitutes a change to 0.06 percent of the amount of moderate SIO across the forest. Although this is an adverse impact to scenery, it is not a substantial adverse impact due to the limited extent to the scenery resource of the project on the Tonto National Forest and the implementation of mitigation measures. Non-discretionary environmental protection measures are incorporated into the design of the project that would act to reduce potential impacts on scenery. The remaining nine desired conditions, 14 guidelines, and one standard related to scenery would remain applicable to the entire Tonto National Forest, including the selected Federal action area of disturbance. The three excepted desired conditions and three excepted guidelines would continue to apply to that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action.

Forest Plan Component	Rationale for Exception
Cultural and Historic Resources Desired Condition 01 (CUH-DC-01) (forest plan, p. 55) Cultural and Historic Resources Desired Condition 02 (CUH-DC-02) (forest plan, p. 55) Cultural and Historic Resources Desired Condition 07 (CUH-DC-07) (forest plan, p. 55)	The reduction of cultural resource protection measures constitutes an adverse impact, but effects are not expected to be substantial. The greatest impacts to cultural resources would be during the construction period. The cultural resources analysis in the Resolution Copper Project FEIS lists hundreds of historic and archaeological sites likely to be directly impacted by the selected Federal action. However, that analysis includes areas where the forest plan does not apply, such as private land and land administered by the State of Arizona and BLM. The Forest Service decision to implement the selected Federal action would not authorize any activities on land that are not administered by the Forest Service. A review of impacted sites by land ownership concludes that eight of these sites are located on NFS land associated with the selected Federal action area of disturbance. While it is not possible to know the total number of cultural resource sites on the Tonto National Forest, eight cultural sites is a small amount of the number of sites on the Forest. Any direct ground disturbance runs the risk of disturbing cultural resources. Implementation of the selected Federal action would result in construction, use, and maintenance of electrical transmission lines, pipelines, and associated infrastructure that would disturb 2,502 acres of NFS lands and not affect that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action. This is a minor amount of impact when considered on a forest-wide basis. Non-discretionary environmental protection measures and mitigation measures are incorporated into the design of the project that would act to reduce potential impacts on cultural resources. The remaining 13 desired conditions, 19 guidelines, and eight standards would remain applicable to the entire Tonto National Forest, including the selected Federal action area of disturbance. The three excepted desired conditions would continue to apply to that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action.
Soils Guideline 02 (SL-G-02) (forest plan, p. 147)	Soil loss from construction and operations in the pipeline and power line corridor is expected to be minimal after compliance with applicant-committed environmental protection measures (stormwater pollution prevention plan and erosion and sediment controls) and post-closure after reclamation when the surface has stabilized from revegetation. The effects noted would occur on 2,502 acres or less of NFS land (less than 0.09 percent of the total NFS land on the Tonto National Forest); therefore, the one guideline would not hinder the forest plan's ability to maintain or restore soils. Non-discretionary environmental protection measures are incorporated into the design of the project that would act to reduce potential impacts on soils. The remaining 35 desired conditions, 11 guidelines, three standards, and one objective related to soils would remain applicable to the entire Tonto National Forest, including the selected Federal action area of disturbance. The one excepted guideline would continue to apply to that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action.

Forest Plan Component	Rationale for Exception
National Trails Management Area Desired Condition 03 (NTMA-DC-03) (forest plan, p. 182) National Trails Management Area Goal 01 (NTMA-G-01) (forest plan, p. 182)	A new pipeline and access road to cross the Arizona National Scenic Trail at a location where major effects already exist. Although this is an adverse impact to the Arizona National Scenic Trail, it is not a substantial adverse impact because effects would primarily be limited to the construction period. Disruption to trail users would occur during the activity, and when conditions are safe for hikers, cyclists, and equestrian users, the disruption would cease. Contractors would provide necessary detours or signage for Arizona National Scenic Trail user awareness during these activities. The scale of the Arizona National Scenic Trail component of the project-specific amendment encompasses the immediate location in the MARRCO Corridor where the pipeline and access road cross the trail. New pipelines constructed within the MARRCO corridor would cross Passage 18 of the Arizona National Scenic Trail. In the Passage 18 segment, 0.07 mile of the proposed tailings pipeline corridor would intersect the Arizona National Scenic Trail. The Tonto National Forest manages about 200 miles of the Arizona National Scenic Trail. The selected Federal action would be less than 0.04 percent of the trail corridor. The area impacted by the selected Federal action is a minor portion of the Arizona National Scenic Trail on the Tonto National Forest. Non-discretionary environmental protection measures are incorporated into the design of the project that would act to reduce potential impacts on the trail. The remaining nine desired conditions, 12 guidelines, and three standards related to the trail would remain applicable to the entire Tonto National Forest, including the selected Federal action area of disturbance. The one excepted desired condition and one excepted guideline would continue to apply to that portion of the 2,965,716 acres of the Tonto National Forest not impacted by the selected Federal action.

PART 3 PRINCIPAL REASONS FOR THE DECISION

My decision is based on review of the FEIS and project record, which shows a thorough examination of relevant and best available scientific information, consideration of reasonable opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. My decision is also informed by the legislative direction provided in PL 113-291 to "facilitate and expedite" the land exchange between Resolution Copper and the United States.

I have taken into consideration the degree to which the applicant-committed environmental protection measures,[4] monitoring, and mitigation measures will reasonably reduce potential impacts to the environment, and the predicted effects of the action alternatives on resources, including soils, vegetation, wildlife, including special status species, noise, transportation and access, air quality, the quantity and quality of surface water and groundwater, cultural resources, tribal values and concerns, socioeconomics, scenery, recreation, and public safety. All practicable means to avoid or reduce environmental harm have been adopted. I have ensured that a thorough evaluation of the potential environmental impacts in the FEIS was accomplished through coordination with other ongoing and planned studies by State and Federal agencies in cooperation with Resolution Copper.

My decision to authorize pipeline corridors and power line corridors across NFS lands is based on a review not only of the impacts of these structures, but of the entire mining operation as proposed by Resolution Copper. The decision to authorize these linear features on NFS lands is predicated on Resolution Copper's decision to use Alternative 6 – Skunk Camp for tailings disposal.

I recognize that each of the action alternatives would result in significant environmental and social impacts and that the no action alternative is the environmentally preferable alternative (see part 6.2 of this document for further detail). My rationale for selecting Alternative 6 – Skunk Camp for the authorization of proposed uses of NFS lands and roads includes the commitments in part 4 of this document and is detailed below.

3.1 Water Quality

1. Alternative 6 – Skunk Camp will provide a greater protection of water quality than any other action alternative. The tailings storage facility presents the greatest risk of impacts to water quality through the release of tailings seepage (which contains elevated levels of dissolved metals and other contaminants) into the environment, not just during operations but for many decades after closure. All action alternatives would result in tailings seepage entering the environment, and all action alternatives would require seepage capture systems located downgradient from the tailing storage facility. Capture of seepage at the Skunk Camp location is simpler than other alternatives, and therefore more effective with less risk of impact to water quality downstream from the tailings storage facility. The geography of the Dripping Spring Wash basin requires a single seepage collection pond, compared with multiple ponds (up to nine) for other action alternatives.
2. Any tailings storage facility will require appropriate water quality permits from ADEQ prior to operation, to ensure compliance with State water quality standards. This includes permits for stormwater discharges under the Arizona Pollutant Discharge Elimination System (AZPDES) program and permits under the Aquifer Protection Permit program. Resolution Copper will be responsible for obtaining these permits.

[4] See part 4 of this document for a description of what constitutes an "applicant-committed environmental protection measure."

While no Forest Service authorizations or actions are required for activities that will not occur on NFS land, the FEIS analyzes potential effects of the proposed mining operation and alternatives as a whole.

The analysis showed that Alternatives 2, 3, and 4 either could not demonstrate concentrations of dissolved metals and other contaminants below numeric water quality standards, or would require extremely high seepage collection efficiencies to maintain concentrations of dissolved metals and other contaminants below these thresholds. Further, due to the proximity to Queen Creek, there are limitations to the ability to install additional seepage controls for these alternatives. The analysis showed that both Alternatives 5 and 6 not only can meet these acceptable thresholds, but also allow substantial flexibility for installing additional seepage controls, as needed, if indicated by monitoring during operations.

Alternative 6 – Skunk Camp ultimately demonstrated the best ability to control seepage of any action alternative. Two separate water quality analyses for Alternative 6 – Skunk Camp were conducted. The analysis of anticipated effects on water quality in the Draft EIS (DEIS) was based on a mixing-cell model. The analysis of anticipated effects on water quality in the FEIS supplemented the DEIS analysis with a numerical groundwater flow model that incorporated additional site-specific information collected at the Skunk Camp location, including aquifer tests, boreholes, water level measurements, and water quality sampling. Both models demonstrate the ability to keep concentrations of dissolved metals and other contaminants below numeric water quality standards under normal conditions. The FEIS water quality model additionally demonstrates that even under low-flow conditions, concentrations of dissolved metals and other contaminants in downstream surface waters would remain below numeric water quality standards.

3. Alternative 6 – Skunk Camp also allows the greatest margin for error and opportunity for any additional needed mitigation in the event that modeling estimates are incorrect. The nearest surface water (the Gila River) is located approximately 12 miles downstream. This is the longest distance to perennial surface waters of any action alternative. This means that there is substantial space and opportunity to install additional seepage controls—such as pumpback systems—in the event that predictions turn out to be inaccurate and that monitoring identifies unanticipated degradation of water quality.

3.2 Groundwater-Dependent Ecosystems

1. The Alternative 6 – Skunk Camp tailings storage facility and pipeline corridor do not directly impact any groundwater-dependent ecosystems (GDEs), which include springs and perennial streams, or special aquatic sites like wetlands. Alternatives 2, 3, and 4 would physically disturb springs.
2. The Alternative 6 – Skunk Camp location results in less reduction in runoff to support downstream perennial waters. Alternatives 2, 3, and 4 would reduce average annual flow in Queen Creek at Whitlow Ranch Dam from 6.5 to 9 percent (of which 3.5 percent is caused by the subsidence area, not the tailings storage facility). By contrast, Alternative 6 – Skunk Camp would reduce average annual flow in the Gila River by 0.3 percent below Dripping Spring Wash.

3.3 Recreation and Scenic Resources

1. All alternatives would impact scenic resources. However, the Skunk Camp location is relatively remote, and the impact is more confined than the other action alternatives. Alternatives 2, 3, and 4 would be seen from most locations in the Superior basin, as well as from key sensitive areas such as the Superstition Wilderness, Picketpost Mountain, Boyce Thompson Arboretum, and Apache Leap. Alternative 5 would be seen from Florence and elsewhere in the East Salt River valley, and

from the White Canyon Wilderness. The Alternative 6 – Skunk Camp location generally can only be seen within the Dripping Spring Wash valley, and from locations to the north in the Pinal Mountains.

3. The Skunk Camp location in Dripping Spring Wash is less used for recreation than locations identified in the other alternatives. Alternatives 2, 3, and 4 would occupy highly used recreation lands in and around the town of Superior, and Alternative 5 would prohibit recreational use of some of the BLM lands nearest to the East Salt River valley. Additionally, because the Alternative 6 – Skunk Camp tailings storage facility occupies the upper end of the Dripping Spring Wash valley, there is less restriction of through-access to other recreation areas.
4. Alternative 6 – Skunk Camp is the only alternative that does not substantially impact the Arizona National Scenic Trail, either with trail crossings by tailings pipelines or proximity of the tailings storage facility to trail users.
5. The Alternative 6 – Skunk Camp location consolidates large-scale mining activity on the larger landscape of central Arizona. Alternatives 2, 3, and 4 are largely surrounded by Forest Service lands that have not been disturbed by mining. The Skunk Camp location is in close proximity to the ASARCO Ray Mine open pit; the ASARCO land exchange parcels, which are expected to be mined in the future; the Christmas mine; and the recently permitted Ripsey Wash tailings facility.

3.4 Public Safety and Long-Term Management

1. The analysis included an evaluation for the safety of the tailings storage facilities and the potential for catastrophic failure. All alternatives are built to the same design standards and safety factors, and therefore no alternative is inherently safer than another. However, certain designs are more resilient and more able to withstand unexpected events or accumulated errors. The Skunk Camp location allows for a less complicated cross-valley embankment, with a single face, tied into bedrock on both sides, whereas Alternatives 2, 3, and 5 would require free-standing embankments with three sides. The approximate crest length of the Alternative 6 – Skunk Camp embankment is 3 miles, which is substantially less than Alternatives 2 and 3 (10 miles) and Alternative 5 (7 miles of non-potentially acid generating (NPAG) embankment and 4 miles of potentially acid generating (PAG) embankment).
2. The locations of Alternative 5 and 6 allow for the construction of a true centerline-type embankment, in contrast to the modified-centerline embankment that must be used at the Alternative 2 or 3 location due to space concerns. As noted, all embankments are built to the same design standards and safety factors; however, centerline construction is more robust and resilient than modified-centerline construction when unplanned circumstances are encountered.
3. After purchase of Arizona State Trust lands, the Alternative 6 – Skunk Camp tailings storage facility would be located entirely on private lands. Public lands would not be encumbered in perpetuity with a reclaimed mine structure, and neither the Forest Service nor the BLM would have to devote resources to managing a reclaimed facility in perpetuity.

3.5 Socioeconomics

The socioeconomic analysis identified both positive and negative impacts. The positive impacts are largely independent of alternative. On average, the mine is projected to employ over 1,400 workers, pay about $149 million per year in total employee compensation, and purchase about $490 million per year in goods and services. Including direct and multiplier effects, the proposed mine is projected to increase average annual economic value in Arizona by about $1.2 billion. The mine is also projected to generate an average of $80 million to $120 million per year in State and local tax revenues, as well as more than $200 million per year for the Federal government. Negative impacts include a loss of hunting revenue,

strain on street and road networks and other public services, and decreases in property values near the tailings storage facility. Based on the socioeconomics study, reductions in property values are predicted in the immediate vicinity of the tailings facility, and property values could be further exacerbated by impacts to private water supplies. While private property would still be impacted by Alternative 6 – Skunk Camp, the overall impact would be less than other alternatives, which have more private lots in close proximity.

3.6 Tribal Values

None of the action alternatives are acceptable to the consulting Tribes, as all would impact Tribal values and cultural heritage. Specific concerns have been consistently expressed by the Tribes throughout the process about the impacts of the required land exchange, the impacts from the mining operations, and the proposed tailings storage facility in the vicinity of sacred sites, including Apache Leap, Picketpost Mountain, and the Superstition Wilderness. In general, each of the consulted Tribes considers the impacts from the land exchange and related mining activities to their Tribal values as a loss that cannot be mitigated. However, given the land exchange requirements put forth in PL 113-291, I have limited discretion to completely eliminate impacts to expressed Tribal values.

I find that Alternative 6 – Skunk Camp, along with the commitments described in part 7.1 of the ROD, while not alleviating overall impacts to Tribal values and still having impacts to cultural resources, is preferable as the activities there will have lesser impact to these specific sacred areas than the other action alternatives considered and will better address the impacts that represent risks to social sustainability.[5]

3.7 Meeting Project's Purpose and Need

The purpose of and need for the project that formed the foundation for the NEPA process was (1) to consider the effects of anticipated mining operations that would be reasonably incident to extraction, transportation, and processing of copper and molybdenum; and (2) to consider the effects of the exchange of lands between Resolution Copper and the United States.

The decision to authorize pipeline and power line features on NFS lands is predicated on Resolution Copper's decision to use Alternative 6 – Skunk Camp for tailings disposal. For the collective reasons stated above, this alternative best meets the purpose of and need for the project, as stated in chapter 1 of the FEIS. Authorizing pipeline and power line features across NFS land to the Alternative 6 – Skunk Camp tailings storage location results in reduced impacts with respect to water quality, water resources, public safety, recreation and scenic values, and Tribal values.

[5] For more detailed information, see section 7.2 of this document.

PART 4 APPLICANT-COMMITTED ENVIRONMENTAL PROTECTION MEASURES, MONITORING, AND MITIGATION

Applicant-committed environmental protection measures are features incorporated into the design of the project by Resolution Copper to reduce potential impacts on resources. The effects of these measures are accounted for in the analysis of environmental consequences disclosed in the FEIS.

However, not all applicant-committed environmental protection measures detailed in the FEIS are applicable to the decision by the Forest Service on special use and road authorizations. Measures applicable to uses on NFS land will be included as terms and conditions in the Forest Service authorizations. These measures are described in this section. The remainder of the applicant-committed environmental protection measures are listed in appendix A. Many of these measures would be required under other binding agreements or by other State or Federal agencies. Any such mechanisms that would make these measures binding also are described in appendix A.

After analyzing project impacts, the FEIS identified a substantial mitigation and monitoring strategy for the Resolution Copper Project to avoid, minimize, rectify, reduce, or compensate for resource impacts. These mitigation and monitoring measures are detailed in appendix J of the FEIS, and Resolution Copper has committed to implementing these measures both on and off of NFS land. Further, they may be required by other State and Federal agencies through their permits. Mitigation and monitoring measures applicable to uses on NFS land will be included as terms and conditions in the Forest Service authorizations; these measures are described in this section. The remainder of the mitigation and monitoring measures are listed in appendix A. As with applicant-committed environmental protection measures, many of the mitigation and monitoring measures would be required under other binding agreements or by other State or Federal agencies. Any such mechanisms that would make these measures binding also are described in appendix A.

Three regulatory processes that were conducted in parallel with the FEIS process are considered:

1. The Forest Service expects that required mitigation and monitoring will include compensatory mitigation requirements approved by the USACE as part of issuing an individual permit under Section 404 of the CWA. This mitigation will not be a term and condition of the Forest Service authorizations for use of NFS land, and therefore it appears only in appendix A.
2. A Programmatic Agreement (PA) was developed under Section 106 of the National Historic Preservation Act (NHPA) and in compliance with PL 113-291. All signatories, other than the Advisory Council on Historic Preservation (ACHP), had signed the PA as of January 15, 2021 (date of publication of the rescinded FEIS). On February 11, 2021, the ACHP notified the Forest Service that the "ACHP believes that further consultation in this case would be unproductive and therefore, we are hereby terminating consultation pursuant to 36 CFR § 800.7(a)(4)." In accordance with 36 CFR § 800.7(c)(4), the Secretary of Agriculture delivered a written response to the ACHP on April 17, 2025, and that response concluded the Section 106 process for this undertaking. Since ACHP did not sign the PA, it was never executed. Therefore, mitigation measures identified in the PA and any others identified subsequently will now be implemented through other authorities. Changes in enforcement of the measures described in the draft PA are further described in appendix J of the FEIS and part 7.1 of this ROD.
3. The Biological Opinion issued by the U.S. Department of the Interior Fish and Wildlife Service (FWS) after consultation under Section 7 of the Endangered Species Act (included as appendix P of the FEIS) contains a number of conservation measures. Many of these conservation measures are applicable to the pipeline and power line corridors that require authorization for use of NFS land. Those measures will be included as terms and conditions of the Forest Service authorizations for use of NFS land and therefore are included in this section. Other conservation

measures contained in the Biological Opinion not related to use of NFS land appear only in appendix A.

4.1 General

The special use and road use authorizations will contain general conditions of approval, to allow proper administration of uses of NFS lands. As authorized under 36 CFR § 251.56, these conditions are allowable for the following reasons:

- carry out the purpose of the applicable statutes and rules;
- minimize damage to scenic and esthetic values, and fish and wildlife habitat, and otherwise protect the environment;
- comply with applicable air and water quality standards under Federal or State law;
- comply with State standards for public health and safety, environmental protection, and siting, construction, operations, and maintenance;
- protect Federal property and economic interests;
- manage efficiently the lands subject to the use;
- protect other lawful users of the lands adjacent to or occupied by the use;
- protect lives and property;
- protect the interests of individuals living in the general area who rely on resources for subsistence;
- require siting to cause the least damage to the environment, taking into consideration feasibility; or
- otherwise protect the public interest.

4.2 Geology and Subsidence

In the GPO (Resolution Copper 2016a), Resolution Copper committed to various measures to reduce impacts from subsidence. Additional subsidence monitoring and mitigation measures by Resolution Copper are identified in a revised subsidence monitoring plan (Davies 2020) developed by Resolution Copper as part of the NEPA process. The monitoring and mitigation actions in the revised subsidence monitoring will reduce impacts from subsidence to Apache Leap, Queen Creek Canyon, or Devil's Canyon, including potential impacts to the pipeline and power line corridors on NFS land.

The Forest Service also has required several additional conditions for the subsidence monitoring, developed in response to comments received on the DEIS. These are described as mitigation measure "FS-GS-01:[6] New stipulations on subsidence monitoring plan" in appendix J of the FEIS.

The subsidence monitoring as proposed by Resolution Copper as an applicant-committed environmental protection measure, in addition to the additional stipulations required by the Forest Service as a mitigation measure, will be included as terms and conditions for authorizing use of NFS lands.

[6] The designations for each mitigation and monitoring measure, such as "FS-GS-01," are unique identifiers used in appendix J of the FEIS.

4.3 Soils, Vegetation, and Reclamation

In the GPO (Resolution Copper 2016b), Section 4.5, Water Resources, Resolution Copper outlined a variety of measures to reduce impacts on soils by uses on NFS lands:

- Road embankment slopes will be graded and stabilized with vegetation or rock as practicable to prevent erosion.
- During construction and operations, diversions will be constructed around the affected areas to minimize erosion. A number of best management practices, including check dams, dispersion terraces, and filter fences, also will be used during construction and operations.
- Off-road vehicle travel across Tonto National Forest will generally be avoided.

Resolution Copper also developed a noxious weed plan (Resolution Copper 2019) during the NEPA process to reduce impacts on vegetation by uses on NFS lands:

- Newly reclaimed areas on Tonto National Forest will be monitored for weeds and invasive plants for the first 5 years after reclamation. Infestations of invasive species would be treated as soon as they are identified, or as soon as weather conditions are appropriate for treatment.
- Additionally, elsewhere Resolution Copper stipulated that on NFS lands, seed mixes used in reclamation will be certified free of seeds listed on the Forest Service's noxious weed list and contain only species native to the project area. Seed mixes will be developed from a native species seed list approved by the Forest Service.

Additional conservation measures specific to Arizona hedgehog cactus were developed as part of consultation with the FWS and are included in the final Biological Opinion (see FEIS appendix P). These measures apply to uses on NFS lands, including pipeline construction and maintenance and power line construction and maintenance, which includes vegetation management for fire safety purposes. These conservation measures state the following:

- Prior to any ground-disturbing activities, suitable habitat within the project area will be surveyed for Arizona hedgehog cactus.
- Before construction begins within the Arizona hedgehog cactus known range, a biological monitor—a Forest Service–approved entity—will establish and clearly flag Arizona hedgehog cactus avoidance areas where individual cacti will be left in place based on preconstruction surveys.
- Prior to any ground-disturbing activities, a biological monitor will salvage Arizona hedgehog cacti that are inside the construction footprint in areas where ground disturbance will occur.
- Healthy salvaged Arizona hedgehog cacti that occur in areas that will be disturbed will be replanted outside the construction footprint but within the action area on Federal lands.
- Prior to relocation and salvage efforts, Resolution Copper will work with the FWS and the Forest Service to develop an Arizona hedgehog cactus relocation, salvage, and monitoring plan. The plan will provide criteria for determining which cacti are suitable for immediate relocation as well as measures to collect seed or to salvage healthy stems from individuals that otherwise cannot be salvaged.
- A mechanical mower for routine vegetation maintenance will not be used within Arizona hedgehog cactus occupied habitat.

- For vegetation maintenance and line maintenance work, vehicles will drive only on existing roads and utility access routes to access the right-of-way. Vehicles will not be driven off-road within the right-of-way.
- During vegetation management work, crews will check for Arizona hedgehog cactus under target plants prior to treatment. If crews find a cactus, they will implement appropriate conservation measures to avoid the cactus.
- During manual vegetation maintenance work, if an Arizona hedgehog cactus occurs underneath and is shaded by a shrub to be cut, the target shrub will be left untreated. In very rare circumstances, the nurse plant may be selectively trimmed in a manner to maintain the same shading protection for the Arizona hedgehog cactus. No more than 30 percent of the nurse plant may be trimmed.

The project reclamation and closure plan (Tetra Tech Inc. 2020) and the tailings storage facility reclamation and closure plan (KCB Consultants Ltd. 2020) expand on environmental protection measures that would be part of reclamation of project facilities, including those on NFS lands. The Forest Service has required implementation of these reclamation and closure plans in mitigation measure "FS-SV-03: Revised reclamation and closure plans" in appendix J of the FEIS.

The Forest Service also is requiring that resource salvage take place, including for the pipeline and power line corridors on NFS lands. This is detailed in mitigation measure "FS-SV-01: Resource salvage" in appendix J of the FEIS.

The activities proposed by Resolution Copper as applicant-committed environmental protection measures, including those developed during Section 7 consultation, as well as the Forest Service mitigation requirements to allow resource salvage and implement reclamation plans, will be included as terms and conditions for authorizing use of NFS lands.

4.4 Transportation and Access

The GPO (Resolution Copper 2016b) outlines applicant-committed environmental protection measures by Resolution Copper in Appendix K, Road Use Plan. This plan was subsequently updated (Resolution Copper 2020b) to include measures developed during the NEPA process. The Forest Service has required implementation of these new measures, as detailed in "FS-TA-01: New mitigation aspects of revised road use plan" in appendix J of the FEIS. The following applicant-committed measures are related to transportation and access, including use of NFS roads:

- Public access to the lands in the vicinity of the East Plant Site will be maintained via State Route 177 and NFS Road 315 as well as U.S. Route 60 and NFS Road 469 (until access is no longer possible).
- A number of best management practices for road construction and maintenance were identified in the GPO:
    - To the extent practicable, vegetation will not be removed except from those areas to be directly affected by road reconstruction activities.
    - Cut-and-fill slopes for road reconstruction will be designed to prevent soil erosion.
    - Drainage ditches with cross drains will be constructed where necessary. Disturbed slopes will be revegetated, mulched, or otherwise stabilized to minimize erosion as soon as practicable following construction.
    - Road embankment slopes will be graded and stabilized with vegetation approved by the Forest Service or rock as practicable to prevent erosion.

- Runoff from roads will be handled through best management practices, including sediment traps, settling ponds, berms, sediment filter fabric, wattles, etc. Design of these features will be based on an analysis of local hydrologic conditions.
- Off-road vehicle travel will generally be avoided.
- During construction and operations, diversions will be constructed around affected areas to minimize erosion. A number of best management practices, including check dams, dispersion terraces, and filter fences, also will be used during construction and operations.

The activities proposed by Resolution Copper as applicant-committed environmental protection measures will be included as terms and conditions for authorizing use of NFS lands.

4.5 Air Quality

In the GPO (Resolution Copper 2016b), Resolution Copper has committed to a variety of measures to reduce potential impacts on air quality, including measures involving NFS roads:

- Dust control on roads, including regular watering, road base maintenance and dust suppression, and setting reasonable speed limits on access roads within the operational footprint.

The activities proposed by Resolution Copper as applicant-committed environmental protection measures will be included as terms and conditions for authorizing use of NFS lands.

4.6 Water Resources

In the GPO (Resolution Copper 2016b), Resolution Copper has committed to various measures to reduce impacts on surface water quantity or quality, including by uses on NFS lands:

- To the extent practicable, stormwater flows upgradient of the facilities will be diverted around the disturbed areas and returned to the natural drainage system.
- Runoff from roads, buildings, and other structures will be handled through best management practices, including sediment traps, settling ponds, berms, sediment filter fabric, wattles, etc.

The Forest Service is requiring monitoring and mitigation for GDEs that occur on NFS lands. This is described in mitigation measure "FS-WR-01: GDEs and water well mitigation" in appendix J of the FEIS. The "Monitoring and Mitigation Plan for Groundwater Dependent Ecosystems and Water Wells" (Montgomery and Associates Inc. 2020a) developed by Resolution Copper during the NEPA process outlines a monitoring plan to assess potential impacts on each GDE, identifies triggers and associated actions to be taken by Resolution Copper to ensure that GDEs are preserved, and identifies mitigation measures for each GDE if it is impacted by future mine dewatering. The stated goal of the plan is "to ensure that groundwater supported flow that is lost due to mining activity is replaced and continues to be available to the ecosystem."

The Forest Service is requiring mitigation for surface water losses that occur on NFS lands. This is described in mitigation measure "FS-WR-04: Replacement of water in Queen Creek" in appendix J of the FEIS. This measure requires that water be discharged to Queen Creek to offset losses in average annual runoff caused by the capture of precipitation within the subsidence area.

The activities proposed by Resolution Copper as applicant-committed environmental protection measures, as well as the Forest Service mitigation requirements to mitigate impacts to GDEs and Queen Creek, will be included as terms and conditions for authorizing use of NFS lands.

4.7 Wildlife

In the GPO (Resolution Copper 2016b) and in the Biological Opinion (included as appendix P of the FEIS), Resolution Copper has committed to a variety of measures to reduce potential impacts on wildlife, including by uses on NFS lands:

- Designing lines and structures in accordance with "Reducing Avian Collision with Power Lines" (Avian Power Line Interaction Committee 2012), in order to minimize the potential risk for bird collisions with transmission lines. Line marking devices, i.e., flight diverters, will be placed at the proposed crossings of Queen Creek, Devil's Canyon, and Mineral Creek, especially in areas where there is suitable habitat for the yellow-billed cuckoo.
- Managing noxious and invasive weeds. Resolution Copper prepared a "Noxious Weed and Invasive Species Management Plan on National Forest System Lands" (Resolution Copper 2019). Resolution Copper will also prepare reports 2 years after construction begins and every 5 years during operations. These reports will update the Tonto National Forest and FWS on surveys, control, and activities related to noxious and invasive weed management.
- Conducting preconstruction surveys for Sonoran desert tortoise and Gila monster before surface ground-disturbing activities start. A biological monitor will monitor for Sonoran desert tortoise and Gila monster during construction activities. The monitor will flag Sonoran desert tortoise and Gila monster shelter sites/burrows. These flagged areas will be inspected, and any Gila monsters or tortoises discovered will be relocated outside project activity areas.
- Informing project crews of the potential to encounter Sonoran desert tortoise and Gila monster within the surface project area. Work crews will be instructed to check below equipment prior to moving and to cover and/or backfill holes that can potentially entrap these species. If these species are observed, work crews will stop work until the biological monitor has relocated these species out of harm's way.
- Establishing tortoise crossings, as needed and applicable within areas containing suitable habitat.
- Ensuring that all ground-disturbing activity associated with the tailings pipeline and power line work near Mineral Creek and Gila chub designated critical habitat occurs outside the ordinary high-water mark and designated critical habitat.
- Using trenchless/non-surface impact methods (such as horizontal drilling or micro-tunneling) in areas where project facilities intersect Mineral Creek, to avoid surface disturbance within the ordinary high-water mark and designated critical habitat.
- Clearly defining the perimeter of the construction footprint with flagging or other appropriate markers to restrict heavy equipment use and other surface-disturbing activities to areas within the construction footprint. The biological monitor will be present at all times during construction and will help ensure that construction activities and equipment remain within designated limits and outside the ordinary high-water mark and designated critical habitat.
- Developing a stormwater pollution prevention plan to reduce potential project-related increases in sedimentation to Mineral Creek.
- Ensuring that a qualified biological monitor is present in work areas that contain suitable habitat for the southwestern willow flycatcher and yellow-billed cuckoo along Mineral Creek during all surface-disturbing activities between May and September each year.
- Conducting annual yellow-billed cuckoo surveys in Devil's Canyon and Mineral Creek immediately upstream and downstream of disturbance areas and crossings. Annual surveys will

begin 2 years prior to surface-disturbing activities. Surveys will continue until pipeline construction has been completed, including reclamation of temporary construction disturbance.

- Avoiding vegetation clearing and ground-disturbing activities associated with pipeline construction, as well as reclamation and closure activities, within 500 feet of the ordinary high-water mark of Mineral Creek in areas where surveys have detected the presence of yellow-billed cuckoo, from May 1 through September 30 each year, to remain outside the breeding season for yellow-billed cuckoo and to prevent direct effects on the species (injuries or fatalities to adults, eggs, or young).
- Avoiding when possible large trees (greater than 12 inches in diameter), including Fremont cottonwood and willow species, as well as dense stands of vegetation.
- Cutting riparian trees to ground level when they are removed. When possible, root masses will be left intact to help stabilize soils and provide opportunities for regrowth through adventitious shoots (e.g., in the case of willows).
- Conducting yellow-billed cuckoo surveys every 5 years during mine operations in Devil's Canyon and Mineral Creek in potentially suitable habitats immediately upstream and downstream of project areas (crossings) to monitor cuckoo presence in the area and prevent/minimize direct effects on cuckoos.
- Avoiding large-scale, major noise-producing activities within 500 feet of the ordinary high-water mark of Mineral Creek in areas where surveys show the presence of possible, probable, or confirmed breeding of yellow-billed cuckoos, to the extent possible (e.g., maintenance activities associated with pipeline replacement and cleaning that may affect cuckoo habitat during the breeding season (May 1 to September 30, annually)).

Resolution Copper included a wildlife management plan as an appendix to its original GPO. After publication of the DEIS, Resolution Copper consulted with the AGFD in response to comments submitted by AGFD on the DEIS. The revised wildlife management plan (Resolution Copper 2020c) includes a number of these new measures. The Forest Service is requiring that the revised plan be implemented. This is detailed in mitigation measure "FS-WI-01: Revised wildlife management plan" in appendix J of the FEIS.

Resolution Copper also committed to the following:

- implementing conservation actions for reptiles and Sonoran desert tortoise, as detailed in measure "FS-WI-02: Reptile and Sonoran desert tortoise (ESA-CCA) plan" in appendix J of the FEIS;
- mitigating loss of habitat for bats, as detailed in measure "FS-WI-03: Mitigation of loss of abandoned mine or cave habitat for bats" in appendix J of the FEIS; and
- maintaining or replacing access to wildlife waters, as detailed in measure "FS-WI-04: Maintain or replace access to stock tanks and Arizona Game and Fish Department wildlife waters" in appendix J of the FEIS.

The Forest Service is requiring that these three measures be implemented.

The activities proposed by Resolution Copper as applicant-committed environmental protection measures, as well as the Forest Service mitigation requirements to implement the revised wildlife plan, implement reptile and Sonoran desert tortoise conservation measures, mitigate bat habitat, and maintain access to wildlife waters, will be included as terms and conditions for authorizing use of NFS lands.

4.8 Recreation

Applicant-committed environmental protection measures by Resolution Copper include the following to protect recreation resources from uses of NFS lands:

- To prevent exposure of the public to geological hazards, Resolution Copper will use fencing, berms, locking gates, signage, natural barriers/steep terrain (25 to 30 percent or greater), and site security measures to limit access roads and other locations near areas of heavy recreational use.

The Tonto National Forest has developed a recommended multi-use trail plan to mitigate recreational impacts. The recommendations include 9.3 miles of motorized trail and 11.5 miles of non-motorized trail that will be located on and managed by Tonto National Forest. Resolution Copper has committed to funding the construction and maintenance of the new multi-use trail network on the Tonto National Forest, with the further intent that investment funding can be supported by additional grants and funds from recreational groups and other organizations to further expand recreational opportunities. The Forest Service is requiring that the multi-use trail plan be implemented, as detailed in "FS-RC-03: Mitigation for adverse impacts to recreational trails (Tonto National Forest multi-use trail plan)" in appendix J of the FEIS.

PL 113-291 also requires Resolution Copper to ensure access to the Oak Flat campground to members of the public and Tribes as long as safety allows, as detailed in "FS-RC-02: Access to Oak Flat campground" in appendix J of the FEIS.

The activities proposed by Resolution Copper as applicant-committed environmental protection measures, as well as the Forest Service mitigation requirements to implement the multi-use trail plan and access to Oak Flat campground, will be included as terms and conditions for authorizing use of NFS lands.

4.9 Public Health and Safety

4.9.1 Tailings and Pipeline Safety

Applicant-committed environmental protection measures for tailings and pipeline safety include those outlined in the tailings design documents (Klohn Crippen Berger Ltd. 2018), a pipeline protection and integrity plan specific to the Skunk Camp location (Golder Associates Inc. 2020), and the GPO (Resolution Copper 2016b). The Forest Service is requiring that the pipeline integrity plan be implemented, as detailed in measure "FS-PH-03: Skunk Camp pipeline protection and integrity plan" in appendix J of the FEIS. As part of preparing these plans, Resolution Copper completed a failure modes analysis for the tailings pipelines. The analysis informed the following design measures for the tailings pipelines, which enhance the safety of the pipelines on NFS lands:

- Install pipe bridges for concentrate pipeline over Queen Creek outside the ordinary high-water mark of that drainage.
- Where the tailings pipeline crosses Devil's Canyon and Mineral Creek, the pipeline corridor will pass overhead or beneath the streams, with no disturbance to riparian habitat or waters within the ordinary high-water mark.
- Fabricate and test all tailings pipelines in accordance with the requirements of American Society of Mechanical Engineers (ASME) standards or equivalent for quality assurance and quality control purposes. A quality assurance/quality control system will be in place during construction (required by code and standards). A post-construction hydrostatic test will be conducted to prove the integrity of the newly installed pipeline.

- Locate pressure indicators on non-buried pipelines intermittently along water and tailings pipelines. Flow indicators will be placed near the tailings pumps and at the end of the line. A leak detection system will connect via fiber-optic cable to the control room at the West Plant Site and the control room at the tailings facility if a separate facility exists.
- Bury pipelines where feasible, given the geological setting, and buried pipelines will be appropriately wrapped. Field assessments will confirm the characterization of the pipeline route, including site-specific geophysical survey to approximate the extent of any suspected subsurface voids, and routing adjustments within the approved corridor will avoid unstable slopes or areas.
- Install sacrificial anodes at determined intervals on select sections of tailings pipelines to mitigate corrosion of pipeline sections. Installation of sacrificial anodes will follow appropriate best practices for proper placement in order to minimize the potential for migration of metals resulting from dissolved or decayed metallic anodes.
- Locate shut-off valves at booster pump stations.
- Tailings pipelines will be sleeved under major crossings. Expansion loops will be incorporated along the pipeline corridor.
- Maintain a minimum of 3.3 feet of horizontal and vertical separation between pipelines and existing utilities or infrastructure.
- The tailings pipeline will likely be carbon steel and pressurized.
- Contain aboveground tailings pipelines in a secondary containment ditch where possible and paint them with an epoxy coating to prevent degradation.

In addition, a number of operational or management control measures for pipelines have been identified:

- A tailings pipeline operations manual will be developed to summarize inspection and maintenance protocols (Operations, Maintenance, and Surveillance manual).
- Resolution Copper will have equipment available and/or contractors readily available on-site for pipeline repair. The pipeline access road will provide access to the full length of the line.
- There will be regular periodic patrols along the pipelines to look for leaks; containment spills, sediment build-up, and breaches; drainage sediment build-up, blockages, and wash-outs; access road erosion and damage; pipe bridges and over/underpass damage; landslides; third-party interference; and other potential hazards.
- The Operations, Maintenance, and Surveillance manual will be followed for immediately investigating, reporting, and implementing a response plan for suspected leaks from the tailings pipeline. Aberrations in flow rate, pump operation, and pressures will trigger investigations and emergency response if needed, as well as coordination with any agencies with surface management responsibility, such as the Forest Service.
- A tailings pipeline spill prevention and response plan (pipeline management plan) will be prepared as part of the comprehensive pipeline integrity program. The program will include maintenance of records, regular review of leak monitor data, regular corridor inspections, regular internal inspections using “smart-pigs,” development of spill response plans, and having pre-positioned equipment and teams trained to respond to spills.

4.9.2 Fire Safety

In appendix M of the GPO (Resolution Copper 2016b), Resolution Copper has committed to various measures to reduce impacts on fuels and fire management:

- Any vegetation cleared from the site will be temporarily stored on-site at a location with minimal fire risk, well within a cleared area away from ignition sources. Handheld and large equipment (e.g., saws, tractors) used for vegetation clearing will be equipped with working spark arresters. Resolution Copper will take additional precautions if work is to be conducted during the critical dry season, which may include larger amounts of extinguishing agents, shovels, and possibly a fire watch.
- Parking will be prohibited on vegetated areas and proper disposal of smoking materials will be required. All surface mine vehicles will be equipped with, at a minimum, fire extinguishers and first aid kits.
- Resolution Copper will establish an emergency service or maintain contracts and agreements with outside emergency response contractors for emergency response support services to surface facilities on a 24/7 on-call basis. Fire emergency and response procedures specific to underground operations will be prepared and implemented.

4.9.3 Hazardous Materials

Applicable emergency response protection plans include the following:

- Spill Prevention Control and Countermeasures Plan (appendix O of the GPO)
- Emergency Response and Contingency Plan (appendix L of the GPO)
- Stormwater Pollution Prevention Plan (appendix W of the GPO)
- Fire Prevention and Response Plan (appendix M of the GPO)
- Environmental Materials Management Plan (appendix V of the GPO)
- Explosives Management Plan (appendix P of the GPO)
- Hydrocarbon Management Plan (appendix U of the GPO)

The activities related to pipeline safety, fire safety, and hazardous materials proposed by Resolution Copper as applicant-committed environmental protection measures, as well as the Forest Service mitigation requirements to implement the tailings pipeline protection and integrity plan, will be included as terms and conditions for authorizing use of NFS lands.

4.10 Scenic Resources

Applicant-committed environmental protection measures by Resolution Copper with respect to impacts to scenic resources from use of NFS lands include the following:

- Use non-reflective earth-tone paints on buildings and structures to the extent practicable.
- Build rust colored towers or use wooden poles on transmission lines.
- Bury tailings and other pipelines to the extent practicable.
- Use a reclamation seed mix of weed-free native species consistent with surrounding vegetation.
- Use colors that blend in with the desert environment.

Resolution Copper also has committed to minimizing visual impacts from transmission lines by using best management practices or other guidelines on NFS lands, as detailed in measure “FS-SR-01: Minimize visual impacts from transmission lines” in appendix J of the FEIS**.**

The activities proposed by Resolution Copper as applicant-committed environmental protection measures, as well as the Forest Service mitigation requirement to implement visual impact mitigations, will be included as terms and conditions for authorizing use of NFS lands.

4.11 Cultural Resources

A number of measures related to cultural resources were developed as part of the Programmatic Agreement (PA) and are described in more detail in part 7.1 of this ROD, "Tribal Consultation and Coordination (Executive Order 13175) and Consultation with Tribes on Indian Sacred Sites (Executive Order 13007)." As noted in the introduction to part 4 of this document, since that ACHP terminated consultation and did not sign the PA, the PA was never executed. Therefore, mitigation measures identified in the PA and any others identified subsequently will now be implemented through other authorities. Changes in enforcement of the measures described in the draft PA are further described in appendix J. All measures identified in the PA are still intended to be implemented; however, of the 12 measures originally required, only nine remain under Forest Service authority to require. The remaining three measures have been redesignated as "Resolution committed" measures. While Resolution Copper has committed to these measures in contractual, financial, or other agreements with non-Forest entities, the Tonto National Forest cannot ensure the implementation of these measures, and they cannot be included as conditions of the special use permits. See section 7.1.2 for identification and description of these measures.

PART 5 PUBLIC INVOLVEMENT AND ISSUES

5.1 Public Involvement Process

The public had multiple opportunities to provide input and comment on the Resolution Copper Project and the NEPA process undertaken by the Forest Service.

5.1.1 Scoping

The purpose of the scoping process is to obtain input from agencies and members of the public on the extent of the proposed project, the range of alternatives, and the content of the issue analysis in the EIS. The scoping process is described fully in section 1.6.1 of the FEIS.

The public scoping period commenced on March 18, 2016, with the Forest Service publication of the notice of intent to prepare an EIS in the Federal Register. The Forest Service planned for a 60-day public scoping period from March 18, 2016, to May 17, 2016. Numerous individuals and several organizations requested an extension of the public scoping period, as well as additional public scoping meetings. The Tonto National Forest Supervisor accommodated these requests by extending the public scoping period through July 18, 2016, resulting in a total overall scoping period of 120 days.

Tonto National Forest staff held five scoping meetings in the project area that provided the public with an opportunity to ask questions, learn about the proposed project, and provide comments on issues and concerns that should be addressed in the EIS and alternatives that should be evaluated. Internal scoping efforts included several meetings and field trips with the NEPA interdisciplinary team, cooperating agencies, and Tribes.

In total, 133,653 submittals were collected during public scoping. Scoping comments were analyzed and categorized and resulted in the identification of 13 issues, divided into 28 sub-issues, to be evaluated during the NEPA process. These issues are as follows:

- Tribal values and concerns
- Socioeconomics
- Cultural resources
- Public health and safety, including tailings and pipeline safety, wildfires, and hazardous materials
- Water resources, including groundwater drawdown from mine dewatering; potential impacts to springs, streams, and other GDEs; potential impacts to water supplies and wells; potential impacts to groundwater and surface water quality; and potential impacts to surface water runoff amounts
- Biological resources, including threatened, endangered, and other special-status species
- Air quality
- Long-term land suitability
- Recreation
- Scenic resources, including dark sky impacts
- Transportation and access
- Noise and vibration
- Land ownership and boundary management

5.1.2 Project Update and Alternatives Development Workshop

As part of the NEPA process, the Forest Service is required to investigate alternatives to various aspects of the proposed action. During the alternatives development process, in March 2017, the Forest Service hosted two in-person public workshops and one online workshop to (1) update the public on the status of the EIS process, (2) describe the alternatives development process, and (3) solicit input on the criteria being used to evaluate alternative tailings storage facility locations. The public responses showed that the tailings storage location was their primary concern, with protection of streams and springs having the highest concern. The Forest Service used the information gathered to inform the evaluation and comparison of alternative tailings storage facility locations during the alternative development process.

5.1.3 Public Comments on the Draft Environmental Impact Statement

The DEIS public comment period disclosed analyses and anticipated impacts from the proposed project and alternatives considered. The August 9, 2019, publication of the notice of availability for the DEIS in the Federal Register initiated the comment period. In addition to the Federal Register notice, the Forest Service used other outreach and means of notification, including more than 15,200 postal mailings and more than 23,000 emails to the project mailing list, social media posts, news releases, website announcements, 16 newspaper notices (in English and Spanish), and posters physically displayed at 37 various local bulletin boards and areas in the project vicinity. The Forest Service held six public meetings in local communities in the vicinity of the project during the 90-day public comment period, which ended on November 7, 2019.

The locations of these meetings were chosen because they mirrored locations used during the scoping period. Meetings were held mid-week during the evening hours in Superior, San Tan Valley, Kearny, Globe, Queen Valley, and Tempe, Arizona. The Forest Service added the Tempe meeting as a result of public requests for a meeting closer to central Phoenix. The Forest Service conducted a seventh meeting with the San Carlos Apache Tribe during a special Tribal Council meeting on November 22, 2019. This occurred within an extended 135-day comment period for Tribes, which ended on December 22, 2019.

Tonto National Forest received, analyzed, and responded to over 29,000 submittals on the DEIS. Comments were reviewed and categorized based on topic. Over 5,200 individual comments extracted from the submittals were assessed. Responses to these comments are included in appendix R of the FEIS, and the FEIS was revised based on comments received.

5.2 Consultation with Other Agencies

Forest Service NEPA regulations require identification of lead, joint lead, or cooperating agencies (36 CFR § 220.5(b)(3)). A cooperating agency is any Federal agency (other than the lead agency) and any State or local agency or Indian Tribe with jurisdictional authority or special expertise with respect to any environmental impact involved in a proposal. Nine cooperating agencies with jurisdictional authority and/or applicable special expertise cooperated in the development of this EIS. These are as follows:

- Arizona Department of Environmental Quality
- Arizona Department of Water Resources
- Arizona Game and Fish Department
- Arizona State Land Department
- Arizona State Mine Inspector
- Bureau of Land Management

- Pinal County Air Quality Control District
- U.S. Army Corps of Engineers
- U.S. Environmental Protection Agency

Arizona State Parks (Arizona State Historic Preservation Office (SHPO)) declined status as a cooperating agency; however, the agency has a consulting role under Section 106 of the NHPA.

The cooperating agencies assisted with EIS preparation in a number of ways, including providing research and baseline data information, reviewing scientific reports, identifying issues, assisting with the formulation of alternatives, and reviewing preliminary DEIS content and other EIS materials. Of particular importance was the participation of cooperating agencies in the Groundwater Modeling Workgroup and Water Resources Workgroup, both before and after the publication of the DEIS. In these workgroups, cooperating agencies assisted the Tonto National Forest by providing their professional viewpoints on a wide variety of water-related topics, including groundwater modeling, mitigation and monitoring, and water quality impacts.

Government-to-government tribal consultation is described in detail in part 7.1 of the ROD.

5.3 Summary of Public Comment on Draft Environmental Impact Statement

Comments are summarized in appendix R of the FEIS, along with the responses to those comments. The Tonto National Forest received public comments on the DEIS on virtually every issue raised during scoping. Of the 5,209 individual comments coded, 51 percent generally expressed opposition or support for the project but contained no specific written comments. From the remaining comments, several issues stood out as receiving the most comments, and in general, the most complex and detailed comments.

5.3.1 NEPA, Regulatory, or Procedural Comments

These comments generally focused on whether the DEIS is sufficient with respect to the requirements of NEPA, focused on whether the comment periods provided by the Forest Service were adequate, or expressed concerns over the land exchange and the appraisal process. These comments represented roughly 10 percent of the individual comments that were coded.

5.3.2 Water-Related Comments

These comments focused largely on the scarcity of water in Arizona and the appropriateness of the project's water use in the face of future meteorological trends, Colorado River shortages, and drought. Many comments questioned whether the project's water use was accurately portrayed in the DEIS. These comments also included several detailed expert reports commenting on the groundwater modeling and water quality analyses in the DEIS. These comments represented roughly 9 percent of the individual comments that were coded.

5.3.3 Mitigation-Related Comments

One primary goal of the Tonto National Forest in publishing the DEIS was to identify mitigation suggestions for the impacts disclosed for the project, so that these mitigation concepts could be explored and potentially incorporated into the FEIS. The process the Tonto National Forest undertook to explore these mitigation concepts is described in section 2.3.1.2 of the FEIS, and the final outcomes (required or

voluntary measures) are described in appendix J of the FEIS. These comments represented roughly 7 percent of the individual comments that were coded.

5.3.4 Other Issues

Other issues with relatively high numbers of comments include alternatives-related comments (5 percent), Tribal values (3 percent), and socioeconomics (3 percent). Many comments were received directly from Tribal members about the sacredness and importance of Oak Flat to them, their lives, their culture, and their children. Many expressed their sadness and anger that their sacred place would be destroyed and that they would lose access to their oak groves and ceremonial grounds.

Based on these comments, it was determined that the DEIS discussion of Tribal impacts (section 3.14) failed to capture the true magnitude and nature of the impacts, as being shared with the Tonto National Forest during scoping comments, DEIS comments, and Tribal consultation. In response, the Tonto National Forest added information on the history of Oak Flat and its significance to the Tribes; expanded the plant resources list with information gathered by the Tribal Monitors; included Tribal Monitor survey results conducted since the DEIS for special interest areas; and disclosed information from the ethnographic report while respecting the sensitive nature of that data. More importantly, in order to demonstrate in their own words the Tribal members' heartbreak and pain caused by this project, the Tonto National Forest also included excerpts from the congressional testimony of Wendsler Nosie Sr., Chairman Terry Rambler, and Naelyn Pike, as well as personal perspectives and comments from Tribal members collected during the DEIS comment period.

PART 6 ALTERNATIVES CONSIDERED

6.1 Alternatives Considered in Detail in the Final Environmental Impact Statement

NEPA requires consideration of a range of reasonable alternatives that can accomplish the purpose of and need for the proposed action. The Forest Service evaluated a range of alternatives to the Resolution Copper GPO, each of which does the following:

- responds to key issues raised during public scoping; project purpose and need; and applicable Federal and State laws and regulations;
- considers input from resource specialists, mining experts (project team), cooperating agency representatives, Tribes, and stakeholders; and
- is technically feasible to implement—but with differing environmental impacts and tradeoffs.

The proposed action and alternatives, including the preferred alternative (Alternative 6 – Skunk Camp), are described in detail in chapter 2 of the FEIS. The alternatives include the no action alternative and five action alternatives (out of more than 30 considered) at four separate locations, including one location not on Federal land.

Given that the location of the mine must remain where the ore body is, and the processing facilities are located on previously disturbed private land, much of the alternatives development process focused on the tailings storage facilities. One consistent public concern raised during scoping was the location of the tailings storage facility proposed in the Resolution Copper GPO. Concerns identified with the original location (known as the Near West site) included impacts to recreational use; impacts to the viewshed from the town of Superior and surrounding lands; and safety, air quality, and water quality concerns because of the proximity to Queen Valley. Scoping meetings and Tribal consultation also made clear that this location was in close proximity to a number of sites of cultural importance to Tribes. In addition to the *Chí'chil Bildagoteel* Historic District (Oak Flat), a tailings storage facility at the Near West location would impact Apache Leap and the Apache Leap Special Management Area, the Superstition Mountains, and Picketpost Mountain. As a result of these impacts, the alternatives development process considered locations for tailings storage facilities away from the Superior area, even though these would require pumping of tailings over longer distances. Ultimately, this led to the tailings locations for Alternatives 5 and 6. Alternative 6 – Skunk Camp is identified as the preferred alternative in the FEIS, in part because it is relatively remote and not in proximity to the culturally important features identified around Superior.

Ore extraction and processing activities as proposed in the GPO remain similar between all action alternatives, but the environmental impacts and tradeoffs among the five action alternatives vary due to the differences summarized below:

- Tailings embankment design. Alternatives 2 and 3 would use a modified-centerline embankment, Alternative 4 (as dry-stack tailings) would not require an embankment, and Alternatives 5 and 6 would use centerline embankments, with downstream embankments for the separate PAG tailings cells. In addition, Alternative 6 – Skunk Camp is constructed as a single-face, cross-valley embankment, compared with Alternatives 2, 3, and 5, which all would be free-standing (not tied into bedrock) with multiple faces.
- Tailings deposition method. All of the alternatives would transport the tailings to the tailings storage facility in pipelines as a slurry. The alternatives then differ on the treatment of the tailings prior to deposition. Alternatives 2, 5, and 6 would all use thickened slurry tailings (50 to 70 percent solids). Alternative 3 would use ultrathickened tailings with even less water content

(70 percent solids). Alternative 4 would use filtered tailings (over 85 percent solids), which are no longer considered a slurry, but instead are handled and stacked as solids using conveyors and mechanical equipment.

- Geographic location and affected surroundings of the proposed tailings storage facility. Tailings for Alternatives 2 and 3 are placed at the location proposed by Resolution Copper in the GPO, on Tonto National Forest lands, west of the town of Superior. This area has high recreation use and high visibility. The proximity to Queen Creek also makes control of seepage from the tailings storage facility difficult to control. Alternative 4 (a dry-stack facility) is located on Tonto National Forest lands adjacent to the West Plant Site. This area is also highly visible, the terrain is steep and challenging, and control of seepage is also a concern. Alternative 5 is located on BLM-managed and Arizona State Trust lands east of the town of Florence, almost 30 miles from the mine. This area is more remote than the other locations, but still in relatively close proximity to the town of Florence and a highly used recreation area. Seepage losses are greater at this location because the foundation is porous alluvial material, but the distance downstream to the Gila River is great enough that there is adequate opportunity to capture and control seepage. Alternative 6 – Skunk Camp (the preferred alternative) is the most remote location, roughly adjacent to the Ray Mine, in Dripping Spring Wash, on private and Arizona State Trust lands. Alternative 6 – Skunk Camp offers the best ability to control seepage and protect water quality, has the least visibility, and is located in an area with relatively little recreation use.

6.2 Environmentally Preferred Alternative

Forest Service NEPA regulations define the "environmentally preferable alternative" (36 CFR 220.3[7]), but there is no requirement that the environmentally preferable alternative be selected. The environmentally preferable alternative is the alternative that will promote the national environmental policy, as expressed in NEPA Section 101, and that will cause the least damage to the biological and physical environment and best protect, preserve, and enhance historic, cultural, and natural resources. As described in part 3 of the ROD, of the action alternatives the Alternative 6 – Skunk Camp tailings storage location results in reduced impacts with respect to water quality, water resources, public safety, recreation and scenic values, and Tribal values.

The no action alternative analyzed in the FEIS would have the least environmental impact of all the analyzed alternatives and is the environmentally preferred alternative. Under the no action alternative, the proposed Resolution Copper Project would not be approved for mining or any associated development. This would eliminate the risk of local environmental impacts from mining, including preventing a subsidence area, eliminating the water use required for the mine, and eliminating the need for a tailings storage facility.

The no action alternative cannot be selected in this ROD because the land exchange was mandated by Congress, and the Forest Service does not regulate mining operations on private land. The FEIS necessarily analyzed the possibility that the land exchange would not occur, and under this scenario the Forest Service would regulate mining operations in the area to be mined on Oak Flat. The land exchange is not discretionary since it was mandated by Congress (16 U.S.C. § 539p). In accordance with the land

[7] The USDA published interim regulations at 7 CFR 1b, effective July 3, 2025, that replace and supersede the regulations in 36 CFR 220. However, these interim regulations state, "To ensure an orderly transition without undue impact on the USDA mission, USDA subcomponents have discretion to continue using the versions of USDA and agency-specific NEPA regulations in place before publication of this interim final rule, as well as the 2020 version of the CEQ NEPA regulations, where it makes sense for proposals that are at a certain stage in the applicable NEPA process (categorical exclusion, environmental assessment, or environmental impact statement)." (https://www.federalregister.gov/d/2025-12326/p-177) Because this project had already been reviewed internally and by the public under the 36 CFR 220 regulations, this decision uses the same regulations to authorize this project.

exchange, Oak Flat will be private property; and as recognized by PL 113-291, the Forest Service does not regulate mining operations on private property.

6.3 Alternatives Eliminated from Detailed Analysis

The Forest Service analyzed other potential alternatives as well, seeking to minimize project impacts, but ultimately these alternatives were eliminated from detailed analysis. These are detailed in appendix F of the FEIS and included the following:

- Assessment of alternative mining techniques, other than the proposed block caving method. Using other underground techniques potentially had great benefits, potentially preventing a subsidence crater from developing and allowing for backfill of tailings underground. Ultimately, however, no alternative mining methods were considered reasonable.
- Assessment of placement of tailings in brownfield sites, particularly old mine pits in central and southern Arizona. No reasonable brownfield locations were found during this assessment.
- Assessment of over a dozen other locations for the tailings storage facility, including areas in the Superior Basin, in the East Salt River valley, south of the Gila River (where Alternative 5 is located), and east of the proposed mine (where Alternative 6 – Skunk Camp is located).

PART 7 LEGALLY REQUIRED FINDINGS

My decision is specific to the authorization of road use, power lines, and pipelines of the project. However, the following subparts demonstrate the legal, regulatory, and procedural compliance of the project in its entirety.[8]

7.1 Tribal Consultation and Coordination (Executive Order 13175) and Consultation with Tribes on Indian Sacred Sites (Executive Order 13007)

7.1.1 Tribal Consultation

Federal agencies are required to consult with American Indian Tribes as part of the ACHP regulations, Protection of Historic Properties (36 CFR § 800), implementing Section 106 of the NHPA. Accordingly, the NHPA outlines when Federal agencies must consult with Tribes and the issues and other factors this consultation must address. Pursuant to Executive Order 13175, executive departments and agencies are charged with engaging in regular and meaningful consultation and collaboration with Tribal officials in the development of Federal policies that have Tribal implications and are responsible for strengthening the government-to-government relationship between the United States and Indian Tribes.

Executive Order 13007 requires Federal agencies, to the extent practicable, to accommodate access to and use of sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites.

Additionally, PL 113-291 mandates that the Forest Service engage in government-to-government consultation with affected Indian Tribes concerning issues of concern related to the land exchange. Subsequent to this Tribal consultation, the Forest Service was mandated to consult with Resolution Copper and "seek to find mutually acceptable measures to address tribal concerns and minimize the adverse effects to affected Tribes resulting from mining and related activities on the Federal land conveyed to RCM" (PL 113-299). Surface disturbance will result in significant and irreversible impacts to *Chí'chil Biłdagoteel* Historic District (Oak Flat), a traditional cultural place listed in the National Register of Historic Places.

The Tonto National Forest has been conducting Tribal consultation related to various Resolution Copper projects, the land exchange, and the Apache Leap Special Management Area environmental assessment. This consultation has included formal and informal meetings, correspondence, information sharing, site visits, and documentation of Tribal comments and concerns by the Forest Service. Opportunity for consultations is ongoing and will continue through the end of the project. A full list of consultation efforts is contained in appendix S of the FEIS. The following affected Tribes are involved in the consultation process:

- Fort McDowell Yavapai Nation
- Gila River Indian Community
- Hopi Tribe
- Mescalero Apache Tribe
- Pueblo of Zuni

[8] This list is not exhaustive. For a complete list of all applicable laws, regulations, and agency policies for this project, see chapters 1 and 3 of the FEIS, and the project record.

- Salt River Pima-Maricopa Indian Community
- San Carlos Apache Tribe
- Tonto Apache Tribe
- White Mountain Apache Tribe
- Yavapai-Apache Nation
- Yavapai-Prescott Indian Tribe

Additional Tribes were included in consultation with the introduction of the Peg Leg alternative location. These Tribes, included at the BLM's request, are as follows:

- Ak-Chin Indian Community
- Fort Sill Apache Tribe
- Pascua Yaqui Tribe
- Tohono O'odham Nation

One reason for the March 2021 withdrawal of the notice of availability and rescinding of the January 2021 FEIS was to allow the Forest Service to re-engage with consulting Tribes to fully understand their concerns. On September 20, 2021, the Forest Service notified Tribes that the Forest Service would reinitiate Tribal consultation. This was followed by a Tribal listening session on October 19, 2021, and subsequent consultation and staff meetings thereafter. The reinitiated Tribal consultation has informed the updated FEIS and this decision.

7.1.2 Development of Programmatic Agreement

As noted in part 7.6, throughout the process the Forest Service complied with Section 106 of the NHPA through the development of a PA in consultation with the SHPO, ACHP, USACE, BLM, Tribes, and other consulting parties. The final version of the PA circulated for signature was included as appendix O of the January 2021 Rescinded FEIS.

The PA outlined the roles and responsibilities of parties, the procedure for identification and evaluation of historic properties, assessment for effects, and each party's responsibilities for resolving adverse effects from the project. The execution of the agreement evidences the agency official's compliance with Section 106. The agency official then must ensure that the undertaking is carried out in accordance with the agreement.

All signatories, other than the ACHP, had signed the PA as of January 15, 2021. On February 11, 2021, the ACHP notified the Forest Service that "ACHP believes that further consultation in this case would be unproductive and therefore, we are hereby terminating consultation pursuant to 36 CFR § 800.7(a)(4)." In accordance with 36 CFR § 800.7(c)(4), the Secretary of Agriculture delivered a written response to the ACHP on April 17, 2025, and that response concluded the Section 106 process for this undertaking.

Since ACHP did not sign the PA, it was never executed. Therefore, mitigation measures identified in the PA and any others identified subsequently will now be implemented with the signing of this ROD and issuance of special use permits for use of NFS lands, and through enforcement by other State and Federal agencies as well as third parties in separate agreements. Changes in enforcement of the measures described in the draft PA are further described in appendix J of the FEIS and are summarized below.

Section 3003 of PL 113-291 required Resolution Copper and the Forest Service to develop mutually acceptable measures to address Tribal concerns and minimize the adverse effects on affected Tribes. During government-to-government consultation, the affected Tribes provided the Forest Service with numerous suggestions on ways to help minimize the adverse effects of the proposed project on areas and resources of Tribal interest. The mitigation measures that the Forest Service developed in response to Tribal input are contained in the former PA.

Several components of the former PA directly addressed the treatment of historic properties:

1. **Oak Flat Historic Properties Treatment Plan (HPTP):** The Forest Service has completed preparation of an archaeological HPTP for the Oak Flat Federal Parcel to resolve adverse effects on historic properties eligible for the National Register of Historic Places under Criterion D. The implementation of the Oak Flat HPTP will begin prior to the land transfer, but the work is not likely to be completed prior to the land transfer. However, the transfer will not disrupt the completion of the measures listed in the HPTP. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-CR-01: Implementation of Oak Flat HPTP," in appendix J of the FEIS.
2. **GPO Research Design and Treatment Plans:** The Forest Service has prepared an archaeological research design (GPO Research Design) in consultation with the SHPO, Tribes, and appropriate managing agencies to guide the development of treatment plans to address adverse effects on historic properties within the other Resolution Copper GPO project areas, and the Section 404 permit compensatory mitigation parcels (i.e., West Plant Site, MARRCO corridor, tailings facility, etc.), depending on the final alternative that is selected. The Forest Service determined, in consultation with the signatories and consulting parties, that the multiple treatment plans approach, rather than a single GPO HPTP, is needed because the GPO covers several large areas, each with its own cultural background and topography. The individual treatment plans will be tiered to the GPO Research Design, and tailored to fit the mitigation needs of each GPO project area. The work identified in the treatment plans will be completed prior to the proposed ground-disturbing activities in the GPO project areas. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-CR-02: GPO research design," in appendix J of the FEIS.
3. **Visual, Atmospheric, Auditory, Socioeconomic, and Cumulative Effects Mitigation Plan(s)**: Within 9 months of the issuance of the Final ROD, the Forest Service will prepare, in consultation with SHPO and the other consulting parties, a draft plan or plans outlining a process to mitigate visual, atmospheric, auditory, and cumulative effects (indirect or direct) identified within the visual/auditory/atmospheric/socioeconomic area of potential effects. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. Note that this measure has already been completed. See "FS-CR-03: Visual, atmospheric, auditory, socioeconomic, and cumulative effects mitigation plan" in appendix J of the FEIS.
4. **Archaeological Database Funds:** In recognition of the substantial loss of cultural resources and historic properties on State Trust lands, Resolution Copper will fund the creation and/or enhancement of existing electronic archaeological databases to assist the State of Arizona with management of these assets. The Forest Service no longer has the authority to require this measure. This measure has been changed to a Resolution Copper–committed measure that is enforceable through Letter Agreements dated January 12, 2021, and March 10, 2025, with the SHPO. See "RC-CR-07: Archaeological database funds" in appendix J of the FEIS.

Resolution Copper has committed to create three compensatory mitigation funds for five Tribal programs that will be available to the 11 consulting Tribes. The administration and management of the three funds

will be the responsibility of a to-be-determined 501(c)(3) organization(s). The National Forest Foundation is a candidate for the administration of those programs and funds, which require coordination with the Forest Service, although the final selection is yet to be made. Funding for the programs is timed to specific milestones/actions and will be memorialized in a separate agreement between the Forest Service and Resolution Copper. The five programs are as follows:

1. **The Emory Oak Collaborative Tribal Restoration Initiative**: Funds the implementation of the treatments for the Emory Oak Collaborative Tribal Restoration Initiative, a multi-year restorative fieldwork program for Emory oak groves located in the Tonto and Coconino National Forests. Developed through consultation with the Forest Service and Tribes, the program is designed to restore and protect Emory oak groves that are accessed by Apache communities for traditional subsistence gathering and ensure their sustainability for future generations. The program funds the long-term restorative treatment, maintenance, and monitoring for the Emory oak, and includes research, cultural activities, and educational activities. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-CR-05: Emory Oak Collaborative Tribal Restoration Initiative" in appendix J of the FEIS.
2. **Tribal Monitor Program**: Funds the long-term continuation of the existing Tribal Monitor Program and administration, program development, training, and funding for Tribal Monitors working on NHPA Section 106 and 110 projects on public lands. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-SO-02: Establish foundations for long-term funding, including the Tribal Monitor Program" in appendix J of the FEIS.
3. **Tribal Youth Program**: Funds the development of a Tribal Youth Program in partnership with the Forest Service and consulting Tribes to provide cultural and educational opportunities to Tribal Youth on NFS lands. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-SO-02: Establish foundations for long-term funding, including the Tribal Monitor Program" in appendix J of the FEIS.
4. **Tribal Cultural Fund**: Funds to address unique and specific Tribal proposals brought forth by Tribes during government-to-government consultation. The fund will provide a mechanism to fulfill Tribal requests that do not fit under the other funding programs, such as direct funding to assist Tribal projects, programs, and infrastructure. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-CR-06: Tribal Cultural Heritage Fund" in appendix J of the FEIS.
5. **Tribal Education Fund**: Funds scholarships for 2-year and 4-year programs of study for members of the consulting Tribes. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-CR-08: Tribal Education Fund" in appendix J of the FEIS.

Several other non-financial measures were included in the former PA as well, to address the concerns of the affected Tribes and minimize the adverse effects from mining and related activities on the conveyed lands. These include the following:

1. **Resource Salvage**. The Forest Service is facilitating the salvage of resources (e.g., culturally important plants and mineral resources) to address the loss of access to traditional collection areas and a loss of access to the *Chí'chil Biłdagoteel* Historic District within the Oak Flat Federal Parcel (selected lands). To the extent practicable and in collaboration and partnership with Tribes, an inventory will be conducted to identify the natural resources within the Oak Flat Federal Parcel area, pipeline corridor, and tailings storage facility footprint. When the inventory is

complete, the resources will be "salvaged" (collected) and the material gathered will be distributed amongst the Tribes for traditional and cultural use. This measure remains a Forest Service–required measure; however, this authority only exists for NFS lands. Other implementation, including on Oak Flat, would remain a commitment in Resolution Copper Cultural Heritage Management Plan and co-management of heritage on private lands developed in consultation and coordination with consulting Tribes. See "FS-SV-01: Resource salvage" in appendix J of the FEIS.

2. **Access to Oak Flat:** Resolution Copper will provide access to the surface of the Oak Flat campground to members of the public and Tribes, to the maximum extent practicable and consistent with health and safety requirements, until the operation of the mine precludes public access for safety reasons. An Oak Flat campground and access management plan is complete and follows the current management practices of the Tonto National Forest for the site (Resolution Copper 2020a). The plan ensures access to Oak Flat campground to the public and Tribal members and provides stipulations for closing the campground to accommodate Tribal ceremonies and other activities. Resolution Copper will allow access to and use of the Oak Flat campground until such time as mining activities make further use unsafe. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. See "FS-RC-02: Access to Oak Flat campground" in appendix J of the FEIS.

7.1.3 American Indian Religious Freedom Act of 1978 and Religious Freedom Restoration Act of 1993

The American Indian Religious Freedom Act states that no Federal lands may be managed in a manner that undermines and frustrates a traditional Native American religion or religious practice, except management decisions for those lands where it is necessary to protect a compelling government interest. The law states, "In making such a management decision, the Federal agency shall attempt to accommodate the various competing interests and shall, to the greatest extent feasible, select the course of action that is least intrusive on traditional Native religions or religious practices."

The Religious Freedom Restoration Act states that the government shall not substantially burden a person's exercise of religion, with the following exception. A government may substantially burden a person's exercise of religion only if it demonstrates that application of the burden to the person: (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest. The Act allows for judicial relief for a person whose religious exercise has been burdened in violation of this Act.

The Forest Service has a responsibility to ensure that decisions affecting NFS lands do not substantially burden the rights of Native Americans and others to practice their religion.

The exchange of lands with Resolution Copper is congressionally mandated and is not part of this ROD. The decisions to authorize special uses on NFS land for the pipelines, power lines, and use of roads do not substantially burden the rights of Native Americans and others to practice their religion. Therefore, I find that the selected Federal action complies with the American Indian Religious Freedom Act and the Religious Freedom Restoration Act.

7.1.4 Summary of Compliance with Executive Orders 13175 and 13007, and with Section 3003 of PL 113-291

In addition to binding requirements for treatment of historic properties and for implementing measures to address impacts to resources of Tribal interest, the former PA also served to clearly acknowledge the

continued Tribal opposition to the project. As articulated in the final version of the PA circulated for signature included with the January 2021 Rescinded FEIS (appendix O), representatives of the Hopi Tribe, Mescalero Apache Tribe, Pueblo of Zuni, San Carlos Apache Tribe, Tonto Apache Tribe, and White Mountain Apache Tribe have crafted the following statement:

> The Tribes have had the opportunity to be active in the consultation, review, and comment processes of the project and it has been made clear to the Forest Service that no Tribe supports the desecration/destruction of ancestral places where ancestors have lived, as these are considered alive and sacred. It is a tribal cultural imperative that these places should not be disturbed for any reason. For tribal members, continued access to the land and all its resources is necessary for their culture and they have expressed that access should be accommodated for present and future generations. Tribal members have communicated that participation in the design of this destructive activity has caused considerable emotional stress and brings direct harm to the traditional way of life to Tribes; however, it is still deemed necessary to ensure ancestral homes and ancestors receive the most thoughtful and respectful treatment possible.

While the PA is no longer in effect, I acknowledge the opposition to the Resolution Copper Project by the consulted Tribes. Through the development of alternatives, I have sought to place the tailings storage facility away from sensitive cultural places, including Apache Leap, Picketpost Mountain, and the Superstition Mountains. Through consultation I have sought with Tribal input to identify and require mutually acceptable measures to address the concerns of the affected Tribes and minimize the adverse effects from mining and related activities on the conveyed lands. These measures are incorporated into and required by this decision.

I find that the selected Federal action complies with Executive Orders 13175 and 13007, and with Section 3003 of PL 113-291.

7.2 National Forest Management Act of 1976 and the Tonto National Forest Revised Forest Plan

The National Forest Management Act of 1976 requires that all development, maintenance, permits, contracts, and other instruments for the use and occupancy of NFS land be consistent with Forest Service land management plans.

A review of all components (over 600) of the 2023 forest plan was conducted to identify the need for amendment due to the effects of the project, including both the land exchange and the proposed mine plan of operations. The Tonto National Forest then analyzed the effects of any forest plan amendment in the FEIS.

As described in detail in part 2 of this document, I find that the selected Federal action requires a multi-component, project-specific amendment that includes nine guidelines and seven desired conditions of the 2023 forest plan.

The forest plan amendment is consistent with the National Forest Management Act and its implementing regulations at 36 CFR § 219 (known as the 2012 Planning Rule), focusing on "management of NFS lands so that they are ecologically sustainable and contribute to social and economic sustainability" 36 CFR § 219.1(c). Specific assessment of compliance with the 2012 Planning Rule is assessed in appendix T of the FEIS.

7.3 National Environmental Policy Act

The Resolution Copper Project has the potential to result in significant effects on the environment. Therefore, in accordance with the provisions of NEPA, this decision considers alternatives and mitigation developed to minimize degradation to the environment. In addition, Congress required in PL 113-291 that the Tonto National Forest prepare a single EIS "which shall be used as the basis for all decisions under Federal law related to the proposed mine and the Resolution mine plan of operations and any related major Federal actions significantly affecting the quality of the human environment, including the granting of any permits, rights-of-way, or approvals for the construction of associated power, water, transportation, processing, tailings, waste disposal, or other ancillary facilities."

My conclusions are based on a review of the project record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and risk. Chapter 7 of the FEIS contains a list of published scientific documents referenced in preparation of the EIS. Specifically, with respect to water resources, including analysis of impacts from groundwater modeling and water quality, and subsidence-related impacts, the Forest Service undertook substantial multidisciplinary investigation. The Tonto National Forest formed multiple workgroups with qualified professionals from multiple agencies and interested parties to ensure that the full range of professional opinions was considered and disclosed.

The FEIS discloses potential project impacts and makes environmental information available to agency decision makers, other agencies, Tribes, and the public. Therefore, I find that the selected Federal action complies with the National Environmental Policy Act, as amended.

7.4 Organic Administration Act of 1897

The Organic Administration Act, as amended, authorizes the Forest Service to regulate use and occupancy on NFS lands. The Forest Service's special use regulations are promulgated at 36 CFR § 251, Subpart B (see part 2 above in this document). The selected Federal action includes feasible and practicable measures to minimize adverse environmental impacts to NFS surface resources (see FEIS appendix J and part 4 above in this document) to ensure compliance with applicable environmental laws and regulations. Therefore, I find that the selected Federal action complies with the 1897 Organic Administration Act, as amended.

7.5 Endangered Species Act

Under Section 7 of the Endangered Species Act, the Forest Service must consult with the FWS to ensure that its actions are "not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species" that the Secretary of the Interior determines to be critical (16 U.S.C. § 1536).

A Biological Assessment was prepared for the Resolution Copper Project to identify endangered or threatened species likely to be affected by this decision. The Biological Assessment states that implementation of this decision "may affect and is likely to adversely affect" endangered Arizona hedgehog cactus and "may affect but is not likely to adversely affect" Gila chub, Gila chub designated critical habitat, northern Mexican gartersnake, southwestern willow flycatcher, yellow-billed cuckoo, and yellow-billed cuckoo proposed critical habitat. The FWS issued a Biological Opinion in December 2020 containing concurrence with these effects determinations. Therefore, I find that the selected Federal action complies with the Endangered Species Act.

7.6 National Historic Preservation Act

Section 106 of the NHPA requires Federal agencies to identify historic properties, assess effects of their undertakings on historic properties, and afford the ACHP an opportunity to comment on such undertakings. The SHPO administers the national historic preservation program at the State level. The Section 106 process seeks to accommodate historic preservation concerns with Federal undertakings through consultation among the agency officials and other parties with an interest in the effects of the undertaking on historic properties.

The Forest Service initiated consultation with the SHPO on March 31, 2017; with the ACHP on December 7, 2017; and with 11 Tribes on the prefeasibility exploration plan for the Resolution Copper Project via a letter dated June 6, 2008, for the land exchange via a letter dated August 4, 2015, and with four additional Tribes on December 3, 2018.

The Forest Service determined that due to the complexity of the project, a PA would be needed to modify the Section 106 processing moving forward. The Forest Service has developed a PA in consultation with the SHPO, ACHP, Tribes, and other consulting parties. The PA outlined the roles and responsibilities of parties, the procedure for identification and evaluation of historic properties, assessment for effects, and each party's responsibilities under the Section 106 process. The January 2021 Rescinded FEIS included that PA (appendix O). All signatories, other than the ACHP, had signed the PA as of January 15, 2021. On February 11, 2021, ACHP notified the Forest Service that "ACHP believes that further consultation in this case would be unproductive and therefore, we are hereby terminating consultation pursuant to 36 CFR § 800.7(a)(4)." Since ACHP did not sign the PA, the PA was never executed. Therefore, mitigation measures identified in the PA and any others identified subsequently will now be implemented through the Final ROD and special use permit for use of NFS lands, and through enforcement by other State and Federal agencies as well as third parties in separate agreements. Changes in enforcement of the measures described in the draft PA are further described in appendix J.

In accordance with 36 CFR § 800.7(c)(4), the Secretary of Agriculture delivered a written response to the ACHP on April 17, 2025, and that response concluded the Section 106 process for this undertaking. Therefore, while the PA is no longer in effect, I find that the Forest Service has complied with its Federal responsibilities under the National Historic Preservation Act.

7.7 Migratory Birds

The Migratory Bird Treaty Act of 1918, as amended, makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. In January 2001, President Clinton signed Executive Order 13186 requiring Federal agencies (specifically, those taking actions that may negatively impact migratory birds) to develop a memorandum of understanding (MOU) with the FWS to promote the recommendations of various migratory bird programs and conservation considerations. The Forest Service developed an MOU with the FWS in 2008. The needs of migratory birds have been incorporated into the Tonto National Forest planning process, and specific mitigation measures are required in this decision.

Potential impacts to migratory birds are described in section 3.8.4.2 of the FEIS. Unintentional take will likely impact individual birds and local migratory bird populations, varying by species due to life history traits and habitat use. Potential population-level impacts will likely be greater for species that breed in the analysis area and less for species that use the area only during migration or as wintering habitat. However, impacts on regional and overall migratory bird populations will likely be negligible. Appropriate

measures to minimize those impacts, such as ground clearing new mining areas outside nesting seasons, are described in part 4 of this document.

A State law related to migratory birds is Arizona Revised Statutes 17-236. This law indicates, "It is unlawful to take or injure any bird or harass any bird upon its nest, or remove the nests or eggs of any bird, except as may occur in normal horticultural and agricultural practices and except as authorized by commission order." Mitigation measures to prevent this occurrence are discussed in measure FS-WI-01 and in the wildlife management plan. These measures were developed by Resolution Copper in collaboration with the AGFD and provided to the Forest Service in October 2020. In the wildlife management plan, all birds are treated as if they are migratory and protected under the Migratory Bird Treaty Act: "For practical purposes, virtually any bird that could be encountered within the GPA should be considered a migratory species (in addition to any special status species noted above)." Measure FS-WI-01 in appendix J of the FEIS clarifies the requirement that meets Arizona Revised Statutes 17-236 and the Migratory Bird Treaty Act: "Preconstruction surveys and nest location for golden eagles, peregrine falcon, and migratory or breeding birds, with mitigation if occurrences are found."

While the selected Federal action could result in unintentional take of migratory bird species, approval of these special use authorizations considers these impacts and includes measures to minimize impacts. Therefore, I find the selected Federal action complies with the Migratory Bird Treaty Act, as amended, the Bald and Golden Eagle Protection Act, as amended, and Arizona Revised Statutes 17-236.

7.8 Water Pollution Control Act of 1972 (Clean Water Act)

The Federal Water Pollution Control Act of 1972 (PL 92-500), as amended in 1977 (PL 95-217) and 1987 (PL 100-4), is also known as the Clean Water Act (CWA). The CWA establishes a non-degradation policy for all federally proposed projects to be accomplished through planning, application, and monitoring of best management practices. Identification of best management practices is mandated by Section 319 of the Water Quality Act of 1987, which states, "It is national policy that programs for the control of non-point sources of pollution be developed and implemented." Sediment control best management practices are required for road construction and maintenance. The stormwater permit(s), if needed, will also require best management practices for operational control of runoff and sediment.

The Forest Service is responsible for ensuring that operations on NFS lands obtain the proper permits and certifications to demonstrate they comply with applicable Federal and State water quality standards, including regulations issued pursuant to the CWA. My decision to approve these special uses requires that in accordance with

- Section 401 of the CWA, the proponent obtain a water quality certification from the ADEQ, unless the ADEQ waives its issuance;[9] and
- Section 402 of the CWA, the proponent obtain any appropriate 402 stormwater or surface water discharge permits from the ADEQ, if determined by that agency to be required. ADEQ has primacy for implementing this provision of the CWA; and
- Section 404 of the CWA, if the USACE has determined that a permit for any dredge or fill activities to waters of the U.S. is required, as is currently understood, the proponent must obtain the Section 404 permit to be in compliance with the CWA.

The issuance of these permits, along with the USACE's permit decision and conditions on the 404 permit, constitute compliance with CWA requirements. Therefore, with these conditions in place, I find that the selected Federal action complies with the Clean Water Act.

[9] The ADEQ issued the Section 401 water quality certification for the Resolution Copper Project on December 22, 2020.

7.9 Federal Noxious Weed Act of 1974 and Invasive Species (Executive Order 13112)

The Noxious Weed Act was established for the control and eradication of noxious weeds, and the regulation of the movement in interstate or foreign commerce of noxious weeds and potential carriers thereof, and for other purposes. Similarly, Executive Order 13112 directs Federal agencies (in part) to prevent the introduction of invasive species; provide for their control; and minimize the economic, ecological, and human health impacts that invasive species cause.

Resolution Copper and SRP are required as a condition of the special use authorizations to update their invasive species management plan in coordination with the Tonto National Forest. The invasive species management plan will address the treatment and control of noxious weeds throughout all pipeline and power line corridors. Preparation and implementation of this plan will meet the requirements of the Noxious Weed Act. Therefore, with these conditions, I find that the selected Federal action complies with Executive Order 13112 and the Noxious Weed Act.

7.10 Wetlands (Executive Order 11990) and Floodplains (Executive Order 11988)

Executive Order 11990 requires Federal agencies to avoid, to the extent possible, the long- and short-term adverse effects associated with the destruction or modification of wetlands. Federal agencies must find that there is no practicable alternative to new construction located in wetlands, and that the selected Federal action includes all practicable measures to minimize harm to wetlands. Agencies may take into account economic, environmental, and other pertinent factors in making this finding.

Section 404 of the CWA authorizes the USACE to issue permits for activities that will result in the placement of dredged or fill material in waters of the U.S., which include special aquatic sites like wetlands. Before a permit can be issued, Section 404(b)(1) guidelines require that projects avoid impacts to the extent possible, minimize impacts that cannot be avoided, and provide compensatory mitigation for impacts that occur. The estimated total impacts to waters of the U.S. from the tailings storage facility footprint, pipeline corridor, and associated facilities is 188.3 acres. Resolution Copper will be required by conditions in the special use authorization to obtain Section 404 approval from the USACE prior to impacting potentially jurisdictional waters of the U.S., if the USACE determines that a permit is required. The issuance of the Section 404 permit will affirm my finding that the selected Federal action complies with Executive Order 11990.

Executive Order 11988, as amended by Executive Order 13690, requires Federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. Federal agencies must take floodplain management into account, consistent with the Federal Flood Risk Management Standard, when formulating or evaluating water and land use plans and require land and water resources use appropriate to the degree of flood hazard involved.

Operations under these special uses will have limited impacts on floodplains. The pipeline corridor crosses Queen Creek, Devil's Canyon, and Mineral Creek, but does not impact mapped floodplains. Instead, the corridor spans Queen Creek and Devil's Canyon, and uses a trenchless crossing for Mineral Creek. Due to the limited area of impacted floodplains, I find that approval of these special uses complies with Executive Order 11988.

7.11 Clean Air Act of 1963

The Clean Air Act (CAA), as amended, is designed to control air pollution on a national level by establishing a Federal program for monitoring and controlling air pollution by regulating air emissions from stationary and mobile sources. The Forest Service is responsible for ensuring that uses on NFS lands comply with applicable Federal and State air quality standards, including the CAA requirements. Consequently, Resolution Copper will be required to obtain a State of Arizona or Pinal County air quality permit if applicable for its activities on NFS land. Whichever agency has primacy over implementation of CAA regulations—the ADEQ or the Pinal County Air Quality Control District—would determine the necessity of such permitting.

The issuance of an air quality permit, if required, constitutes compliance with CAA requirements. Therefore, with these permits in place, I find that the selected Federal action complies with the Clean Air Act, as amended.

7.12 Special Uses

The "Tonto National Forest Land Management Plan" allows special uses that serve the public, promote public health and safety, protect the environment, are legally mandated, and are compatible with other resources. This may include special uses for linear corridors for pipelines and power lines. The portions of the project that are authorized in this ROD meet the special uses screening criteria and considerations put forth at 36 CFR § 251 Subpart B.

7.13 Resource Conservation and Recovery Act

Hazardous waste is regulated under the Federal Resource Conservation and Recovery Act regulations (40 CFR § 260 et seq.). Generators of hazardous waste must follow strict rules regarding the generation, storage, handling, and disposal of their wastes. Resolution Copper would comply with applicable State and Federal hazardous waste regulations. There is an exclusion for "solid waste from the extraction, beneficiation, and processing of ores and minerals;" therefore, the tailings transported by the pipelines are not considered hazardous waste (40 CFR § 261.4(b)(7)). No hazardous waste would be generated, stored, handled, or disposed of on NFS lands. Therefore, I find that the selected Federal action complies with the Resource Conservation and Recovery Act.

PART 8 ADMINISTRATIVE REVIEW FINDINGS

This decision was subject to the Pre-decisional Administrative Review Process (Objection Process) required by Federal Regulations (36 CFR part 218, subparts A and B). A 45-day objection filing period on the draft ROD, was initiated on June 20, 2025, with the publication of the notice of the opportunity to object in the Arizona Capitol Times, the newspaper of record. The Forest Service received 6 eligible objections. Jacob Nuttall, Southwestern Deputy Regional Forester, issued his written responses to the objection issues on October 20, 2025. These written responses outline the rationale for each response and contained instructions to the responsible official. Objection responses for eligible objectors can be found in Appendix C of this ROD. The written response is the final decision by the Department of Agriculture regarding the objections. The reviewing officer found that for most issues, the final environmental impact statement, and draft ROD, and associated project record established that the responsible official sufficiently addressed the objection issues, and this project complies with current law, regulation, and policy. For those issues that required additional clarification or modifications, the reviewing officer issued instructions to the Tonto National Forest. These instructions remedied any concerns over potential violations of law, regulation, or policy raised during the objection period and are addressed in an errata to the FEIS.

This decision has been made in accordance with the Objection Process and is not subject to further administrative review by the Forest Service or the Department of Agriculture (36 CFR 218.11(b)(2)).

8.1 Implementation Timeline

Implementation of this decision will begin upon the date of my signature of the special use permits, in compliance with 36 CFR 251.

8.2 Contact Person

For additional information concerning this decision, contact Michelle Tom, Engineering and Minerals Staff Officer, Tonto National Forest Supervisor's Office, located at 2324 East McDowell Road, Phoenix, Arizona 85006, or emailed to: comments-southwestern-tonto@usda.gov.

Signature and Date

As the Forest Service responsible official, I certify that this agency decision was informed by all of the alternatives, information, analyses, and objections submitted by Tribal, State, and local governments and public commenters for consideration by the lead and cooperating agencies in developing the environmental impact statement.

ERICKA LUNA

Digitally signed by ERICKA LUNA
Date: 2026.03.16 11:37:04 -07'00'

3/16/26

Acting Forest Supervisor
Tonto National Forest

Date

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APPENDIX A

SUMMARY OF APPLICANT-COMMITTED ENVIRONMENTAL PROTECTION MEASURES, MONITORING, AND MITIGATION NOT INCLUDED AS TERMS AND CONDITIONS FOR AUTHORIZED USE OF NATIONAL FOREST SYSTEM LANDS

This appendix describes applicant-committed environmental protection measures, mitigation, and monitoring measures that are not related to uses of NFS land and are therefore not being required as terms and conditions of authorizing uses of NFS land. Many of the measures listed in this appendix will be required under other legally binding agreements or by other State or Federal agencies, and this is noted for each measure when applicable. Other measures listed in this appendix remain solely voluntary on the part of Resolution Copper, though Resolution Copper has publicly committed to implementing them and future binding agreements could incorporate them.

Soils, Vegetation, and Reclamation

Arizona State Land Department Right-of-way Permits

The applicant-committed environmental protection measures related to soils, vegetation, and reclamation that were described in part 4 of the ROD may also be included as conditions in right-of-way permits or other authorizations for the portions of the tailings pipeline and power line corridors that cross Arizona State Trust land.

Arizona State Mine Inspector

As noted in part 4 of the ROD, the Forest Service is requiring implementation of reclamation plans for uses on NFS land. The reclamation activities applicable to NFS land are part of a larger reclamation plan for the entire Resolution Copper facility, including the East Plant Site, West Plant Site, filter plant and loadout facility, and tailings storage facility.

The Arizona State Mine Inspector regulates mining activities on private land in Arizona, and the primary action required is the implementation of reclamation activities at the site, including requirements for certification, plan updates, annual reporting, and financial assurance. Resolution Copper currently holds a plan authorizing the reclamation of surface disturbances at the East Plant Site and West Plant Site.

Implementation of reclamation plans for all mine activities, not just those on NFS land, will be required by the Arizona State Mine Inspector, who will determine what reclamation is appropriate under pertinent regulations.

Biological Opinion

The many applicant-committed environmental protection measures related to soils, vegetation, and reclamation that were described in part 4 of the ROD are also included as conservation measures in the Biological Opinion signed by the FWS on December 31, 2020 (appendix P of the FEIS). The analysis of impacts to threatened and endangered species contained in the Biological Opinion, and notably impacts to the endangered Arizona hedgehog cactus, accepts that the conservation measures will occur as described as a foundation for the analysis of impacts.

One specific conservation measure included in the Biological Opinion was developed during Section 7 consultation. Resolution Copper committed to recording a conservation easement on portions of the JI Ranch. The conservation easement's purpose shall be for the protection of the Arizona hedgehog cactus and will be at least 100 acres, comprising one or multiple parcels excluding roads and trails, for the life of the project. The Forest Service included this as measure "FS-SV-02: JI Ranch" in appendix J of the FEIS.

The Biological Opinion includes a reinitiation clause. Reinitiation considerations include new information that reveals effects of the agency action (authorizing use of NFS land) that may affect listed species or critical habitat in a manner or to an extent not considered in the Biological Opinion, or if the action is subsequently modified in a manner that causes an effect on the listed species or critical habitat not

considered in the Biological Opinion. If Resolution Copper does not implement these conservation measures as assumed in the Biological Opinion, reinitiation of consultation under Section 7 of the Endangered Species Act may be warranted.

Programmatic Agreement

As noted in part 4 of the ROD, the Forest Service is requiring resource salvage on NFS lands. This measure remains a Forest Service–required measure; however, this authority only exists for NFS lands. Other implementation, including on Oak Flat, would remain a commitment in the Resolution Copper cultural heritage management plan and co-management of heritage on private lands developed in consultation and coordination with consulting Tribes.

Voluntary Measures and Other Future Agreements

As a voluntary measure, Resolution Copper has agreed to continue cooperative management of the 7B Ranch until BLM management can be implemented. This would involve private arrangements with The Nature Conservancy, which has not yet been undertaken and may or may not occur as planned. This is detailed as measure "RC-SV-04: Voluntary cooperative management of 7B Ranch" in appendix J of the FEIS.

Noise and Vibration

Voluntary Measures and Other Future Agreements

The GPO (Resolution Copper 2016b) outlines applicant-committed environmental protection measures by Resolution Copper in the "Environmental Protection Elements" section, including these measures pertinent to noise and vibration:

- Mining activities, primary crushing and conveying, will take place underground, and exhaust fans will be equipped with silencers for noise reduction. Milling will take place within a fully enclosed building.

Resolution Copper has also committed to addressing noise and vibration near the tailings facility specific to the presence of residential areas in Section 29, Township 3 South, Range 15 East, including the following measures prior to ground-disturbing activities: paving Dripping Springs Road, setting the speed limit to 15 miles per hour, and requiring the deliveries of equipment and materials to occur during the daytime. Resolution Copper has also already purchased properties in the footprint and vicinity of the tailings storage facility. This is detailed as measure "RV-NV-01: Dripping Springs Road mitigations" in appendix J of the FEIS.

At this time, these measures remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned. Gila County has the legal authority to maintain Dripping Springs Road. As such, Resolution Copper will need to work with Gila County to implement the measures, including reduced speeds and selective paving.

Air Quality

Air Quality Permits from Pinal County and ADEQ

The various dust control measures identified in part 4 of the ROD are likely to be required not only for uses on NFS land, but also as part of air quality permits. Resolution Copper currently holds an air quality control permit that pertains to the historical mining (reclamation) and development and exploratory

mining exploration facilities operated by Resolution Copper. A similar air quality permit will be required for the full operations.

The tailings facility lies within Gila County. Gila County relies on ADEQ to issue air permits within the county. At this time, it is anticipated that air permits would be obtained from the Pinal County Air Quality Control District for operations solely within Pinal County (East Plant Site, West Plant Site, filter plant and loadout facility), and from ADEQ for the tailings storage facility. Pinal County may also issue dust permits for construction, earthwork, and land development. Additional measures that Resolution Copper has committed to that may be required by the air quality permits include the following:

- Dust control on roads, including regular watering, road base maintenance and dust suppression, paving select access roads to the East Plant Site and West Plant Site with asphalt, and setting reasonable speed limits on access roads within the operational footprint.
- Dust control at the tailings storage facility, including delivering tailings to the storage facility via distribution pipelines and continuously wetting the tailings during active deposition. During non-active periods, dust emissions would be managed by establishing a temporary vegetative cover on construction areas that would be inactive and exposed for longer than 12 months, wetting inactive beaches and embankment surfaces with irrigation from sprinkler systems, and treating with chemical or polymer dust suppressants, if necessary.
- Dust control at East Plant Site, including periodic water and/or chemical dust suppressant, normal mining controls such as wet drilling and the wetting of broken rock, application of water suppression spray to control dust ore conveyance, dedicated exhaust ventilation systems and/or enclosures for crushers and transfer points underground, performing of primary crushing and conveying underground, and saturation of underground exhaust ventilation.
- Dust control at West Plant Site, including housing main active ore stockpiles in fully covered buildings, applying water suppression spray to control dust ore conveyance, processing ore in a new enclosed building, and enclosing conveyor transfer points within the concentrator building. Once arriving at the concentrator complex, the ore would either be processed immediately or stockpiled in an enclosed structure for future processing.
- Dust control during shipping, including bagging molybdenum concentrate at the concentrator facility before shipping and enclosing loadout building and storage shed.

Other applicant-committed environmental protection measures committed to by Resolution Copper include those outlined in the "Final Air Quality Impacts Analysis Modeling Plan" (Air Sciences Inc. 2018) and Resolution Copper's current air quality permit. Measures that may be required by the air quality permits include the following:

- use of low-sulfur diesel in mobile and stationary equipment;
- use of a scrubber to control sulfur dioxide emissions from the drying of molybdenum concentrate at the West Plant Site;
- use of Tier 4 diesel engines (or greater); and
- use of fencing, berms, locking gates, signage, natural barriers/steep terrain (25 to 30 percent or greater), and site security measures to limit access roads and other locations near areas of heavy recreational use. These same methods would be required to limit public access within the mine site (i.e., the air modeling boundary) to prevent public exposure to mine emissions.

Solar Participation Agreement

In November 2019, Resolution Copper entered into a Solar Participation Agreement with the Salt River Project Agricultural Improvement and Power District to obtain solar power from a 100-megawatt solar photovoltaic generating facility. In furthering its commitment to increase its reliance on renewable energy, Resolution Copper subscribed to 4.6 percent of the generating facility's solar power. Accordingly, by entering into the agreement, Resolution Copper has sourced renewable energy credits constituting approximately 25 percent of Resolution Copper's estimated baseload in 2022. Resolution Copper will continue to explore other opportunities to obtain renewable energy credits as the project moves forward. This is detailed as measure "RC-AQ-01: Salt River Project solar participation agreement" in appendix J of the FEIS.

Water Resources

Arizona Department of Environmental Quality Water Permits

In the GPO and subsequent design documents, Resolution Copper has committed to various measures to reduce impacts on water quality:

- groundwater levels will be monitored at designated compliance monitoring wells located downstream of the tailings storage facility seepage recovery embankments in accordance with the requirements of the Aquifer Protection Permit program;
- all potentially impacted water will be contained on-site during operations and will be put to beneficial use, thereby reducing the need to import makeup water;
- stormwater controls (described in detail in section 3.7.2 of the FEIS);
- engineered seepage controls (described in detail in section 3.7.2 of the FEIS);
- to the extent practicable, stormwater flows upgradient of the facilities will be diverted around the disturbed areas and returned to the natural drainage system;
- permanent diversion channels will be designed for operations and closure; and
- runoff from roads, buildings, and other structures will be handled through best management practices, including sediment traps, settling ponds, berms, sediment filter fabric, wattles, etc.

Resolution Copper will be required to obtain two permits from ADEQ: an Aquifer Protection Permit for discharges to groundwater, and a stormwater permit under the Arizona Pollutant Discharge Elimination System, which would include both operational and construction stormwater discharges. The measures described above will likely be required as part of these two permits.

Resolution Copper has also developed a water quality monitoring plan for surface water and groundwater resources located in Dripping Spring Wash downgradient of the tailings storage facility (Montgomery and Associates Inc. 2020b). The Skunk Camp water quality monitoring plan includes monitoring of numerous wells and springs along or adjacent to Dripping Spring Wash and in the Gila River just downstream of its confluence of Dripping Spring Wash. While portions of this plan overlap permitting requirements, this monitoring plan exceeds the likely monitoring requirements to be implemented under the two ADEQ water quality permits. The monitoring above and beyond the ADEQ permits reflects a voluntary measure, unrelated to use on NFS land. These measures may or may not occur as planned.

Compensatory Mitigation under Section 404 Individual Permit

Resolution Copper has proposed a package of compensatory mitigation as part of the CWA Section 404 permitting process. This compensatory mitigation is detailed in measure "FS-WR-02: 404 compensatory mitigation plan" in appendix J of the FEIS. This package has been approved by the USACE and is included in appendix D of the FEIS. The three compensatory mitigation parcels approved under the Section 404 permitting process are the MAR-5 Wetland/Olberg Road site, the Queen Creek site, and the H&E Farm site.

Voluntary Measures and Other Future Agreements

Resolution Copper also has committed to various measures to reduce the amount of water used by the project, including the following:

- recycling as much water as possible for reuse;
- sourcing approximately one-half of Resolution Copper's water needs from long-term storage credits (surface water stored underground); and
- including the beneficial reuse of existing low-quality water sources, such as impacted underground mine dewatering water, in the project water supply.

The primary water supply for the Resolution Copper Project is obtained from the Desert Wellfield, located in the East Salt River valley, which is within the Phoenix Active Management Area. Under Arizona water law, all groundwater pumped within an Active Management Area must obtain a groundwater right from the Arizona Department of Water Resources. While Resolution Copper has obtained long-term storage credits to offset groundwater use, this is not required under water use regulations.

Resolution Copper has provided a robust water quality monitoring program around the proposed tailings storage facility (Montgomery and Associates Inc. 2020b) that exceeds the likely monitoring requirements to be implemented under the Arizona Protection Permit or AZPDES permits. The Skunk Camp Water Quality Monitoring Plan includes monitoring of numerous wells and springs along or adjacent to Dripping Spring Wash, and in the Gila River just downstream of its confluence of Dripping Spring Wash. Authority for these measures will ultimately reside with ADEQ under the Arizona Protection Permit and AZPDES programs; however, it is anticipated that much of the sampling detailed in the plan will remain voluntary by Resolution Copper, as detailed in "RC-WR-03: Skunk Camp water quality monitoring plan" in appendix J of the FEIS.

At this time, these measures remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned.

Wildlife

Arizona State Land Department Right-of-Way Permits

The applicant-committed environmental protection measures related to wildlife that were described in part 4 of the ROD may also be included as conditions in right-of-way permits or other authorizations for the portions of the tailings pipeline and power line corridors that cross Arizona State Trust land.

Biological Opinion

The many applicant-committed environmental protection measures related to wildlife that were described in part 4 of the ROD are also included as conservation measures in the Biological Opinion signed by the FWS on December 31, 2020 (appendix P of the FEIS). The analysis of impacts to threatened and endangered species contained in the Biological Opinion, and notably impacts to the endangered Arizona hedgehog cactus, accepts that the conservation measures will occur as described as a foundation for the analysis of impacts.

As described earlier in this appendix, if Resolution Copper does not implement these conservation measures as assumed in the Biological Opinion, reinitiation of consultation under Section 7 of the Endangered Species Act may be warranted.

Voluntary Measures and Other Future Agreements

In the GPO and in the Biological Opinion, Resolution Copper has committed to a variety of measures to reduce potential impacts on wildlife not related to uses on NFS land, including those outlined in appendix P of the FEIS.

- Some additional non-lethal harassment and scare devices to deter and disperse wildlife from the PAG tailings, non-contact and contact stormwater catchment basins, and process water ponds may also be considered and could include the following:
    - Plastic ball covers, vehicle lights and horns, motion-sensor lights, flags, perch deterrents, shell crackers, bird bangers, screamers, distress cries/electronic noise systems, bird scare balloons, propane cannons, and mylar scare tape.
    - A bird hazing protocol would be developed for Resolution Copper employees and would include a combination of harassment techniques. Additional hazing techniques may be adjusted or added as necessary based on field observations and ongoing research efforts. The protocol would include an inspection schedule, acceptable harassment techniques, a field log procedure, and incident reporting procedures. Resolution Copper staff responsible for implementing the bird hazing program would be trained on the protocol prior to its initiation.
- Vegetation growth within the contact and non-contact stormwater catchment basins and process water ponds would be monitored and periodically removed as often as necessary to further discourage the presence of wading birds.

At this time, these measures remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned.

Recreation

Programmatic Agreement

One recreational measure unrelated to uses on NFS land was required under the former PA. Resolution Copper also was to establish an alternative campground site, known as Castleberry, to mitigate the loss of Oak Flat campground, which is a historic property. The Forest Service has no authority over management of lands that will be private after the land exchange. As the PA is no longer valid, this measure has been changed to a Resolution Copper–committed measure, enforceable under third-party agreements dated January 14, 2021, between Resolution Copper and the Town of Superior. This is detailed in measure "RC-RC-04: Establish an alternative campground site (Castleberry) to mitigate the loss of Oak Flat Campground" in appendix J of the FEIS.

Voluntary Measures and Other Future Agreements

Applicant-committed environmental protection measures by Resolution Copper include the following:

- Developing plans to reestablish a crossing on the Arizona National Scenic Trail after construction of the concentrate pipeline (along the MARRCO corridor). Further detail can be found in the Concentrate Pipeline Corridor Management Plan (M3 Engineering and Technology Corporation 2019).

Resolution Copper has committed to mitigating impacts to climbing resources, as described in the "Queen Creek Climbing and Mitigation Access Plan" (Oliver 2020), including new access to bouldering and climbing resources known as "The Inconceivables and Chill Hill Boulders." Additionally, Resolution Copper has agreed to mitigation efforts in the combined "Queen Creek Climbing Area," which includes 10 discrete climbing areas: The Pond, Atlantis, Oak Flat, Euro Dog Valley, The Mine Area, Apache Leap, Northern Devil's Canyon, Upper Devil's Canyon, and Lower Devil's Canyon, and Hackberry Creek/The Refuge. Some of these areas will be impacted, and Resolution Copper has proposed the following mitigation:

- Oak Creek and Euro Dog Valley: May eventually be impacted by subsidence. Funds for a new access road (crossing NFS lands) to the Inconceivables and Chill Hill Boulders.
- The Mine Area: Mining impacts will likely include closure of the current access route via Magma Mine Road and closure of some of the climbing area. Resolution Copper will work with local climbing groups and climbers to evaluate the feasibility of an alternate access route (trail) on private lands.
- Apache Leap: Access via Magma Mine Road and NFS Road 315 will be closed due to mining impacts. Resolution Copper will work with local climbing groups and climbers to evaluate the feasibility of an alternate access route (trail) across private lands. Although access from NFS Road 2440 via the Cross Canyon Road would not be impacted by mining activities, there may be possible restrictions for climbing as a result of the climbing management plan for Apache Leap Special Management Area.
- Upper Devil's Canyon: Access from NFS Road 2438 and/or 2439 via NFS Road 469 (Magma Mine Road) will most likely remain. However, in the event that parts of NFS Road 2438 are closed due to subsidence, Resolution Copper will work with local climbing groups and climbers to evaluate the feasibility of an alternate access route.
- Lower Devil's Canyon, Hackberry Creek/The Refuge: Access will remain from the south from NFS Road 315 via State Route 177, but access from Magma Mine Road will be closed.

These activities are detailed in measure "RC-RC-05: Mitigation for impacts on climbing resources" in appendix J of the FEIS.

Resolution Copper also has agreed to open Signal Mountain Road on the JI Ranch for public access to the Tonto National Forest for wildlife-related recreation through an agreement with the AGFD. This is detailed in measure "RV-RC-06: Mitigation for public access to JI Ranch through AGFD cooperative agreement" in appendix J of the FEIS. These actions are currently agreed to in concept but may eventually be executed in a road agreement with AGFD.

At this time, these measures remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned.

Public Health and Safety

Arizona Department of Environmental Quality Water Permits

Applicant-committed environmental protection measures for tailings and pipeline safety include those outlined in the tailings design documents (Klohn Crippen Berger Ltd. 2018), a pipeline protection and integrity plan specific to the Skunk Camp location (Golder Associates Inc. 2020); the concentrate pipeline corridor management plan (M3 Engineering and Technology Corporation 2019), and the GPO (Resolution Copper 2016b).

The following measures that enhance the safety of the tailings storage facility have been incorporated into the tailings design for Alternative 6 – Skunk Camp:

- Use a centerline embankment for NPAG tailings
- Use full downstream embankment for PAG tailings
- Perform thickening of both PAG, NPAG, and NPAG overflow tailings
- Segregate PAG tailings into smaller separate cells.

A failure modes analysis has already been completed to identify all potential failure modes and to align them with design measures appropriate to address those modes (Klohn Crippen Berger Ltd. 2019; Pilz 2019). The design measures are aligned with international best practice and Federal and State regulations. Resolution Copper has identified preventive measures to minimize the potential for failure, as well as reactive measures if problems develop. These are considered applicant-committed environmental protection measures and are summarized in table 3.10.1-5 in the FEIS.

Given the location of the tailings storage facility off of Federal land, many of the design and operational features developed to reduce the risk of failure of the tailings storage facility or pipelines are dictated solely by industry best practice. However, the Aquifer Protection Permit that Resolution Copper is required to obtain for the tailings storage facility includes design criteria to which Resolution Copper must adhere. The standards under the Aquifer Protection Permit are described in detail in section 3.10.1 of the FEIS.

Global Tailings Standard

As described in section 3.10.1 of the FEIS, in August 2020, the Global Industry Standard on Tailings Management was launched (International Council on Mining and Metals et al. 2020). The preamble to the new Global Industry Standard states:

> *The Global Industry Standard on Tailings Management (herein 'the Standard') strives to achieve the ultimate goal of zero harm to people and the environment with zero tolerance for human fatality. It requires Operators to take responsibility and prioritise the safety of tailings facilities, through all phases of a facility's lifecycle, including closure and post-closure. It also requires the disclosure of relevant information to support public accountability.*

International Council on Mining and Metals (ICMM) member companies will implement the Global Industry Standard as a commitment of membership. Both Rio Tinto and BHP, partners in Resolution Copper, are members of ICMM. Adherence to this standard is detailed in measure "RC-PH-05: Adhere to Global Tailings Standard" in appendix J of the FEIS.

Voluntary Measures and Other Future Agreements

Resolution Copper has committed to maintaining the existing hotline set up for community complaints via email and telephone, described on the Resolution Copper website. This hotline is meant to provide immediate feedback on any tailings, pipeline, transportation, hazardous material, air quality, or other adverse issues observed by the public. This is detailed in measure "RV-PH-04: Maintain the existing hotline for community complaints" in appendix J of the FEIS.

At this time, this measure remains solely as a voluntary measure, unrelated to use on NFS land. This measure may or may not occur as planned.

Scenic Resources

Voluntary Measures and Other Future Agreements

Applicant-committed environmental protection measures by Resolution Copper include those outlined in the dark skies analysis (Dark Sky Partners LLC 2018):

- Implement an outdoor lighting plan that would reduce potential impacts from artificial night lighting.
- Reduce illumination levels where appropriate while still meeting Mine Safety and Health Administration (MSHA) requirements for lighting sufficient to provide safe working conditions.
- Adhere to the Pinal County Outdoor Lighting Code.
- Use control systems that can turn off lights at particular times of night or are activated by detecting motion while still meeting MSHA requirements for lighting sufficient to provide safe working conditions.

At this time, these dark sky measures remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned.

Cultural Resources

Programmatic Agreement

As detailed in part 7.1 of the ROD, a number of agreements related to cultural resources were required in the PA, and are now either required under other authorities or have become voluntary measures. These include the following:

- Oak Flat HPTP: The Forest Service has completed preparation of an archaeological HPTP for the Oak Flat Federal Parcel to resolve adverse effects on historic properties eligible for the National Register of Historic Places under Criterion D. The implementation of the Oak Flat HPTP will begin prior to the land transfer, but the work is not likely to be completed prior to the land transfer. However, the transfer will not disrupt the completion of the measures listed in the HPTP. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. These actions are detailed in measure "FS-CR-01: Implementation of Oak Flat HPTP" in appendix J of the FEIS.
- GPO Research Design and Treatment Plans: The Forest Service has prepared an archaeological research design (GPO research design) in consultation with the SHPO, Tribes, and appropriate managing agencies to guide the development of treatment plans to address adverse effects on historic properties within the other Resolution Copper GPO project areas, and the Section 404

permit compensatory mitigation parcels (i.e., West Plant Site, MARRCO corridor, tailings facility, etc.), depending on the final alternative that is selected. The Forest Service determined, in consultation with the consulting parties, that the multiple treatment plans approach, rather than a single GPO HPTP, is needed because the GPO covers several large areas, each with its own cultural background and topography. The individual treatment plans will be tiered to the GPO research design, and tailored to fit the mitigation needs of each GPO project area. The work identified in the treatment plans will be completed prior to the proposed ground-disturbing activities in the GPO project areas. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. These actions are detailed in measure "FS-CR-02: GPO research design" in appendix J of the FEIS.

- Visual, Atmospheric, Auditory, Socioeconomic, and Cumulative Effects Mitigation Plan(s): Within 9 months of the issuance of the Final ROD, the Forest Service will prepare, in consultation with SHPO and the other consulting parties, a draft plan or plans outlining a process to mitigate visual, atmospheric, auditory, and cumulative effects (indirect or direct) identified within the visual/auditory/atmospheric/socioeconomic area of potential effects. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. Note that this measure has already been completed. These actions are detailed in measure "FS-CR-03: Visual, atmospheric, auditory, socioeconomic, and cumulative effects mitigation plan" in appendix J of the FEIS.
- Archaeological Database Funds: In recognition of the substantial loss of cultural resources and historic properties on State Trust lands, Resolution Copper will fund the creation and/or enhancement of existing electronic archaeological databases to assist the State of Arizona with management of these assets. This measure is no longer Forest-required, but is enforceable through Letter Agreements dated January 12, 2021, and March 10, 2025, with the SHPO. This is detailed in measure "RC-CR-07: Archaeological database funds" in appendix J of the FEIS.

A PA is a binding agreement executed between Resolution Copper, the Forest Service, the USACE, the BLM, the ASLD, the Arizona State Museum, the Arizona SHPO, SRP, and the ACHP.

Socioeconomics

Programmatic Agreement

Under the PA, Resolution Copper was to establish a fund to be focused on the built environment located within cultural resources area of potential effects. The primary purpose of the fund was to address effects from the project on historic properties and other community infrastructure within the communities of Superior, Miami, Globe, Kearny, Hayden, and Winkelman. All funded projects must comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and compliance with these Standards was to be determined by SHPO. Specific parameters for the Community Development Fund were to be defined through consultation between Resolution Copper, the applicable administering organization, and SHPO, and must include the following:

- availability to municipalities, counties, non-profits, private citizens, and private organizations;
- preference for projects participating in other historic preservation incentive programs;
- preference for projects agreeing to repay funds within 5 years of award, with extensions possible.

Purchase or rehabilitation of the Harding building in Superior (a specific suggestion made in public comments) is a project that may be covered by this fund.

This Forest Service no longer has the authority to require this measure. This measure has been changed to a Resolution Copper–committed measure that is enforceable under several third-party agreements between Resolution Copper and the Town of Superior, and through Letter Agreements dated January 12, 2021, and March 10, 2025 with the SHPO. These actions are detailed in measure "RC-SO-01: Community Development Fund" in appendix J of the FEIS.

Town of Superior Agreements

The following applicant-committed environmental protection measures have been committed to by Resolution Copper:

- In February 2019, Resolution Copper entered into an Entrepreneurship and Innovation Center Gift Agreement with the Town of Superior, to fund a number of programs meant to diversify the economic base of the community.
- In February 2019, Resolution Copper entered into a Multigenerational Center Development Gift Agreement with the Town of Superior, to help fund the final studies, design, and construction of a multigenerational center. The goal of the center is to improve the overall quality of life for Superior residents, local employers, and their employees, expand the quality of life amenities and services that are essential to retraining and attracting residents and employers, allow for consolidation of Town services and decrease the overall administrative burden of the Town, and further develop public, private, civic, and educational sectors of the community.
- In February 2019, Resolution Copper entered into an Education Funding Agreement with the Superior Unified School District, dedicating funding to a number of classroom enhancements and educational programs over the next 4 years.
- In February 2019, Resolution Copper entered into a Park Improvement Agreement with the Town of Superior, to fund improvements to the U.S. 60 Caboose Park.
- In March 2016, Resolution Copper entered into an Emergency Response Services agreement with the Town of Superior, to fund the provision of fire and other emergency services to the mine facilities by the Town.

A projected increase in tax revenue is a factor of Resolution Copper's business impacts on the Town of Superior, driven mainly through increased sales taxes from Resolution Copper employees and contractors within the town, and to a lesser extent property and sales tax increases benefiting the Town through Pinal County and State apportionments. Resolution Copper has historically paid the Town for more public safety coverage than a standard level of service requires at a mine site. Resolution Copper is committed to public safety and will continue to work with the Town to agree annually on projected net direct costs that will be Resolution Copper's responsibility. This commitment is detailed in measure "RC-SO-06: Agreement with Town of Superior to cover direct costs" in appendix J of the FEIS.

At this time, these socioeconomic remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned.

Voluntary Measures and Other Future Agreements

Through investment of an initial endowment, Resolution Copper will develop a sustainable regional economic development entity (or entities) to provide programming and investment in the Copper Triangle communities (Superior, Hayden, Winkelman, and Kearney). This new community-based entity will partner with external organizations, local municipalities, and stakeholders. Specifically, partnerships will be sought with organizations having certain expertise and tools to support and enhance the quality of life in the region, such as strategic planning for economic reinvestment and workforce development. These

activities are detailed in measure "RC-SO-03: Establish a regional economic development entity for Copper Triangle communities" in appendix J of the FEIS.

The Resolution Copper social investment program and corporate giving program have been established to support economic development and enhance quality of life. This includes programs that help create a diverse local business community and programs that help build a healthier and safer community, including parks/pool facilities and schools. Through these programs Resolution Copper has worked with cities, towns, governments, and school districts to fund existing projects, including pool repair and upgrades as well as school programs. These requests are defined and based on the needs of those local municipalities and school districts. These activities are detailed in measure "RV-SO-04: Resolution Copper social investment program" in appendix J of the FEIS.

Based on regular project budgeting, Resolution Copper plans to continue funding the Community Working Group. This is detailed in measure "RC-SO-05: Continue funding Community Working Group" in appendix J of the FEIS.

In May 2024, Resolution Copper entered into a Good Neighbor Agreement with a number of entities, including: Town of Superior, Arizona Trail Association, Boyce Thompson Arboretum, Cobre Valley Medical Center, Copper Community Alliance, Queen Valley, Queen Valley Fire Department, Queen Valley Golf Association, Queen Valley Historic Society, Rebuild Superior, Inc., Superior Chamber of Commerce, Superior Optimist Club, Superior Unified School District, Top of the World, Town of Miami, Town of Kearney, Town of Winkelman, Gila County, Pinal County, and the City of Globe. The Good Neighbor Agreement provides for the continued funding of the Community Working Group. Working with the Community Working Group, and combined with Rio Tinto corporate requirements for health, safety, and environmental protection, Resolution Copper will ensure all possible measures are taken to identify and mitigate public health, safety, and environmental issues before they occur, with transparency with local communities. Additionally, Resolution Copper will comply with the Rio Tinto Community and Social Performance Standard, which requires comprehensive engagement throughout the life of the project. The standard specifically requires effective engagements with communities on social, environmental, and other issues, disclosure of project-related information, and consultation with communities on matters that directly affect them, throughout the life of the project. This involvement includes continuing the Community Monitoring Program.

Resolution Copper has also committed at a corporate level to hiring qualified candidates locally, with the intention to track employee proximity to the mine, and to using local suppliers and services wherever possible.

At this time these remain solely as voluntary measures, unrelated to use on NFS land. These measures may or may not occur as planned.

Tribal Values

Programmatic Agreement

As detailed in part 7.1 of this ROD, several agreements related impacts to resources of Tribal interest were required in the former PA. These include the following:

- The Emory Oak Collaborative Tribal Restoration Initiative: Funds the implementation of the treatments for the Emory Oak Collaborative Tribal Restoration Initiative, a multi-year restorative fieldwork program for Emory oak groves located in the Tonto and Coconino National Forests. Developed through consultation with the Forest Service and Tribes, the program is designed to restore and protect Emory oak groves that are accessed by Apache communities for traditional

subsistence gathering and ensure their sustainability for future generations. The program funds the long-term restorative treatment, maintenance, and monitoring for the Emory oak, and includes research, cultural activities, and educational activities. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. These activities are detailed in measure "FS-CR-05: Emory Oak Collaborative Tribal Restoration Initiative" in appendix J of the FEIS.

- Tribal Monitoring Program: Funds the long-term continuation of the existing Tribal Monitor Program and administration, program development, training, and funding for monitors working on public projects. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. This program is detailed in measure "FS-SO-02: Establish foundations for long-term funding, including the Tribal Monitor Program" in appendix J of the FEIS.
- Tribal Youth Program: Funds the development of a Tribal Youth Program in partnership with the Tonto National Forest and consulting Tribes to provide cultural and education opportunities to Tribal youth on NFS lands. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. This program is detailed in measure "FS-SO-02: Establish foundations for long-term funding, including the Tribal Monitor Program" in appendix J of the FEIS.
- Tribal Cultural Fund: Funds to address unique and specific Tribal proposals brought forth by Tribes during government-to-government consultation. The fund will provide a mechanism to fulfill Tribal requests that do not fit under the other funding programs such as direct funding to assist Tribal projects, programs, and infrastructure. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. This program is detailed in measure "FS-CR-06: Tribal Cultural Heritage Fund" in appendix J of the FEIS.
- Tribal Education Fund: Funds scholarships for 2-year and 4-year programs of study for members of the consulting Tribes. This measure remains a Forest Service–required measure, as it was developed under the authority provided in Section 3003 of PL 113-291. This program is detailed in measure "FS-CR-08: Tribal Education Fund" in appendix J of the FEIS.

Voluntary Measures and Other Future Agreements

Resolution Copper will donate 32 acres of privately owned land within the Apache Leap South End Parcel, in addition to 807 acres of land required by Section 3003 of PL 113-291. With this additional land, the Apache Leap Special Management Area (SMA), a sacred landscape for the Apache and Yavapai, will be 839 acres. The Apache Leap SMA is named after its signature feature, an escarpment of sheer cliff faces and hoodoos, and preserves the natural character of Apache Leap, allows for traditional uses of the area by Native Americans, and protects and conserves the cultural and archaeological resources of the area. This action is detailed in measure "RC-CR-04: Increase size of Apache Leap Special Management Area" in appendix J of the FEIS.

At this time, this remains solely as a voluntary measure, unrelated to use on NFS land. This measure may or may not occur as planned.

Livestock and Grazing

Voluntary Measures and Other Future Agreements

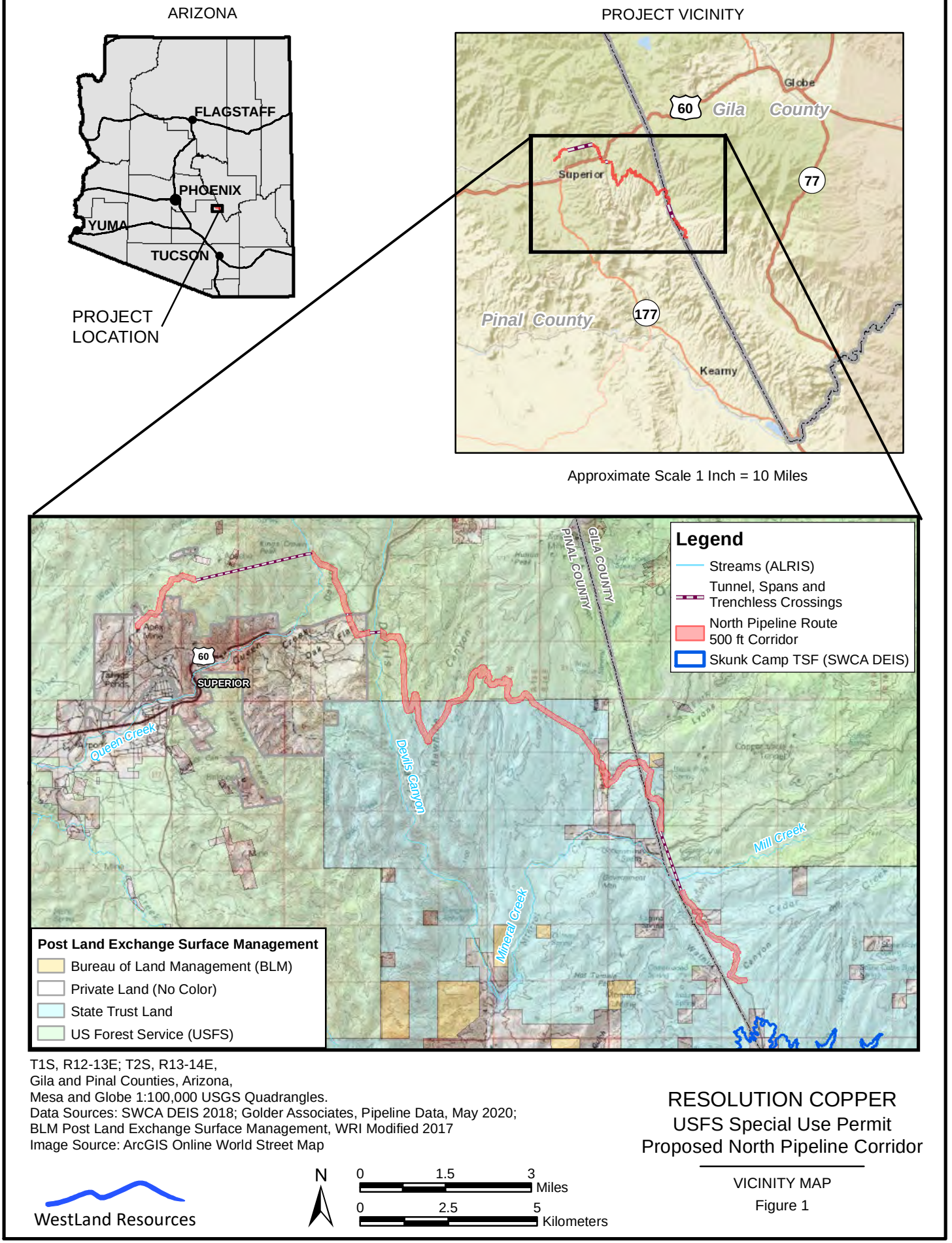
Resolution Copper will continue to work collaboratively with ranchers who hold private property and/or grazing leases/rights within the vicinity of the proposed project footprint. To minimize ranching impacts, the corridor pipeline/power line has been designed consistent with feedback from ranchers to have minimal impact on ranching land uses and day-to-day activities. In the event that other ranching and range improvements may be impacted in the future, Resolution Copper would replace those improvements as a result of the construction of the pipeline corridor. Range fencing will be opened during pipeline construction with temporary fencing installed at the end of each work day to prevent livestock migration. Permanent repairs will be made to the fencing including a gate to permit right-of-way access for inspection and maintenance activities along the pipeline corridor. These actions are detailed in measure "RV-LG-01: Mitigation for impacts to ranching and grazing leases" in appendix J of the FEIS.

At this time this remains solely as a voluntary measure, unrelated to use on NFS land. This measure may or may not occur as planned.

APPENDIX B

MAPS OF PIPELINE/POWER LINE ROUTES FOR AUTHORIZATION

Path: M:\Jobs\800's\807.176\ENV\SkunkCamp\USFS_SpecialUsePermit\ReportFigures\Pipeline5_2020\01_VicinityMap_SCampSUPermit_6_12_2020.mxd Date: 6/19/2020 User: rwitzke



T1S, R12-13E; T2S, R13-14E,
Gila and Pinal Counties, Arizona,
Mesa and Globe 1:100,000 USGS Quadrangles.
Data Sources: SWCA DEIS 2018; Golder Associates, Pipeline Data, May 2020;
BLM Post Land Exchange Surface Management, WRI Modified 2017
Image Source: ArcGIS Online World Street Map

WestLand Resources

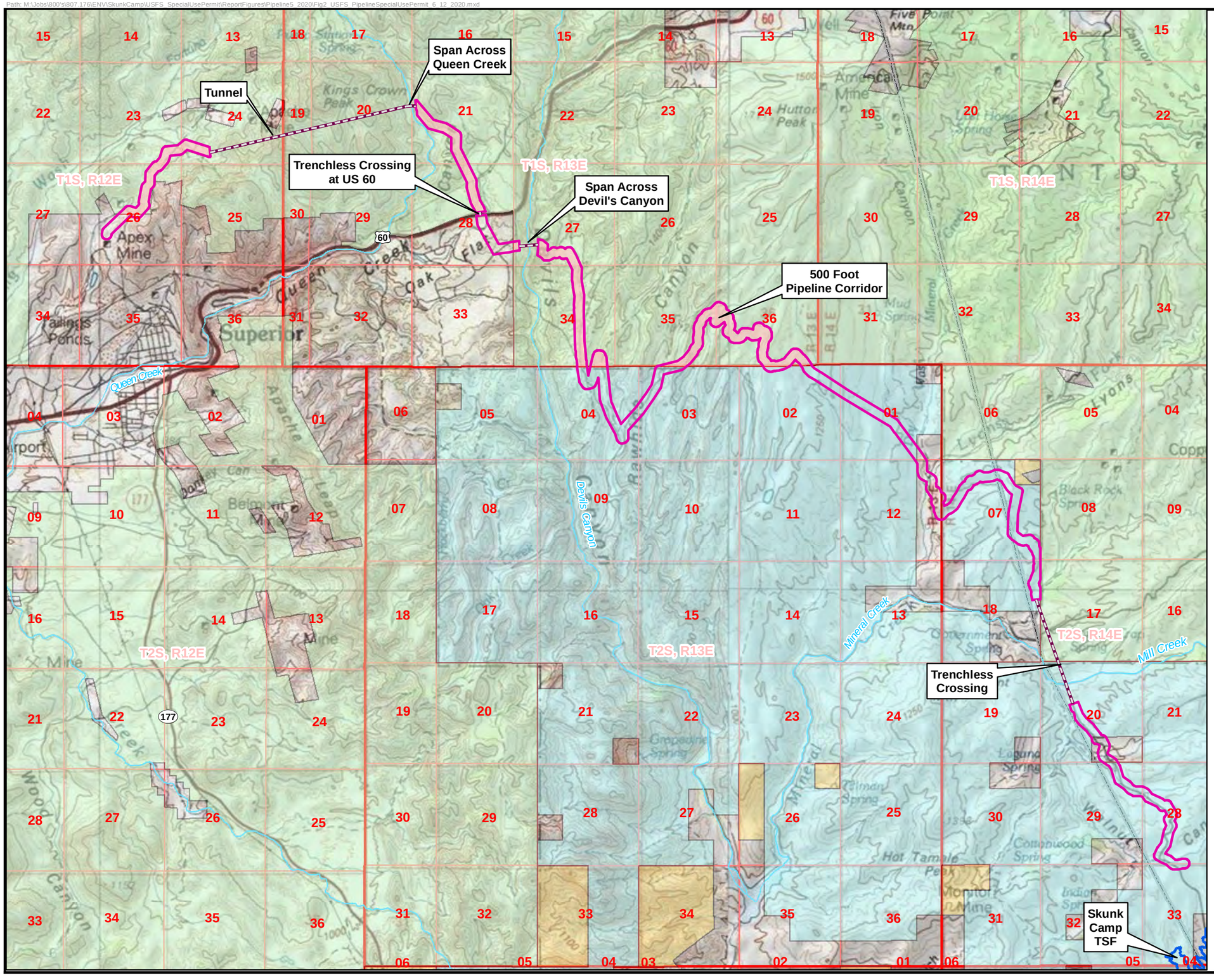
N

0 1.5 3 Miles

0 2.5 5 Kilometers

RESOLUTION COPPER
USFS Special Use Permit
Proposed North Pipeline Corridor

VICINITY MAP
Figure 1



North Pipeline Corridor on USFS Land:
T1S, R12E, Portions of Sections 23, 24, and 26,
T1S, R13E, Portions of Sections 21, 27, 28, and 34-36,
Pinal County, Arizona,
Globe and Mesa 1:100,000 USGS Quadrangles
Data Sources: SWCA DEIS 2018; Golder Associates, Pipeline Data, May 2020;
BLM Post Land Exchange Surface Management, WRI Modified 2017; and BLM PLSS Cadastral Data

Legend

- Streams (ALRIS)
- Tunnel, Spans and Trenchless Crossings
- North Pipeline Route on USFS Land (419.4 acres)
- North Pipeline Route 500 ft Corridor
- Skunk Camp TSF (SWCA DEIS)

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Private Land (No Color)
- State Trust Land
- US Forest Service (USFS)

N

0 2,500 5,000 Feet

0 800 1,600 Meters

WestLand Resources

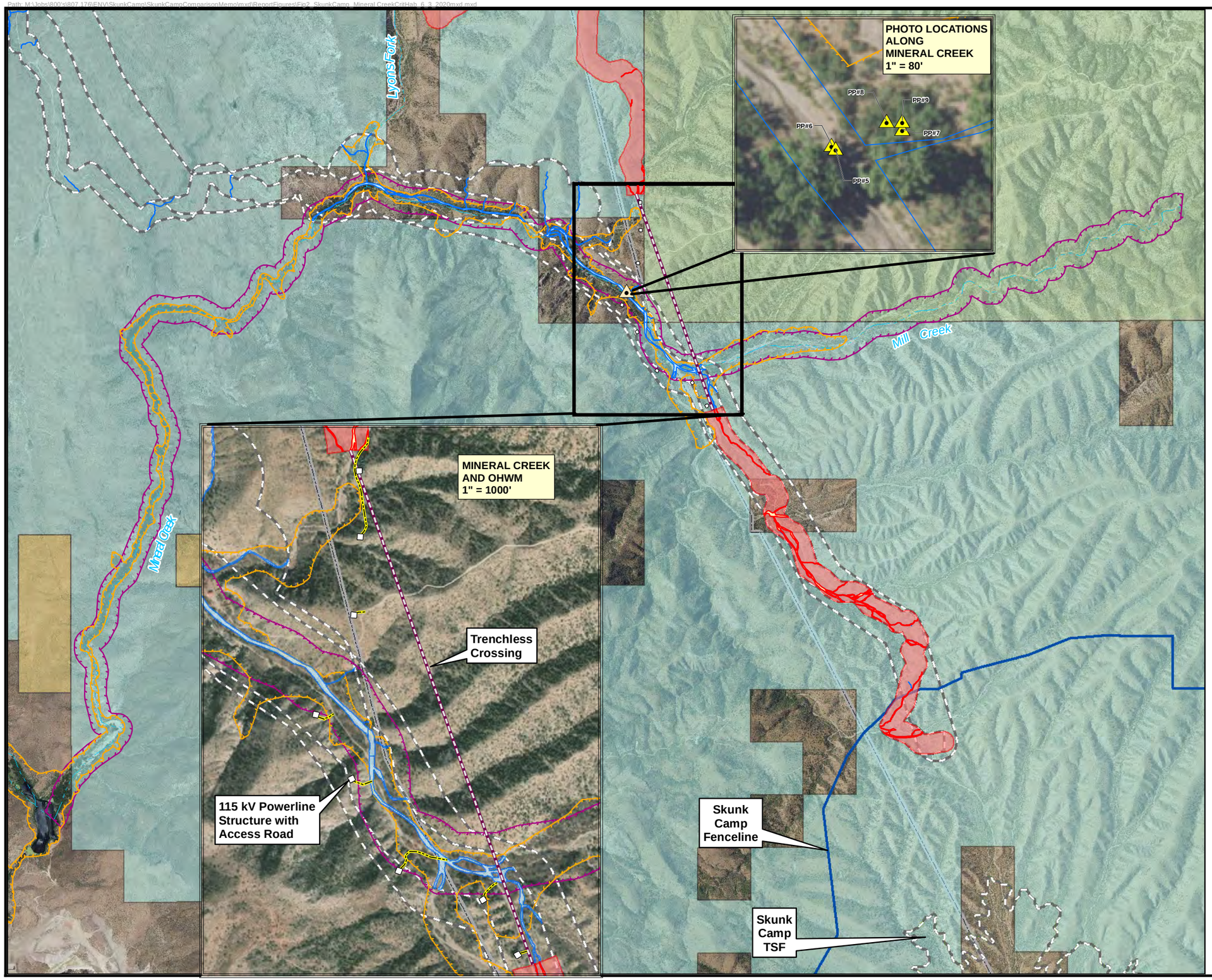
RESOLUTION COPPER
USFS Special Use Permit
Proposed North Pipeline Corridor

PROPOSED NORTH PIPELINE
FROM WEST PLANT SITE TO SKUNK CAMP

Figure 2

Path: M:\Jobs\800's\807.176\ENV\SkunkCamp\SkunkCampComparisonMemo\mxd\ReportFigures\Fig2_SkunkCamp_MineralCreekCritHab_6_3_2020mxd.mxd

Date: 7/8/2020 User: rwitzke



Pinal and Gila Counties, Arizona
Globe and Mesa 1:100,000 USGS Quadrangles
Data Sources: Post Land Exchange Surface Management, BLM, WRI Modified 2017, SWCA DEIS 8-20-2018, SRP Powerline Data, 6-2020, Golder Associates, 5-2020, and USFWS Critical Habitat.
Image Source: ArcGIS Online World Imagery, 2-6-2018

Legend

- 115 kV Power Structure
- Potential Wetland Survey Photo Point
- Streams (ALRIS)
- Skunk Camp Tunnel, Spans and Trenchless Crossings
- Skunk Camp Revised North Pipeline OHWM
- Skunk Camp North Pipeline DEIS OHWM
- North Pipeline Route 500 ft Corridor
- Skunk Camp Fenceline
- Skunk Camp Pipeline-Powerline Corridors (DEIS)

USFWS Critical Habitat

- Gila Chub Designated 2005-11-02
- Yellow-billed Cuckoo Proposed 2020-02-27

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Private Land (No Color)
- State Trust Land (ASLD)
- US Forest Service (USFS)

Note: Within the 500 Foot Corridor for the North Pipeline Route, only 200 feet will actually be disturbed.

N

0 1,200 2,400 Feet

0 400 800 Meters

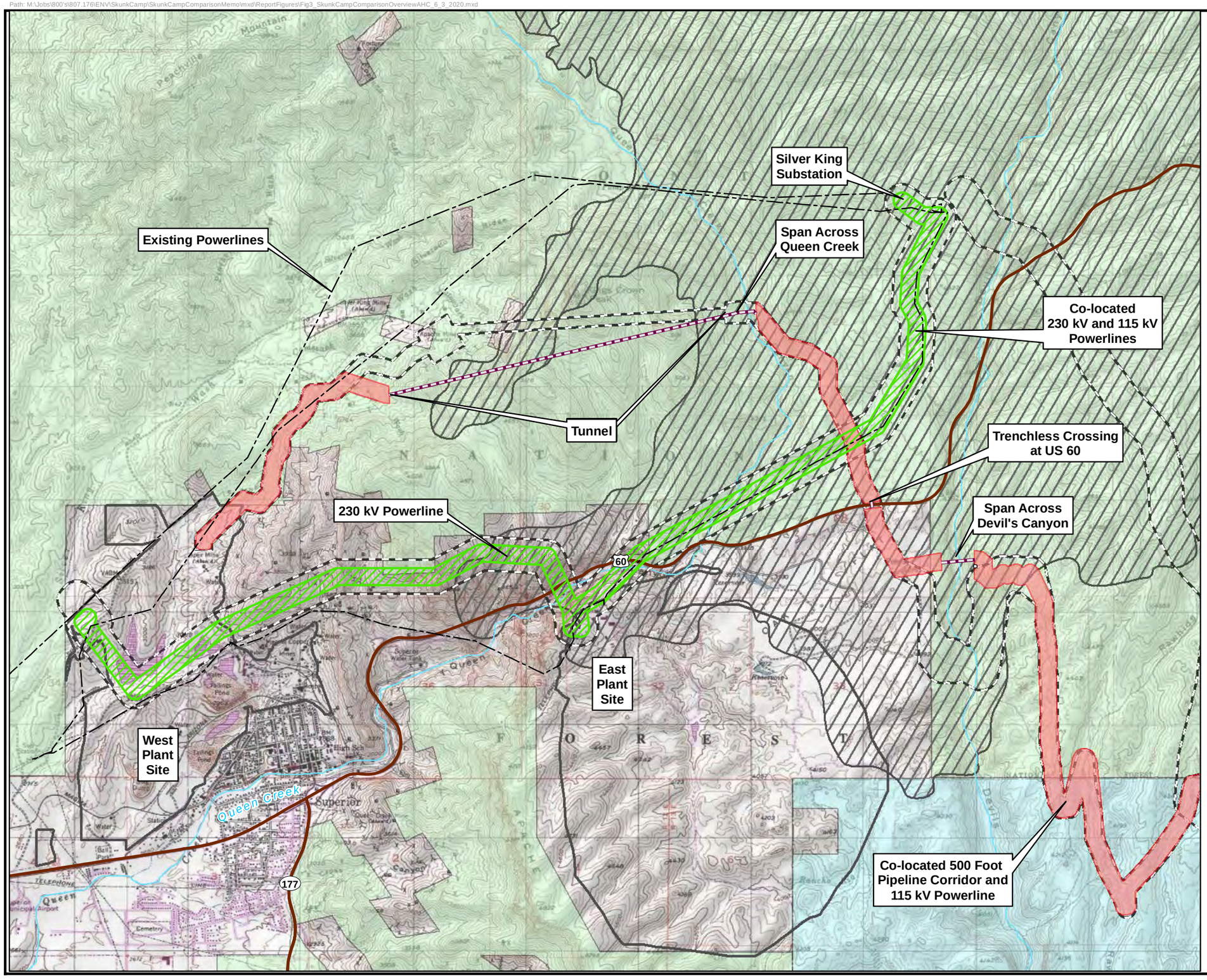
WestLand Resources

RESOLUTION COPPER

Skunk Camp Comparison Memo

USFWS CRITICAL HABITAT AND MINERAL CREEK CROSSING

Figure 2



Pinal and Gila Counties, Arizona
Globe and Mesa 1:100,000 USGS Quadrangles
Data Sources: Post Land Exchange Surface Management, BLM, WRI Modified 2017, SWCA DEIS 8-20-2018, SRP Powerline Data, 6-2020, and Golder Associates, 5-2020

Legend

- Existing Powerlines
- Skunk Camp Tunnel, Spans and Trenchless Crossings
- 230 kV Powerline 500 ft Corridor
- North Pipeline Route 500 ft Corridor
- Skunk Camp Pipeline-Powerline Corridors (DEIS)
- AHC Predicted Habitat (Baker 2013)

Post Land Exchange Surface Management

- Private Land (No Color)
- State Trust Land (ASLD)
- US Forest Service (USFS)

Note: Within the 500 Foot Corridor for the North Pipeline Route, only 200 feet will actually be disturbed.

N

0 2,600 5,200 Feet

0 800 1,600 Meters

WestLand Resources

RESOLUTION COPPER

Skunk Camp Comparison Memo

ARIZONA HEDGEHOG CACTUS PREDICTED HABITAT
Figure 3

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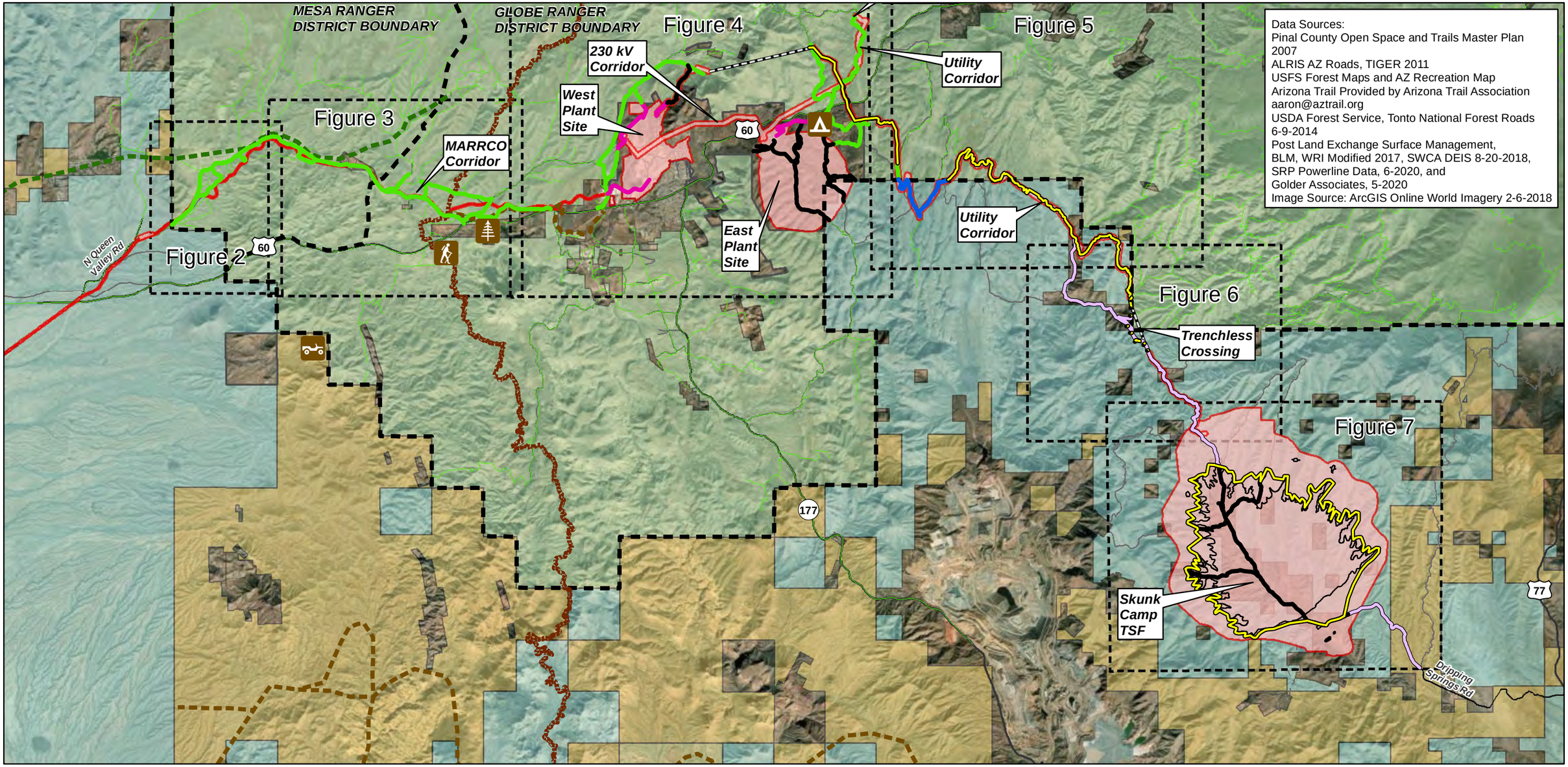


Data Sources:
Pinal County Open Space and Trails Master Plan 2007
ALRIS AZ Roads, TIGER 2011
USFS Forest Maps and AZ Recreation Map
Arizona Trail Provided by Arizona Trail Association aaron@aztrail.org
USDA Forest Service, Tonto National Forest Roads 6-9-2014
Post Land Exchange Surface Management, BLM, WRI Modified 2017, SWCA DEIS 8-20-2018, SRP Powerline Data, 6-2020, and Golder Associates, 5-2020
Image Source: ArcGIS Online World Imagery 2-6-2018

Legend

- Offroad
- Arboretum
- Campground
- Trailhead
- Proposed New Road
- Existing Road To Be Decommissioned-Restricted from Public Access
- Existing State Land Road - Public Access To Be Maintained
- Existing County Road - Public Access To Be Maintained
- Existing Forest Road - Public Access To Be Maintained
- Private Road
- Trail
- Proposed Drainage Trail
- Arizona National Scenic Trail Polyline
- TNF Ranger District Boundary
- 115 kV Power Structure
- Skunk Camp Tunnel, Spans and Trenchless Crossings
- Preferred Alternative
- Skunk Camp Seepage Dam
- Sheet Index
- TNF Roads
- US Highways
- Highways
- Arterials
- Streets
- Primitive Roads
- Post Land Exchange Resolution Holdings

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Bureau of Reclamation
- Private Land (No Color)
- State Trust Land
- National Forest System

N

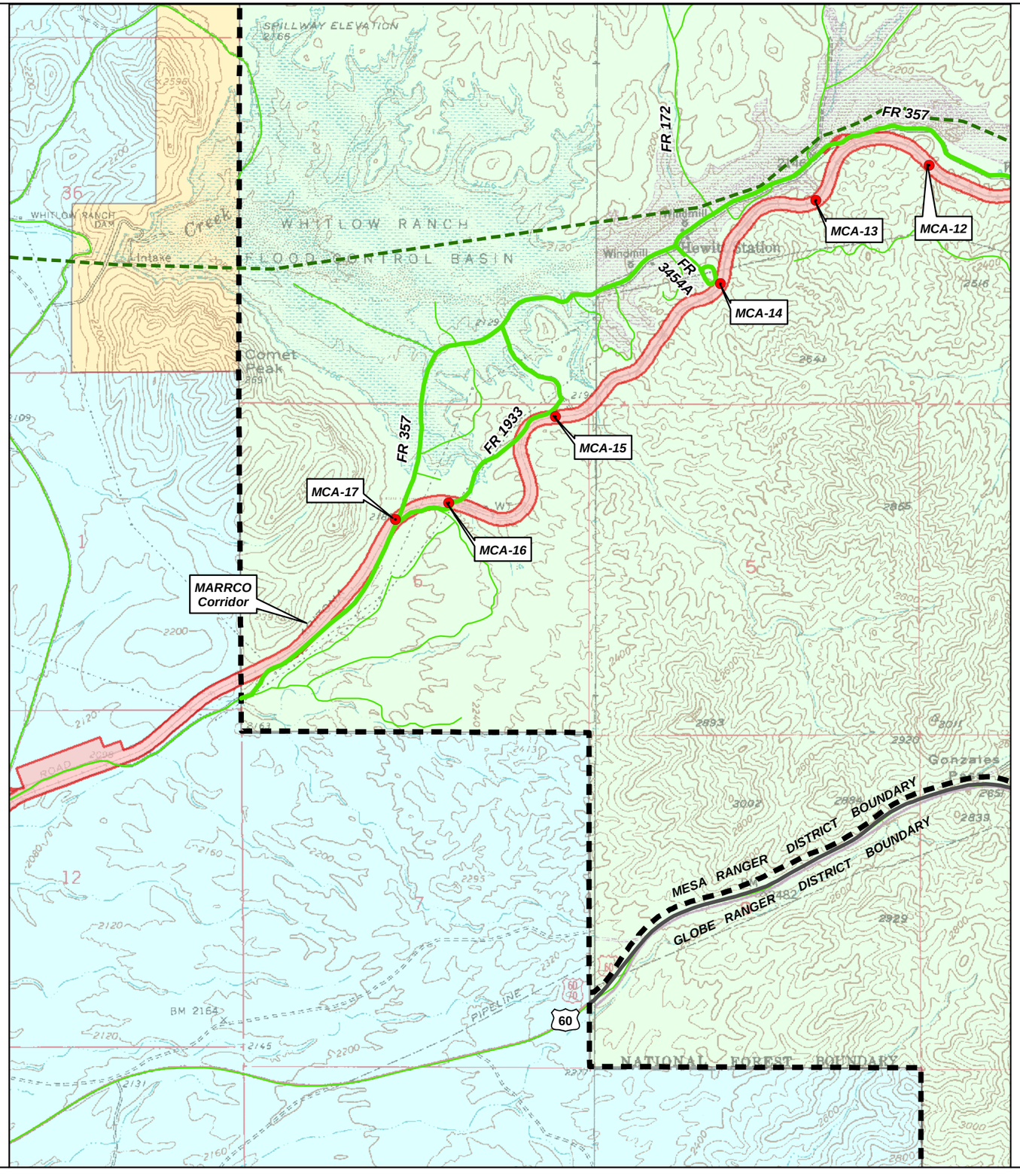
0 5,000 10,000 Feet

RESOLUTION COPPER
General Plan of Operations

ROAD USE PLAN OVERVIEW

Figure 1

Path: M:\Jobs\800's\807.176\ENV\RoadUsePlan\mxd\Fig2_MARRCO_West_7_9_2020.mxd



Legend

- MARRCO Corridor Access Point (MCA)
- Existing Forest Road - Public Access To Be Maintained
- Proposed Drainage Trail
- TNF Ranger District Boundary
- TNF Roads
- Preferred Alternative

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Private Land (No Color)
- State Trust Land
- National Forest System

Data Sources:
Pinal County Open Space and Trails Master Plan 2007
USDA Forest Service, Tonto National Forest Roads 6-9-2014
SWCA DEIS 8-20-2018
Post Land Exchange Surface Management, BLM, WRI Modified 2017
Image Source: Florence Junction & Picketpost Mountain USGS 7.5 Minute Quadrangles

N

0 900 1,800 Feet

RESOLUTION COPPER
General Plan of Operations

MARRCO

Figure 2

Path: M:\Jobs\800's\807.176\ENV\RoadUsePlan\mxd\Fig3_MARRCO_to_WPS_7_9_2020.mxd

MCA-12
MCA-11
MCA-10
MCA-9
MCA-8
MCA-7
MCA-6
MCA-5
MCA-4
MARRCO Corridor
Private Land
FR 357
FR 3454C
FR 252
FR 2383
FR 2381
FR 293
FR 8
FR 2397
FR 2395
FR 2396
60
Potts Canyon
Arizona Trail
Queen Creek Bridge
Thompson Arboretum
Gonzales Pass

Legend

- MARRCO Corridor Access Point (MCA)
- Arboretum
- Trailhead
- Existing Forest Road - Public Access To Be Maintained
- TNF Roads
- Lost Trail
- Proposed Drainage Trail
- Arizona National Scenic Trail Polyline
- TNF Ranger District Boundary
- Preferred Alternative

Post Land Exchange Surface Management

- Private Land (No Color)
- State Trust Land
- National Forest System

Data Sources:
Pinal County Open Space and Trails Master Plan 2007
USFS Forest Maps and AZ Recreation Map
Arizona Trail Provided by Arizona Trail Association
aaron@aztrail.org
USDA Forest Service, Tonto National Forest Roads 6-9-2014
SWCA DEIS
8-20-2018
Post Land Exchange Surface Management, BLM, WRI Modified 2017
Image Source: Picketpost Mountain
USGS 7.5 Minute Quadrangles

N

0 1,000 2,000 Feet

RESOLUTION COPPER
General Plan of Operations

MARRCO TO WEST PLANT SITE
Figure 3

Path: M:\Jobs\800's\807.176\ENV\RoadUsePlan\mxd\Fig4_WPS_EPS_7_9_2020.mxd

Silver King Substation
Span Across Queen Creek
Tunnel
Utility Corridor
FR 342
FR 229
FR 2445
FR 2446
Gate
FR 1010
FR 2458
Gate
PNR-1
Process Water Pond
Gate
230 kV Corridor
FR 2459
FR 342
Gate
Concentrator Complex
Magma Mine Road Realignment
Span Across Devils Canyon
Development Rock Stockpile
FR 229 Bypass (Along FR 8 & FR 3152)
FR 229
Gate
FR 469
FR 2439
Silver King Mine Road (Alternate Entrance to Substation) Gate
East Plant Site
FR 2433
FR 315
Gate
FR 2438
FR 650
FR 3152
FR 229
FR 2434
FR 2432
Gate
Utility Corridor
FR 8
Administration Building
FR 3153
FR 229 Bypass (Along FR 8 & FR 3152)
FR 8
FR 8
East Plant Site Fracture Zone
Gate
MARRCO Corriodor
MCA-1
East Plant Site Subsidence Zone
FR 315
MCA-2
MCA-3
60
FR 2400
Gate
Alternate Road
West Plant Site
Gate
FR 2395
60
Laydown Yard
FR 2403
LOST Trail
FR 3154
FR 230
PNR 08
FR 989
FR 988
FR 2423
FR 2424
FR 2422
FR 2426
FR 2425
Arnett Creek

Legend

- Gate
- MARRCO Corridor Access Point
- Campground
- Private Road
- Proposed New Road
- Existing Road To Be Decommissioned-Restricted from Public Access
- Existing Forest Road - Public Access To Be Maintained
- Lost Trail
- Arizona National Scenic Trail Polyline
- TNF Ranger District Boundary
- TNF Roads
- Subsidence Zone
- Fracture Zone
- Skunk Camp Tunnel, Spans and Trenchless Crossings
- Preferred Alternative

Post Land Exchange Surface Management

- Private Land (No Color)
- State Trust Land
- National Forest System

Note: Project area around disturbance area defined by modeled zone of continuous subsidence.

Data Sources:
Pinal County Open Space and Trails Master Plan, 2007
ALRIS AZ Roads, TIGER 2011
USFS Forest Maps and AZ Recreation Map
Arizona Trail Provided by Arizona Trail Association aaron@aztrail.org
SWCA DEIS 8-20-2018
Subsidence and Fracture Zone 2017
West Plant Facilities
Provided by M3 Engineering, July 6, 2020
USDA Forest Service, Tonto National Forest Roads 6-9-2014
Post Land Exchange Surface Management, BLM, WRI Modified 2017,
SRP Powerline Data, 6-2020, and
Golder Associates, 5-2020
Image Source: Picketpost Mountain & Superior USGS 7.5 Minute Quadrangles

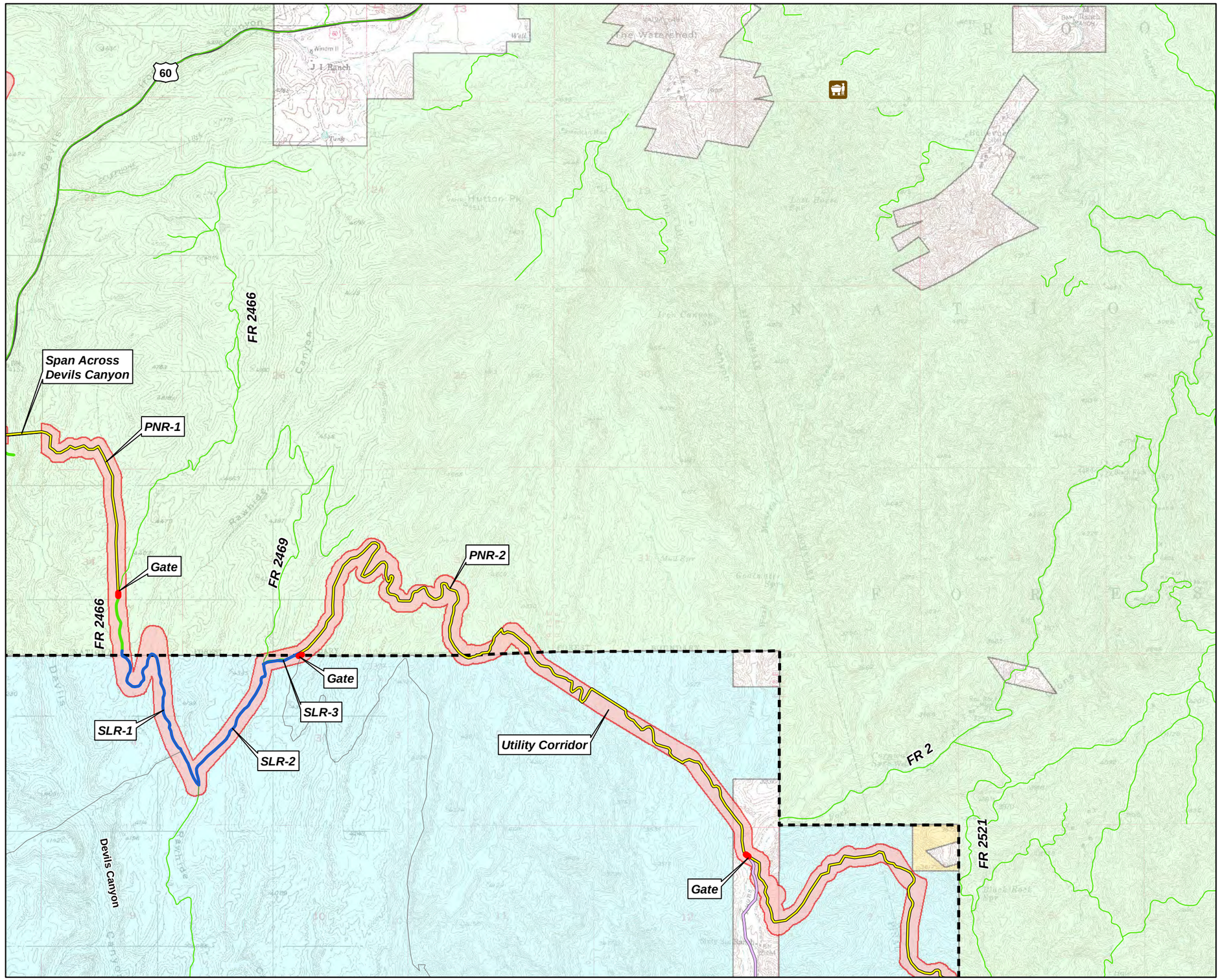
N

0 1,500 3,000 Feet

RESOLUTION COPPER
General Plan of Operations

WEST AND EAST PLANT SITES
Figure 4

Path: M:\Jobs\800's\807.176\ENV\RoadUsePlan\mxd\Fig5_North_SCamp_UtilCorr_7_10_2020.mxd



Legend

- Gate
- Mine
- Proposed New Road
- Existing State Land Road - Public Access To Be Maintained
- Existing County Road - Public Access To Be Maintained
- Existing Forest Road - Public Access To Be Maintained
- TNF Ranger District Boundary
- TNF Roads
- Skunk Camp Tunnel, Spans and Trenchless Crossings
- Preferred Alternative

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Private Land (No Color)
- State Trust Land
- National Forest System

Data Sources:
ALRIS AZ Roads, TIGER 2011
USDA Forest Service, Tonto National Forest Roads 6-9-2014
Post Land Exchange Surface Management, BLM, WRI Modified 2017,
SRP Powerline Data, 6-2020, and
Golder Associates, 5-2020
Image Source: Superior and Pinal Ranch
USGS 7.5 Minute Quadrangles

N

0 1,400 2,800 Feet

RESOLUTION COPPER
General Plan of Operations

UTILITY CORRIDOR
Figure 5

Path: M:\Jobs\800's\807.176\ENV\RoadUsePlan\mxd\Fig6_MiddleSCampCorridors_7_10_2020.mxd

PNR-2
PNR-2
Utility Corridor
FR 2521
FR 2528
PNR-3 To Poles 184 and 185
FR 899
PNR-4 Pole 186 & Gate
Trenchless Crossing
FR 248
Dripping Springs
PNR-5 Pole 190 & Gate
PNR-6 Pole 191 & Gate
PNR-7 Pole 194 & Gate
PNR-8 Pole 195 & Gate
PNR-9 Pole 196 & Gate
Road
Utility Corridor
Skunk Camp Fenceline
Gate
Gate
Gate
Gate

Legend

- Gate
- 115 kV Power Structure
- Proposed New Road
- Existing County Road - Public Access To Be Maintained
- TNF Ranger District Boundary
- TNF Roads
- Skunk Camp Tunnel, Spans and Trenchless Crossings
- Preferred Alternative

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Private Land (No Color)
- State Trust Land
- National Forest System

Data Sources:
ALRIS AZ Roads, TIGER 2011
USDA Forest Service, Tonto National Forest Roads 6-9-2014
Post Land Exchange Surface Management, BLM, WRI Modified 2017,
SRP Powerline Data, 6-2020, and
Golder Associates, 5-2020
Image Source: Pinal Ranch & Hot TamalePeak USGS 7.5 Minute Quadrangles

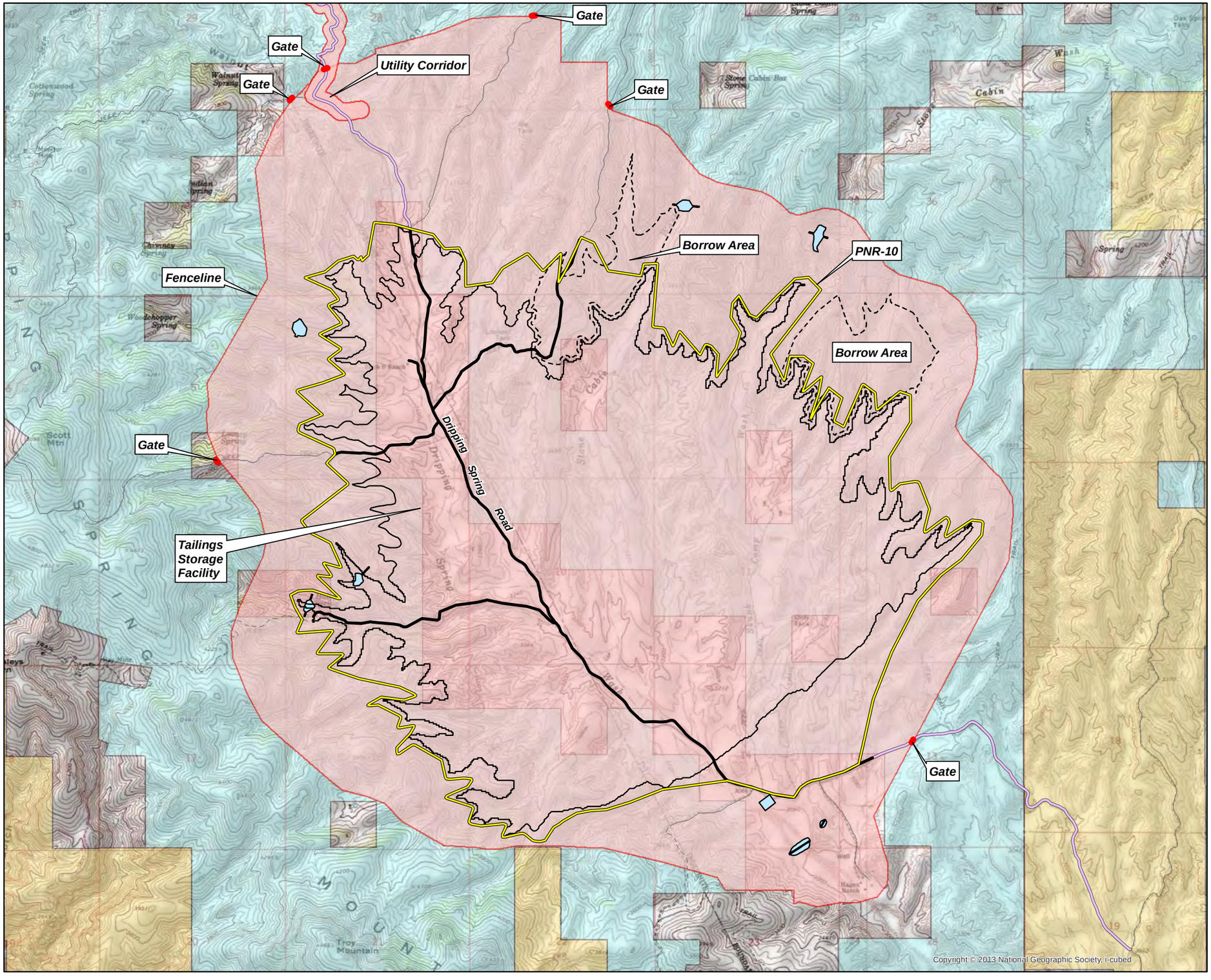
N

0 1,000 2,000 Feet

RESOLUTION COPPER
General Plan of Operations

UTILITY CORRIDOR
NORTH OF TSF
Figure 6

Path: M:\Jobs\800's\807.176\ENV\RoadUsePlan\mxd\Fig7_SkunkCampTSF_7_10_2020.mxd



Legend

- Gate
- Proposed New Road
- Existing Road To Be Decommissioned-Restricted from Public Access
- Existing County Road - Public Access To Be Maintained
- Skunk Camp TSF
- Skunk Camp Diversion Dikes and Seepage Dams
- TSF Borrow Areas
- Preferred Alternative

Post Land Exchange Surface Management

- Bureau of Land Management (BLM)
- Private Land (No Color)
- State Trust Land

Data Sources:
ALRIS AZ Roads, TIGER 2011
Post Land Exchange Surface Management, BLM, WRI Modified 2017,
SWCA DEIS 8-20-2018,
SRP Powerline Data, 6-2020, and
Golder Associates, 5-2020
Image Source: Hot Tamale Peak and El Capitan Mountain USGS 7.5 Minute Quadrangles

N

0 1,400 2,800 Feet

RESOLUTION COPPER
General Plan of Operations

SKUNK CAMP TSF
Figure 7

APPENDIX C

OBJECTION RESPONSE LETTERS TO ELIGIBLE OBJECTORS

USDA United States Department of Agriculture | Forest Service | Southwestern Regional Office | 333 Broadway Blvd. SE Albuquerque, NM 87102 505-842-3292

File Code: 1570
Date: 10/20/2025

Dear Mr. Flynn:

On behalf of the Tonto National Forest (TNF), I would like to thank you for your involvement in the Resolution Copper Project and Land Exchange. This letter is in response to the objection you filed regarding the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD). I have read and considered your objection and reviewed the project record and FEIS, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 C.F.R. 218, Subparts A and B.

PROJECT OVERVIEW

Resolution Copper proposes to develop an underground copper mine on unpatented mining claims on National Forest System (NFS) land near the Town of Superior in Pinal County, Arizona, approximately 60 miles east of Phoenix. Resolution Copper is a limited liability company that is owned by Rio Tinto (55 percent) and BHP Copper, Inc. (45 percent). Rio Tinto is the managing member.

In December 2014, Congress authorized a land exchange pending completion of the FEIS, as outlined in Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (which is referred to as Public Law (PL) 113-291). The exchange parcel to be conveyed to Resolution Copper includes not only the Oak Flat Withdrawal Area but also the NFS lands above the location of the copper deposit. This collective 2,422-acre tract of land is known as the "Oak Flat Federal Parcel."

The only decision to be made by the Forest Service is limited to approval of ancillary infrastructure (road, power and pipelines) on National Forest System land associated with the Resolution Copper Project. The project-specific forest plan amendment would except the activities approved as part of the selected Federal action, namely the powerline, pipeline, and road use from complying with the specific plan components documented in the 2023 Tonto National Forest Land Management Plan.

ADMINISTRATIVE REVIEW PROCESS

Regulations at 36 C.F.R. 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections (36 C.F.R. § 218.8). The legal notice for the objection filing period was published on June 20, 2025. According to 36 C.F.R. § 218.5(a), objections may be filed by individuals and entities who have previously submitted timely, specific written comments regarding the project during a designated opportunity for public comment. Fourteen submissions from individuals and entities were received, and six were determined eligible for objection review.

Each objection was thoroughly considered and is responded to. Overall, the objection review and remedies suggested did not reveal opportunities for resolution; therefore, I did not hold a resolution meeting. This letter, including instructions to the Responsible Official, is my written response to your objections.

OBJECTION & RESPONSE SUMMARY

You raised multiple issues and they are categorized into their general subject matter area below. Under each subject area, a summary of the primary comments or contentions you raised are presented, followed by my response as the Reviewing Officer. These responses are intended to address your major concerns but may not be a comprehensive listing of all points raised. Per 36 C.F.R. 218.11(b), objection responses do not need to be point-by-point. Each contention identifies you by your four-digit objection identification number, followed by a comment number. Project record (PR) documents are cited throughout responses with the document number and page reference, for example: [PR 241030, pp. 1-2].

Air Quality

Comment 0233-54:
You contend that the Forest Service failed to fully consider the project's direct, indirect, and cumulative impacts, as well as an analysis of all background/baseline conditions related to air quality and therefore cannot ensure compliance with federal law. You suggest there is a lack of adequate mitigation analysis. You identify the need for a conformity determination and the additional requirements associated with obtaining this determination.

Response:
The FEIS disclosed baseline monitoring, including the description of collected data that are representative of conditions near the project sources which were used as input for dispersion modeling of emissions and impacts [PR 0006441, pp. 351-352]. The Forest provided a thorough background/baseline monitoring program from the project site, including mitigations processes for the alternatives and completed modeling [PR 0006441, pp. 364-378]. Mitigation measures related to air are included in the FEIS, with additional details available in Appendix J. These mitigations include ensuring that air quality is not impacted by fugitive dust and reducing overall greenhouse gas emission from the project [PR 0006441, pp. 378-379; Appendix J].

The FEIS relied on the *Process Memorandum to File: Air Quality Resource Analysis: Assumptions; Methodology Used; Relevant Regulations, Laws, and Guidance; and Key Documents* [PR 0110723], that describes in detail the air quality analysis completed by the Forest, including describing the resource analysis area and providing modeling results for all alternatives. Five years of background/baseline data was captured at the project site and used to complete required air quality modeling and analyses.

A conformity determination is required for all Federal actions that take place in areas designated as nonattainment or maintenance and exceed the de minimus emission threshold established by the General Conformity Rule of the Clean Air Act. If more than one action is performed the total emissions of all the actions must not exceed the established rates [40 C.F.R. Part 93, Subpart B].

An analysis was performed for the filter plant and loadout facility in the West Pinal PM10 Nonattainment Area and the total emissions fell below the de minimus threshold so no conformity analysis is necessary. An additional analysis was performed for the East Plant Site and Alternative 6 (Skunk Camp tailings storage facility) both of which are located within the Hayden PM10 Nonattainment Area. The combined emissions from the East Plant Site and Alternative 6 exceed the de minimus threshold of 100 tons per year. The FEIS states "there are two compliance options to demonstrating conformity, including (1) the issuance of a permit under the Federal New Source Review Program, which is implemented by Pinal County Air Quality Control District (PCAQCD) and Arizona Department of Environmental Quality (ADEQ) for this location, and (2) dispersion modeling that demonstrates that the proposed action or preferred alternative will not cause or contribute to an exceedance of the ambient air quality standard" [PR 0006441, p. 360]. Dispersion modeling was completed and demonstrated compliance with the air quality standard [PR 0006441, p. 360]. The Forest anticipates there will be a permit issued under the Federal New Source Review Program. Under option (1) a conformity determination is not required [40 C.F.R. 93.153(d)(1)], option (2) the Federal action is "presumed to conform" [40 C.F.R. 93.153(g)(1)]. The FEIS states that the emission rates and resulting dispersion modeling impacts are "satisfactorily conservative and sufficient to be used to demonstrate conformity with the air quality standards" [PR 0006441, pp. 360-361].

Instruction 0233-54: Clarify how Clean Air Act conformity will be met in the Final ROD.

Cultural Resources

Comment 0233-33:
You contend that the Forest Service has not complied with Section 106 of the National Historic Preservation Act (54 USC § 306108) and its implementing regulations (36 C.F.R. 800 Part B) because the Advisory Council on Historic Preservation (ACHP) terminated consultation on the programmatic agreement (PA) prepared to resolve the adverse effects of the undertaking on historic properties in accordance with 36 C.F.R. 800.7(a). Further, you assert that ACHP informed the agency that it could not rely on the mitigation measures in the PA in support of the FEIS or DROD.

Response:
The ACHP has no role in reaching a final determination of adequacy regarding an agency's mitigation measures for the resolution of adverse effects. In general, the role of the ACHP is to provide "guidance and advice on the application" of Section 106 procedures. In the resolution of adverse effects, it is the role of the ACHP, if it so chooses, to consult with the agency on how best to "seek ways to avoid, minimize, or mitigate the adverse effects (36 C.F.R. 800.6(b)(2))." The failure of the agency and the ACHP to agree on the appropriate measures to avoid, minimize, or mitigate adverse effects does not mean that the agency has not appropriately completed the Section 106 process. Rather, it requires the agency to provide its rationale for proceeding with the undertaking in the absence of an agreement (36 C.F.R. 800.7(c)(4)), which the agency did on April 17, 2025 [PR 0006441, p. 815; PR 0006371].

The ACHP terminated consultation in part because it believes that the "mitigations measures in the PA [are] wholly inadequate in light of the magnitude of" the adverse effects of the

undertaking [PR 0004974, p. 5]. However, the ACHP did not provide any suggestion on what adequate mitigation measures would be, or how the agency might arrive at them. Instead, the ACHP recommended that the U.S. Department of Agriculture (USDA) work to repeal or amend Section 3003 of PL 113-291 of the 2015 National Defense Authorization Act (NDAA) that authorized the undertaking. In addition, ACHP recommended that the USDA further consult with Tribes and other parties to reevaluate alternatives that would avoid or minimize adverse effects, such as alternative mining techniques dismissed from further analysis in the FEIS [PR 0004974, pp. 6-7]. In the Secretary's April 17, 2025, 36 C.F.R. 800.7(c)(4) response to ACHP's comments, she makes clear that USDA is prohibited by law from requesting that Section 3003 of PL 113-291 be repealed [PR 0006371, Attachment 1, p. 1]. Further, the FEIS and project record contain a detailed consideration of alternative mining techniques, and as a consequence of this review, concludes that utilizing techniques other than those proposed would not meet the purpose and need of the undertaking and cannot be included in the range of alternatives considered [PR 0006441, pp. 50-51, Appendix F].

In addition,, the ACHP advised, in the absence of the repeal of Section 3003 of PL 113-291 or the reconsideration of alternative mining techniques, that the agency use the PA as written to identify and implement mitigation measures to resolve adverse effects: "If USDA decides to proceed with the undertaking as described, the ACHP recommends the [agency] commit to implementing the terms of the PA, including but not limited to the phased identification process, the historic property treatment plans, and the listed mitigation measures in cooperation with Resolution Copper and the other invited signatories and in consultation with the consulting parties" [PR 0004974, p. 7]. The agency has accepted ACHP's advice in full and will incorporate the mitigation measures in the unexecuted PA into the Final ROD and the special use permit for the use of NFS lands [PR 0006441, p. 815, Appendix J; PR 0006694, pp. 38-41]. While the lack of an executed agreement limits the mitigation measures that the Forest Service can require, those measures that the agency cannot require will be enforced through contractual, financial, or other agreements between the project proponent and other State and Municipal entities.

Groundwater

Comment 0233-29:
You contend that there are no committed mitigations for water resource impacts, including for the Desert Wellfield and subsidence impacts in the East Salt River Valley. You further contend the Forest Service failed to meet its obligations under law to reasonably analyze all potential mitigation measures, and the effectiveness of any such mitigation measures. [0233, pp. 60-62]

Response:
FEIS Appendix J lists mitigation measures for water resources that the Forest Service is requiring under its authority, mitigation measures brought forward and committed by Resolution Copper outside of Forest Service authority, and mitigation measures volunteered by Resolution Copper that are publicly committed but not by some contractual, financial, or other agreement [PR 0006441, p. J-3]. The FEIS lists Forest Service required mitigation measures for water resources, including FS-WR-01: Groundwater-dependent ecosystems (GDEs) and water well mitigation [PR 0006441, pp. J-19 to J-21]; FS-WR-04: Replacement of water in Queen Creek [PR 0006441, pp. J-22 to J-23], and FS-WI-04: Maintain or replace access to stock tanks and

Arizona Game and Fish Department (AGFD) wildlife waters [PR 0006441, p. J-28]. Multiple mitigation concepts were raised in DEIS public comments and were brought to Resolution Copper for consideration. Resolution Copper responded to the conceptual mitigation lists with a suite of mitigations to which they would commit [PR 0004833]. The FEIS states that there are no Resolution Copper committed mitigations for groundwater quantity and GDEs, groundwater and surface water quality, or surface water quantity [PR 0006441, pp. 453, 563, and 597 respectively]. However, there are three water resource mitigations (FS-WR-01, FS-WR-02, and FS-WR-04) that address ground water and well water mitigation, 404 compensatory mitigation plan, and replacement of water in Queen Creek [PR 0006441, p. J-7]. There is one voluntary measure: RV-WR-03: Skunk Camp water quality monitoring plan [PR 0006441, p. J-24]. The effectiveness of these measures is assessed in the FEIS [PR 0006441, pp. 450-453; 562-565; 596-597; 641-643].

An analysis of the potential for land subsidence in the East Salt River Valley due to Desert Wellfield pumping can be found in the FEIS [PR 0006441, pp. 436-437]. The analysis describes that subsidence is irreversible and could occur if the maximum drawdown modeled for the Desert Wellfield is reached but it is noted that subsidence effects are a basin-wide phenomenon, and the impact from one individual pumping source cannot be predicted or quantified.

There is no mitigation required under the Federal Land Policy and Management Act (FLPMA) for the approval of Special Use Permits. However, consistent with 36 C.F.R. 251.56 and Forest Service directives, the agency uses national, special use authorization forms that include standardized terms and conditions that help protect forests from depredation while balancing the needs of the public and multiple use mandate [PR 0006694, p. 43]. With respect to future Arizona Department of Water Resources (ADWR) permitting, the Forest Service has no authority to determine or enforce compliance with other agencies' laws or regulations.

Comment 0233-35:
You contend that the required mitigation to address groundwater-dependent ecosystems (GDEs) at the mine site is insufficient. [0233, pp. 66-72]

Response:
The Forest Service followed a comprehensive process for requiring mitigation for those water impacts under its authority and jurisdiction (i.e., loss of water on or below NFS lands near the mine site). Measure FS-WR-01 is a required measure for replacing water in GDEs if impacts result from drawdown due to dewatering at the mine site [PR 0006441, pp. J-19 to J-23]. The effectiveness of this measure is assessed in the FEIS [PR 0006441, pp. 450-453]. The plan focuses on GDEs that are believed to rely on regional groundwater that could be impacted by the mine and is not intended to address water sources associated with perched shallow groundwater in alluvium or fractures [PR 0006441, p. J-19]. Additional springs sources that were not analyzed are addressed in the FEIS Appendix R [PR 0006441, p. R-380]. A revision [PR 0005885] to the *Monitoring and Mitigation Plan for Groundwater Dependent Ecosystems and Water Wells* [PR 0004824] assumes that mitigation for GDE impacts will take place if clear quantitative triggers are met and would not be implemented if a defensible argument could be made otherwise.
For impacts to private water supplies near the mine site caused by dewatering mitigation is required [PR 0006441, pp. J-19 to J-23].

The rationale for choosing the model limitations, including timeframe, are clearly articulated in the FEIS [PR 0006441, pp. 390-396]. A dissenting opinion from a Groundwater Modeling Workgroup member with respect to timeframe was fully articulated and considered, as well [PR 0004461, p. 45].

Comment 0233-36:
You contend that there are no committed mitigations for water resource impacts, including for the Alternative 6 Skunk Camp tailings facility. [0233, p. 73]

Response:
Mitigation for water resources, including for the Alternative 6 Skunk Camp tailings facility, can be found in Appendix J of the FEIS and includes: FS-WR-01: Groundwater-dependent ecosystems (GDEs) and water well mitigation [PR 0006441, pp. J-19 to J-21]; FS-WR-04: Replacement of water in Queen Creek [PR 0006441, pp. J-22 to J-23]; FS-WI-04: Maintain or replace access to stock tanks and AGFD wildlife waters [PR 0006441, p. J-28]; and RV-WR-03: Skunk Camp water quality monitoring plan [PR 0006441, p. J-24].

There are no "committed" water quality measures for Skunk Camp, meaning there are no contractual, financial, or other agreements for Resolution Copper to do them. Measure RV-WR-03 [PR 0006441, p. J-28] is voluntary on behalf of Resolution Copper but authority for these measures will ultimately reside with ADEQ under the APP and Arizona Pollutant Discharge Elimination System (AZPDES) programs. With respect to future ADWR permitting, the Forest Service has no authority, obligation, or expertise to determine or enforce compliance with other agencies' laws or regulations.

Comment 0233-18:
You contend the Forest Service failed to identify the basis for an assumption that the East Salt River Valley has 8.1 million acre-feet in storage. [0233, pp. 49-51].

Response:
The analysis concerning the East Salt River 8.1-million-acre-feet in storage is found in FEIS Section 3.7.1 separately for each alternative [PR 0006441, pp. 444-448]. The source of the 8.1-million-acre-foot value is shown in Footnote 71 [PR 0006441, p. 444]. The Footnote references meeting notes that include the presentation *Evaluation of Impacts from Desert Wellfield Pumping, Resolution Copper EIS* [PR 0110916, p. 19]. Several other FEIS references are noted in Footnote 71, including the *Substantive Policy Statement: Hydrologic Studies Demonstrating Physical Availability of Groundwater for Assured and Adequate Water Supply Applications* [PR 0005973] and *Regional Groundwater Flow Model of the Pinal Active Management Area, Arizona: Model Update and Calibration* [PR 0005970]. This Footnote describes how the amount of groundwater in storage was calculated including the values used and the source of those values. This includes guidance from ADWR for determining physical availability of groundwater in an AMA.

The FEIS and project record provide the detail for how the 8.1 million acre-feet was determined.

Effects analyses included how the Resolution Copper Project could affect water availability and quality in three key areas: groundwater quantity and groundwater-dependent ecosystems (GDEs), groundwater and surface water quality, and surface water quantity. Direct, indirect and cumulative impacts were summarized along with jurisdictional findings [PR 0006441, p. ES-25]. Further details about effects to each of these resources under each alternative scenario were more fully described in Chapter 3.7 of the FEIS [PR 0006441, pp. 381- 598]. Chapter 4 of the FEIS included discussions about cumulative effects related to water resources in Sections 4.3.3.6, 4.3.3.7 and 4.3.3.8 [PR 0006441, pp. 948-953]. The FEIS Volume 5 Appendices H, L, M, and N provide further water resources data supporting the analyses described in Chapter 3 [PR 0006441, pp. H-1 to H-8; L-1to L-26; M-1 to M-22; N-1 to N-15].

Comment 0233-19:
You contend the Forest Service failed to adequately consider impacts from the project related to water resources. This includes cumulative future water uses in the East Salt River Valley such as the Superstition Vistas planning area, including the lack of extrapolation of water use to the full Superstition Vistas planning area. You claim that the statement in the FEIS that some portion of the Superstition Vistas planning area was included in the modeling is false. [0233, pp. 58-59]

Response:
Superstition Vistas is a large tract of vacant Arizona state trust land in the East Salt River Valley that is anticipated to be developed. This future development has been considered since the beginning of the NEPA process. At the time of the quantitative cumulative groundwater model, no lands within Superstition Vistas had yet been sold for development. This changed in late 2020, when the first Superstition Vistas parcel was auctioned by the State [PR 0006441, p. 987].

According to the Master Water Plan for Superstition Vistas [PR 0006001] the water supply for the auctioned parcel will come from Apache Junction Water District, which has a Designation of Assured Water Supply. All committed Assured Water Supplies (AWSs) are already incorporated into the quantitative cumulative groundwater model. This includes AWSs from Apache Junction Water District which includes those supplying the sole auctioned part of Superstition Vistas. Therefore, the portion of Superstition Vistas that has a demonstrated source of water has been quantified and included in the regional cumulative effects groundwater model.

Other portions of Superstition Vistas without demonstrated water supplies are speculative and not explicitly modeled [PR 0006441, p. 987]. DEIS comments point to a conceptual planning document for the Superstition Vistas area [PR 0004867] which is also referenced in the FEIS. This planning document offers no details on water supply but does suggest water demand could be nearly 190,000 acre-feet/year based on a “high growth” projection [PR 0004867, p. 15]. While the cumulative effects modeling does not preclude the future Superstitions Vistas’ development and the population growth it portends, the cumulative effects modeling suggests that regional water supplies would become more limited and would need to be carefully assessed for sufficiency based on actual development plans for the area. This assessment would take place at a basin-wide planning level by Arizona State Land Department (ASLD) before auctioning of the land, as well as through the existing regulatory framework, which requires AWS permitting before approving each subdivided parcel [PR 0006441, p. 987].

Comment 0233-22:
You contend there are inconsistent approaches with identifying water uses as "speculative" or not, as applied to Superstition Vistas and a number of reasonably foreseeable housing developments in/near the nearby Town of Florence. [0233, pp. 56-60]

Response:
The portion of Superstition Vistas that has a demonstrated source of water has been quantified and included in the regional cumulative effects groundwater model. Other portions of Superstition Vistas without demonstrated water supplies are speculative and not explicitly modeled [PR 0006441, p. 987].

None of the proposed master planned communities identified in the 2020 Florence General Plan have submitted master development plans in a recent timeframe, except Merrill Ranch in 2007. The residential component of Merrill Ranch is expected to be the largest water user. This development would be required to show 100 years of water supply prior to authorization. This demonstration is not yet made and the exact water supplies for the project are not yet known. Most of the development is not within the Phoenix AMA and the groundwater cumulative effects analysis area, and any future groundwater pumping to supply the development may or may not be located within the groundwater cumulative effects analysis area [PRs 0110920; 0004293; 0004292; 0004788].

The FEIS Chapter 4, Section titled "Cumulative Effects on Regional Water Supplies" [PR 0006441, pp. 977-989] provides a holistic discussion of cumulative effects on overall regional water supplies, including developments like Merrill Ranch and the portion of Superstition Vistas that was auctioned off for development in 2020. Specifically, the overall use of water resources and development in the East Salt River Valley is assessed for cumulative effects in FEIS Section 4.3.4.1 [PR 0006441, pp. 981-989].

Comment 0233-23:
You contend that drought-related future actions were not analyzed, including the Drought Contingency Plan and new well infrastructure in Pinal County. [0233, pp. 61-62]

Response:
The FEIS and project record show that the items you noted were appropriately incorporated into the analysis and disclosed, including: 1) Drought Contingency Plan (DCP), 2) new well infrastructure in Pinal County, and 3) the additional water use that might result from that new well infrastructure. At the beginning of the NEPA process, the DCP was handled as a potential reasonably foreseeable future action (RFFA) to be addressed as a potential cumulative effect. The DCP was assessed as a RFFA multiple times during the NEPA process [PR 0110902; PR 0004293; PR 0004292].

The DCP is not a RFFA because there is no temporal overlap with the project and therefore it is not included in the quantitative GIS-based FEIS Chapter 4 cumulative effects analysis [PR 0006441, pp. 933-975]. However, as the FEIS progressed, these types of water scarcity issues, even though not strictly considered RFFAs, were given special treatment in a separate section of Chapter 4 titled "Cumulative Effects on Regional Water Supplies" [PR 0006441, pp. 977-989].

This is meant to be a holistic, qualitative discussion of regional water supplies and scarcity issues, and also includes a quantitative, cumulative groundwater model that assesses East Salt River Valley water supplies for 100+ years. This section of Chapter 4 includes the following discussions, and as noted, the DCP has its own section [PR 0006441, pp. 978-980].

The approach for the DCP (which was raised in public comments) is explained in FEIS Appendix R, Response to Comments WT4_F [PR 0006441, p. R-339]. This response also explains that additional work was conducted between DEIS and FEIS to address this concern: "*Despite the fact that the Drought Contingency Plan itself could not be analyzed, we expanded the FEIS cumulative effects analysis (chapter 4 of the FEIS) to quantify the cumulative effects of competing water uses in the region and the ramifications of ongoing drought or future meteorological trends*." The potential for new well infrastructure in Pinal County as a result of drought negotiations is explicitly discussed in Chapter 4 [PR 0006441, p. 980]. This is further discussed in the context of the Pinal AMA as well [PR 0006441, p. 983].

Comment 0233-24:
You contend that the FEIS declined to consider the groundwater impacts from the Florence Copper project as a cumulative effect and the cumulative effects analysis area around the Desert Wellfield was narrowed to exclude nearly all RFFAs within the proximity of the Desert Wellfield. [0233, p. 62]

Response:
The Florence Copper project is discussed in FEIS Chapter 4 [PR 0006441, p. 983]. The project was screened as a RFFA but only fell within the cumulative effects analysis area for socioeconomics. Florence Copper was not analyzed with respect to groundwater resources because there are no groundwater impacts that would overlap with Desert Wellfield pumping impacts and the project falls outside the cumulative effects analysis area for groundwater. Besides the analysis in the FEIS, Florence Copper is also discussed in the project record. The Florence Copper Project is a RFFA that is considered in the FEIS cumulative effects analysis [PR 0006441, p. 932]. The Florence Copper Project only passed the screening for socioeconomic and geology effects, but not for groundwater resources in the Cumulative Effects Analysis [PR 0110902, p. 73]. This is because Florence Copper is located beyond the cumulative effects analysis area for groundwater resources, which is the boundary of the Phoenix AMA.

Comment 0233-26:
You contend the Forest Service failed to do any water budget analysis for the post-closure period as suggested by the Bureau of Land Management (BLM), and that the Forest Service failed to consider long-term water impacts. [0233, pp. 53-54]

Response:
The BLM "water report" included a suggestion that a post-closure water budget be included in the FEIS [PR 0005882, p. 19]. The NEPA team assessed the BLM report to determine if changes needed to be made to the FEIS and concluded, "The sole water component from Appendix H remaining after closure is seepage from the tailings storage facility. The continuation of seepage is already discussed in the FEIS for each alternative (see section 3.7.2 "Ramifications for Long-

Term Closure"). Additional language has been added to the FEIS in response to this comment to clarify the components of the water balance that continue post-closure" [PR 0005781, p. 6-36].

Long-term water impacts are addressed in the FEIS in Section 3.7.2, "Ramifications for Long-Term Closure" [PR 0006441, pp. 513, 521, 529, 538, 552]. Longer term modeled impacts for springs in the Queen Creek Basin, Devil's Canyon, Queen Creek, Telegraph Canyon, Arnett Creek, and water supplies are discussed in FEIS Section 3.7.1 [PR 0006441, p. 435]. These sections refer to FEIS Appendix L, which show hydrographs to 200 years but also show the ongoing trends [PR 0006441, pp. L-1 to L-26].

Analysis related to climate change is compiled in FEIS Chapter 4, Section 4.3.4.2 "Future Meteorological Trends" [PR 0006441, pp. 989-996]. The primary impact of these trends to the groundwater model would be through a decrease in precipitation recharging the aquifer, or an increase in loss of water through evaporation or transpiration from higher temperatures [PR 0006441, p. 992]. FEIS Section 3.7.1, "Groundwater Quantity and Groundwater-Dependent Ecosystems" focuses on the effect ongoing meteorological trends would have on the hydrologic water balance in the area, particularly changes to groundwater recharge which may decline [PR 0006441, p. 410]. FEIS Section 3.7.3, "Surface Water Quantity" focuses on the effect ongoing meteorological trends would have on the hydrologic water balance in the area. Runoff could decrease in the future due to increased temperatures and reduced precipitation and runoff timing could change due to diminished snow accumulation and the availability of snowmelt [PR 0006441, pp. 571-572].

Comment 0233-27:
You contend impacts from the pit lake are reasonably foreseeable and should have been considered by the Forest Service under NEPA. [0233, pp. 53-55]

Response:
The analysis of the subsidence crater lake can be found in Section 3.7.2, "Potential for Subsidence Lake Development" [PR 0006441, pp. 492-497]. The Forest Service determined that the presence of a subsidence lake was remote and speculative, and as such, it would therefore be inappropriate to analyze in the EIS. Comments on the subsidence lake analysis were submitted on the DEIS, most notably by Dr. Prucha (referenced by you). The response to these comments can be found in FEIS, Appendix R, response-to-comment WT45 [PR 0006441 pp. R-366 to R-376].

See also response-to-comment WT36 "Subsidence lake analysis" [PR 0006441, p. R-359]. This response provides details of the post-DEIS Water Resources Workgroup discussions pertinent to the subsidence lake. The changes made to the analysis in FEIS Section 3.7.2 include further analysis of uncertainty with respect to groundwater modeling outcomes [PR 0006441, p. 493].

The BLM "water report" also included comments on the subsidence lake [PR 0005882, pp. 20, 25]. The NEPA team assessed the BLM report to determine if changes needed to be made to the FEIS [PR 0005781, BLM-31, BLM-35 in Attachment 6]. As noted in BLM-35 [PR 0005781, p. 6-45]: "The BLM reviewers also note that the Forest Service indicates that a return to pre-mining conditions is not anticipated, which is an accurate statement (see response to comment WT36 in

Appendix R). The BLM reviewers therefore believe a description of what the new system will look like and how it will behave is warranted. This information is already in the FEIS (see figure 3.7.1-6 for current conditions, and figure 3.7.2-4 for anticipated recovery conditions). However, we agree that these future conditions could be more explicitly described, and this description has been added to the EIS." The referenced description was added to the subsidence lake analysis as section "Post-Closure Aquifer Conditions" [PR 0006441, p. 497].

Comment 0233-43:
You note information missing from the FEIS including: mine discharges, runoffs, seepage, background ground and surface water quality, and potential impacts thereto from seepage water contamination. [0233, pp. 82-83]

Response:
Mine discharge is addressed in the FEIS in Chapters 1 and 3. The State of Arizona has received jurisdiction (also known as "primacy") to administer Section 402 of the Clean Water Act (CWA), which is accomplished through the AZPDES program. Section 402/AZPDES regulates any discharges of pollutants to waters of the U.S., including potential pollutants in stormwater runoff [PR 0006441, p. 31]. Reasons are given for not analyzing West Plant Site point discharge, as discharges are not anticipated as part of the proposed project. However, it is still likely there will be an AZPDES permit in place (similar to the one held in 2021) during operations, in which the likelihood of discharge from the West Plant Site via a similar AZPDES permit is reduced substantially. [PR 0006441, pp. 31, 481].

Seepage is assessed in the FEIS Chapter 3. Details of the water quality modeling for the tailings storage facilities, including explicit discussions of uncertainty, can be found in FEIS Section 3.7.2.2 [PR 0006441, pp. 458-473]. Seepage analysis for all alternatives can be found in FEIS Section 3.7.2.4 [PR 0006441, pp. 505-557]. The conclusions are that extensive seepage controls will be needed to meet water quality objectives for Alternatives 2, 3, and 4 but Alternatives 5 and 6 meet water quality objectives.

Runoff is assessed in the FEIS in Chapter 3. Analysis of stormwater discharge related to a tailings storage stormwater controls failing during extreme conditions is found in FEIS Section 3.7.2 "Potential Surface Water Quality Impacts from Stormwater Runoff" [PR 0006441, pp. 498-504]. Stormwater contacting tailings would not be released downstream during normal operations. However, based on public comments, the FEIS explored the possibility of a more extreme event causing release of contact stormwater during operations, focused on Alternative 6 [PR 0006441, p. 500]. The results of a potential stormwater release scenario are disclosed in Table 3.7.3-11 [PR 000644, pp. 503-504]. For all storm events with a return period greater than 300 years, releases could occur under some operational conditions that would result in concentrations in Dripping Spring Wash greater than the Arizona numeric surface water quality standards. In all cases these concentrations are restricted to the area immediately downstream of the seepage collection pond. Due to the large amount of dilution from the contributing drainage area that occurs during large storm events, all concentrations fall below standards at the confluence of Dripping Spring Wash with Silver Creek (about 6 miles downstream) [PR 0006441, p. 504].

The FEIS assessed potential water quality impacts within the block-cave zone, post-closure, in Section 3.7.2 [PR 0006441, pp. 488-492]. The results are summarized in Table 3.7.2-7 and show that median concentrations for all constituents are lower than the Arizona numeric aquifer water quality standards [PR 0006441, pp. 490-491]. This suggests that long term post-closure water quality in the block-cave zone may not represent an environmental concern as previously disclosed in the DEIS. Uncertainties related to this conclusion disclose that water quality could be less than predicted because the tests to predict water quality are not perfect analogs of future conditions [PR 0006441, p. 492].

Background ground and surface water quality are discussed in the FEIS in Chapter 3 in the details of the bypass seepage mixing/loading models [PR 0006441, pp. 467-468]. These models predict the changes in aquifer water quality as lost seepage flows downgradient from each tailings storage facility. For each alternative, including Alternative 6 – Skunk Camp, the source of the samples used to derive background ground and surface water quality are disclosed. Background groundwater and surface water quality are also shown in numerous analysis tables in the FEIS [PR 0006441, pp. 516, 524-525, 533-534, 542-543 and 557]. The full summary of background groundwater and surface water quality is in Appendix N of the FEIS "Summary of Existing Groundwater and Surface Water Quality" [PR 0006441, pp. N-1 to N-16].

Potential impacts from seepage water contamination at the Skunk Camp Tailings Storage Facility (TSF) are assessed in the FEIS in Section 3.7.1.4 [PR 0006441, pp. 544-557]. Two water quality models were used, one for the DEIS and another for the FEIS. Both models are largely consistent and do not change the disclosure of impacts between alternatives. Neither model indicates that concentrations will rise above numeric surface water quality standards in the nearest downstream perennial water. Neither model indicates that concentrations will rise above Arizona aquifer water quality standards in the downgradient aquifer beyond the immediate vicinity of the TSF [PR 0006441, p. 552]. Regarding impacts on impaired waters, the Gila River is impaired for sediment downstream from the confluence with Dripping Springs wash, but it is unlikely that Alternative 6 would contribute sediment in the Gila River due to the stormwater controls put in place during operation and the long-term reclamation after closure [PR 0006441, p. 553].
All of the information included in the FEIS regarding tailings seepage quality, water quality impacts from tailings seepage, and baseline water quality were considered thoroughly and appropriately.

Comment 0233-45:
You claim the Forest Service did not analyze the effects of geothermal water and the effects on groundwater circulation and the objection mentions a groundwater model from 2014. [0233, pp. 83-84]

Response:
The groundwater model used for the NEPA analysis was first submitted to the Forest Service in 2017 [PR 0002006]. The *Resolution Copper Groundwater Flow Model Report* [PR 0003010] is the updated version of this first report and is the report upon which the FEIS analysis is based.

Geothermal gradients are addressed in Appendix R, response-to-comment WT45, specifically Item 11, Geothermal Effects [PR 0006441, p. R-371]. This response states: "These comments

indicate that geothermal effects were not included in the model, as would be appropriate. In this case, we found that the comments had merit. There is a reasonable rationale for not including geothermal effects, but none of the DEIS or Groundwater Modeling Workgroup documentation captured this rationale. We determined that additional documentation was necessary in response to this comment, though the overall modeling approach remains appropriate and has not been changed."

The change to the FEIS resulting from this comment is found in Section 3.7.1, "Geothermal Gradients" [PR 0006441, p. 390], which indicates where geothermal gradients were considered and the rationale for not explicitly modeling them. The documents related to post-DEIS consideration of water comments that led to this inclusion in the FEIS are detailed in "Table 3. Post-DEIS Water Resources Workgroup" [PR 0004459, pp. 40-49].

Comment 0233-46:
You contend the Forest Service did not analyze the effects of drawdown on wells in the Town of Superior. [0233, p. 84]

Response:
Drawdown based on the mine-site groundwater model is discussed in FEIS Section 3.7.1 [PR 0006441, pp. 381-454], and drawdown impacts on water supply wells can specifically be found in the FEIS [PR 0006441, pp. 420, 425, 434-435]. The footnote to Table 3.7.1-4 identifies the three wells shown in the table as proxy wells for impacts in the three regions (Superior, Top of the World, Boyce Thompson). The hydrographs for the above impacts are in FEIS, Appendix L [PR 0006441, pp. L-24 L-26]. These impacts are modeled to 200 years. Longer-term impacts to public supply wells are also discussed on FEIS [PR 0006441, pp. 435-436].

The applicant-committed environmental protection measures and mitigation measures are discussed further in FEIS Section 3.7.1 [PR 0006441, pp. 449-453], as well as FEIS Appendix J, Measures FS-WR-01 [PR 0006441, pp. J-19 - J-21]. This measure requires monitoring of both GDEs and water supply wells, and then mitigation (water replacement) in the event an impact occurs. With respect to water supply well monitoring, the measure notes: "Water supplies to be monitored are Superior (using well DHRES-16_743 as a proxy), Boyce Thompson Arboretum (using the Gallery Well as a proxy), and Top-of-the-World (using HRES-06 as a proxy)." With respect to water supply well mitigation, the measures note both drilling new wells and providing alternative water supplies from a non-local source (likely Arizona Water Company or Desert Wellfield). Appendix A of the most recent version of the monitoring plan [PR 0005885, pp. 1, 28, and 41] clarifies that the mitigation is intended for communities, and the proxy wells are the designated monitoring points. The effectiveness of the mitigation for public supply wells is analyzed in the FEIS [PR 0006441, p. 452].

Comment 0233-50:
You contend that the FEIS failed to analyze the use of tailings seepage water for dust control. [0233, pp. 84-85]

Response:
Note that the objection is specifically identifying seepage collection water and 1) the water quality of the seepage with respect to pumping water back to the West Plant Site, or 2) use for using water for dust suppression. Factually, seepage collection water is never used directly in either manner, and the water quality of the seepage to groundwater as disclosed in the FEIS is not the water quality of the water moving to the West Plant Site or that potentially used for dust suppression.

You quote the following paragraph from Alternative 6 in FEIS Chapter 2 [PR 0006441, p. 130]: "A single downvalley seepage collection pond would be the primary means for seepage and embankment construction and surface water collection during operations, with the collected water then pumped to a recycled water pond located within the operating PAG cell for use as process water at the cyclone house and/or at the West Plant Site, or for dust management at the tailings storage facility." The water movement from the seepage pond to the reclaimed water pond is further described in FEIS Figure 3.7.2-9 [PR 0004661, p. 546] and shows that the water from the seepage pond does not go directly to West Plant Site (WPS), but into the reclaim water pond. This pond has other sources; it contains seepage and stormwater runoff, as well as water from the deposition of the slurry itself. A general description of the tailings operation can be found in FEIS Section 2.2.4 Alternative 2 [PR 0006441, pp. 93-100] which is the first discussed and contains most of the preliminary descriptions. This is shown in more detail in Figures 3.6-1a, b and c in the General Plan of Operations [PR 0000802, pp. 417-419]. These figures show the detailed water balance and recycling loops, which are also summarized in FEIS, Appendix H [PR 0006441, pp. H1-H8]. Note that precipitation inflow to the recycled water pond always exceeds seepage reclaim in quantity; raw seepage reclaim represents less than half of the water that returns to West Plant Site or is potentially used for dust suppression.

The water quality of the seepage water, part of the inflow to the recycled water pond, is not what is contained in FEIS Section 3.7.2, Table 3.7.2-26 [PR 0006441, p. 547], showing the Alternative 6 DEIS seepage water quality model, and Table 3.7.2-28 [PR 0006441, p. 556], showing the Alternative 6 FEIS seepage water quality model. These tables show the water quality in the aquifer after receipt of seepage, not the seepage collection pond water quality.

The transfer of the reclaimed water from the tailings storage facility back to West Plant Site is disclosed in FEIS Chapter 2 [PR 0006441, p. 130]. The description of the tailings and reclaim water pipelines within the conveyance corridor are described in FEIS Chapter 2 [PR 0006441, pp. 74-76]. The specific footprint of the Alternative 6 tailings corridor is shown in FEIS Figures 2.2.8-3 through 2.2.8-6 [PR 0006441, pp. 129-132]. There is also further discussion of the development of the Alternative 6 corridor between the DEIS and the FEIS [PR 0006441, pp. 122-123]. These footprints/details of the tailings corridor in Chapter 2 are inherent in all resource analyses contained in Chapter 3. The FEIS and project record fully analyze the impact of the pipelines between the West Plant Site and the tailings storage facility; there are no other independent and separate impacts related to the transport of water through the pipe. The FEIS and project record demonstrate raw tailings seepage will not be used for dust suppression.

Comment 0233-11:
You contend that the Forest Service's decision to include the adverse impacts from ongoing dewatering from Shafts 9/10 and other dewatering activities as part of the environmental baseline underestimates the magnitude and extent of the mine's impacts on the affected environment on the low side. You also assert that the FEIS unfairly considers Resolution Copper's water savings and/or recharge efforts, while failing to analyze the actual environmental impacts of that same dewatering that would occur at the Mine and throughout the well corridor. The third objection contention raised is regarding the condition of numerous springs and seeps that have been decimated or lost during mine dewatering and not included in baseline analysis. [0233 pp. 42-44].

Response:
The rationale spelled out in the project record and the FEIS were developed in a collaborative, inclusive, and extensive process. Choosing baseline conditions for water was a core discussion as part of the pre-DEIS Groundwater Modeling Workgroup, which included representatives from the Forest Service, cooperating agencies or stakeholders, and Resolution Copper and contractors. A discussion of the approaches suggested by stakeholders and a detailed rationale for why the Forest Service took this approach can be found in *Selection of Appropriate Baseline Conditions for NEPA Analysis* [PR 0002841]. The discussion and rationale is included in FEIS Section 3.7.1 "Key Decision on Use of Model Results – Baseline Conditions" [PR 0006441, pp. 390-392] which discloses why conditions under dewatering were chosen as baseline, since groundwater was documented to be substantially affected by mining in the Superior area for over a century and that selecting a past point in time does not reflect the environment as it exists today. The DEIS comments on the baseline conditions were a core discussion as part of the post-DEIS Water Resources Workgroup, which included representatives from the Forest Service, cooperating agencies or stakeholders, and Resolution Copper and contractors. The process is detailed in *Proceedings of the Groundwater Modeling Workgroup and Water Resources Workgroup* [PR 0004459].

The second concern involving baseline conditions is whether, because of the decisions made above, impacts caused by Resolution Copper's pumping are ignored. The Forest Service explicitly stated that part of making a choice on baseline conditions was to ensure that impacts from the dewatering pumping were still described in the FEIS. The rationale for this is described in *Selection of Appropriate Baseline Conditions for NEPA Analysis* [PR 0002841, p. 8].

The execution of disclosing these impacts from Resolution Copper pumping can be found in FEIS Section 3.7.1 [PR 0006441, pp. 391-392], including Table 3.7.1-1, showing groundwater drawdown resulting from ongoing Resolution Copper pumping. The impacts are further disclosed in "Current and Ongoing Pumping and Water Level Trends" in FEIS Section 3.7.1 [PR 0006441, pp. 410-411]. This analysis draws on *Technical Memorandum - Review of Hydrologic Trends in Devil's Canyon and on Oak Flat* [PR 0110912]. This section and analysis statistically assess whether the pumping since 2009 has resulted in any downward trends in baseflow, manual flows, or wetted length of stream due to Resolution Copper pumping.

As to the condition of numerous springs and seeps loss due to mine dewatering, this likely refers to Appendices M-1 through M-4 from DEIS comment letter #8032 from Arizona Mining Reform

Coalition [PR 3008032]. This information was provided to the Forest Service as part of DEIS comments and thoroughly reviewed. The disposition of the information in these appendices is detailed in FEIS, Appendix R, response to comment WT56 [PR 0006441, p. R-380].

Finally, with respect to the statement that the Forest Service did not respond to issues regarding baseline conditions, these same issues are all addressed in FEIS, Appendix R, response to comments NEPA61, WT31, and WT45 (specifically item #4, Dr. Prucha comments on baseline conditions) [PR 0006441, pp. R-269, R-357, and R-368]. These same response-to-comments were present in the January 2021 Rescinded FEIS as well.

The water baseline conditions chosen were made after deliberation and discussion, with the rationale fully documented; with respect to groundwater impacts near the mine site, selecting appropriate baseline conditions was part of the work undertaken by the pre-DEIS Groundwater Modeling Workgroup. Regardless of the baseline conditions chosen, all groundwater impacts, including potential impacts occurring in the past are disclosed in the FEIS.

Comment 0233-25:
You contend that the modeling used by the Forest Service at the mine site (different from Desert Wellfield modeling) fails to comply with industry standards in the larger modeling community as outlined in the Prucha report. [0233, pp. 53-54]

Response:
The groundwater model methodology is discussed in FEIS Section 3.7.1.2 “Modeling Process” [PR 0006441, pp. 383-396]. Modeling comments were responded to in FEIS Appendix R, response-to-comment WT45 [PR 0006441, pp. R-366-372]. This response-to-comment addresses 15 individual modeling-related comments from Dr. Prucha. To develop the response-to-comments, an assessment of Dr. Prucha’s comments was conducted as part of the post-DEIS Water Resources Workgroup. The Water Resources Workgroup as a whole discussed these issues (over the course of seven meetings). Project records track the evaluation of the Prucha comments [PR 0003998; PR 0003812; PR 0004462; PR 0005178; PR 0004827; PRs 0004463, 0005183, 0004467, 0005187, and PR 0004464 (process memo summarizing evaluation of public comments on groundwater modeling, capturing the white paper responses)].

The final approval of the mine site groundwater model by the NEPA team is documented in *Review of Numerical Groundwater Model Construction and Approach (Mining and Subsidence Area)* [PR 0004461. Notably, Section 5.0 contains discussions of the dissenting opinions of the workgroup, including many aspects raised by Dr. Prucha, and Appendix B, which documents that the model ultimately used does adheres to industry standard practices.

Comment 0233-15:
You contend that the Forest Service improperly modeled the extraction of water from the Desert Wellfield and the consideration of long-term storage credits and failed to disclose and analyze how, and where, all of the water needed for the project will come from along with the project’s total water demand. [0233, pp. 46-48]

Response:
Details about effects to water resources under each alternative scenario were fully described in FEIS Chapter 3.7. This chapter also included discussions of mitigation for each water resources category indicated. Chapter 3 analyses sections also include relevant federal, state, and local laws, regulations, and policies [PR 0006441, pp. 381-598]. Chapter 4 of the FEIS included discussions about cumulative effects related to water resources in Sections 4.3.3.6, 4.3.3.7 and 4.3.3.8 [PR 0006441, pp. 948-953]. The FEIS Volume 5 Appendices H, L, M, and N provide further water resources data supporting the analyses described in Chapter 3 [PR 0006441, pp. L1-26, M1-M22, N1-15].

There were two separate quantitative modeling efforts conducted to look at impacts from the Desert Wellfield. The first modeling effort for the Desert Wellfield was conducted to assess direct and indirect impacts. This effort looked at drawdown solely from the Desert Wellfield pumping and is the basis for the analysis in FEIS Section 3.7.1 [PR 0006441, pp. 381-454]. This effort required no consideration of long-term storage credits, and specifically Resolution Copper's ownership of Long-Term Storage Credits (LTSCs), assuming instead that all makeup water needed for the mine was physically removed from the aquifer without offsets. The second modeling effort for the Desert Wellfield was conducted for cumulative effects analysis and is contained in FEIS Chapter 4 [PR 0006441, pp. 992-995]. This was a quantitative, cumulative groundwater model that assessed all known present and future uses of groundwater within the East Salt River Valley and looked at drawdown over 100+ years. This effort was meant to assess future groundwater extraction as realistically as possible and therefore needed to take long-term storage credits into account.

The Desert Wellfield modeling in FEIS Section 3.7.1 shows the results of extracting all makeup water physically needed for the mine for each alternative and, except for being disclosed as existing [PR 0006441, pp. 398-399; 428], the LTSCs do not affect the analysis results [PR 0006441, pp. 381-454]. This was done in order to not underestimate pumping impacts [PR 0006441, p. 85].

The quantitative, cumulative groundwater model is more complex. The goal isn't to isolate the sole effects of the Desert Wellfield, but to assess regional groundwater availability in the future as part of the cumulative effects analysis [PR 0006441, pp. 984-988]. This modeling does assume that all LTSCs that exist in the East Salt River Valley are extracted [PR 0006441, p. 985], including LTSCs held by Resolution Copper, LTSCs held by other entities, and LTSCs predicted to be acquired after the model run.

More detail on the handling of the LTSCs can be found in 100-Year Drawdown Analysis for Desert Wellfield Pumping, Resolution Copper EIS [PR 0005161] and associated technical memorandum [PR 0004868]. LTSCs are incorporated into the modeling on a regional basis (e.g., if a LTSC exists within the Phoenix AMA, it is assumed to be removed again from the Phoenix AMA). However, the cumulative groundwater model does not cover the entire Phoenix AMA, but only the East Salt River Valley. As explained in *Technical Memorandum: Desert Wellfield Pumping 100-Year Drawdown Analysis for ADWR Evaluation in Support of the Resolution Copper EIS* [PR 0004868, p. 7]: "Per ADWR direction, the additional LTSC pumping is distributed at locations where the LTSC were accrued in the SRV basin…" Of particular interest,

and mentioned in the objection, is the New Magma Irrigation and Drainage District (NMIDD). This is the facility from which Resolution Copper has obtained most of its LTSCs. In the groundwater model, any LTSCs derived from NMIDD are also removed from the NMIDD area, not from elsewhere in the basin (such as the Desert Wellfield).

The objection topic is also related to how the Desert Wellfield wells will be classified [PR 0006441, p. 84]. The wells could be permitted differently, which affects the legal status of the groundwater, but not the physical pumping;

- Permitted as recovery wells—this means they legally would be recovering LTSCs, not groundwater.
- Permitted under a mineral extraction withdrawal permit.
- Permitted under a Type II non-irrigation grandfathered right, or other appropriate groundwater right.

This is pertinent because the objection states: "The Forest Service does not disclose, analyze, or provide any groundwater modeling …to demonstrate that Resolution Copper could—in actual fact—physically recover any of its long-term storage credits from New Magma or from any other groundwater storage or savings facility by pumping at the Desert Wellfield." The FEIS discloses the multiple ways in which the Desert Wellfield wells could legally be permitted, which is something that will be decided in the future by ADWR and is not known at this point. What is important to Forest Service disclosure are the physical impacts (drawdown) from pumping the water, and this is the disclosure in the FEIS.

Handling of LTSCs is also addressed in eight separate responses to public comments on the DEIS, in FEIS, Appendix R [PR 0006441, WT4_A, WT4_H, WT14, WT21, WT21_D, WT21_B, WT63, WT68].

The FEIS and project record reflects consideration of water resources including direct, indirect and cumulative impacts. It also describes mitigation and relevant federal and state permitting. The FEIS and project record also show that the analysis of groundwater pumping was specifically intended to show the physical drawdown caused by removal of all water from the aquifer. Long-term storage credits held by Resolution Copper are disclosed but did not affect in any way the drawdown estimates for the Desert Wellfield. LTSCs are handled specifically in the quantitative cumulative groundwater model to avoid minimizing impacts by being fully removed from the aquifer over the next 100 years.

Comment 0233-16:
You contend the FEIS fails to provide substantive details about Desert Wellfield impacts or consider the direct, indirect, or cumulative impacts of the Desert Wellfield pumping on groundwater availability, including impacts on the important safe-yield goals of the Phoenix Active Management Area. [0233, pp. 48-49]

Response:
The Desert Wellfield lies in the Phoenix Active Management Area (AMA) in the East Salt River Valley. Description of the cumulative groundwater modeling and impacts to groundwater in the East Salt River Valley occur throughout the FEIS. The GIS-based quantitative analysis of

cumulative effects on groundwater resources is summarized in FEIS Chapter 3 [PR 0006441, pp. 448-449], with the full quantitative analysis contained in FEIS Chapter 4 [PR 0006441, pp. 948-950]. Only those RFFAs that pass screening are included here. An additional section in FEIS Chapter 4 [PR 0006441, pp. 977-989] contains a holistic discussion of water resources including water scarcity and regional water supplies, much of which is focused on the Desert Wellfield. Additionally, eleven response-to-comments pertinent to Desert Wellfield cumulative groundwater modeling are included in FEIS Appendix R [PR 0006441, WT4, WT4-A, WT4_F, WT4_G, WT4_H, WT12, WT14, WT21, WT21_A, WT21_D, WT63]. The project record reflects consideration of water resources including direct, indirect and cumulative impacts, including those related to Desert Wellfield impacts and the Phoenix AMA.

Comment 0233-17:
You contend that the Forest Service failed to adequately consider impacts on groundwater dependent ecosystems and other resources resulting from the large amounts of groundwater to be pumped from the Desert Wellfield. [0233, p. 49]

Response:
The Forest Service fully considered the potential for groundwater-dependent ecosystems to be connected to regional groundwater in the East Salt River Valley but found it to be factually impossible. This rationale is stated clearly in the full quote in the FEIS [PR 0006441, p. 385]: "Current depths to groundwater in the vicinity of the Desert Wellfield range from 400 to 600 feet below ground surface. Because of these depths to groundwater, there are no GDEs in the East Salt River valley supported by regional groundwater that potentially could be impacted by drawdown from the mine water supply pumping."

This was added to the FEIS in response to comments on the DEIS. These comments are discussed in WT19, Appendix R of FEIS [PR 0006441, p. R-348] (with a focus on surface water rights) and WT21, Appendix R of FEIS [PR 0006441, p. R-350] (with a focus on GDE impacts).

Comment 0233-20:
You contend that the Forest Service did not properly vet or review the groundwater model used to assess Desert Wellfield impacts. [0233, pp. 51-53]

Response:
Description of the groundwater modeling and impacts to groundwater in the East Salt River Valley are described in the FEIS, including:

- Overall groundwater impacts are discussed in Section 3.7.1 "Groundwater Quantity and Groundwater-Dependent Ecosystems" [PR 000641, pp. 381-454].
- The groundwater model methodology for the Desert Wellfield is discussed in Section 3.7.1 "Model Used for Mine Water Supply Pumping Effects" [PR 0006441, pp. 396-397].
- A discussion of the Arizona regulatory framework for water use is included in Section 3.7.1 Affected Environment [PR 0006441, pp. 397-399], including a series of "frequently asked questions" derived from public comments. These topics are also discussed in greater detail in the "holistic water discussion" in Section 4.3.4 [PR 0006441, pp. 977-989].

- The hydrogeologic framework in the East Salt River Valley is discussed in Section 3.7.1 Affected Environment [PR 0006441, p. 408].
- Direct effects of the drawdown caused by pumping from the Desert Wellfield are contained in Section 3.7.1, Environmental Consequences (by alternative, see "Changes in Desert Wellfield Pumping") [PR 0006441, pp. 444, 445, 446, 447, and 448].
- Indirect effects of the drawdown caused by pumping from the Desert Wellfield are contained in Section Potential for Land Subsidence due to Groundwater Pumping [PR 0006441, pp. 436-441].
- Cumulative effects on groundwater resources are summarized in Chapter 3 [PR 0006441, pp. 448-449], with the full quantitative analysis contained in Chapter 4 [PR 0006441, pp. 948-950]. An additional section in Chapter 4 contains a holistic discussion of water resources including water scarcity and regional water supplies, much of which is focused on the Desert Wellfield [PR 000641, pp. 977-989].
- Climate change considerations are discussed in Chapter 4, "Future Meteorological Trends" [PR 0006441, pp. 989-991].

Many related response-to-comments are included in Appendix R of the FEIS that are pertinent to Desert Wellfield groundwater modeling [PR 0006441, Appendix R].

The modeling workgroups were focused largely on the mine-site groundwater model, but the Desert Wellfield modeling was also a topic handled by the workgroups. This collaborative, inclusive, and extensive process is detailed in "Proceedings of the Groundwater Modeling Workgroup and Water Resources Workgroup" [PR 0004459]. The Desert Wellfield model was specifically vetted by the NEPA groundwater modelers (BGC), and that analysis is contained in "Review of ADWR Salt River Valley Groundwater Model Application for Resolution's Desert Wellfield" [PR 0004407]. The subsidence analysis for the Desert Wellfield was also undertaken by BGC and can be found in "Review of Desert Wellfield Subsidence Analysis" [PR 0004457]. BGC's review incorporated information discussed in the April 23, 2020, Water Resources Workgroup meeting [PR 0003214, pp. 31-45]. This was the outcome of action item WR15 in "Proceedings of the Groundwater Modeling Workgroup and Water Resources Workgroup" [PR 0004459]. Many records from the Groundwater Modeling Workgroup and Water Resources Workgroup are pertinent to the review of the Desert Wellfield modeling and can be found in the Project Record [PRs 0002170, 0110568, 0110916, 0110942, 0004063, 0005166, 0005101, 0003998, 0005161, 0004302, 0003214, 0004734, 0004737, 0004407, 0004457].

Comment 0233-21:
You contend that the Forest Service failed to adequately consider potential impacts on the Pinal Active Management Area (AMA), including taking into account an ADWR modeled prediction of an 8.1-million-acre-foot shortfall within the Pinal AMA. [0233, pp. 49-53]

Response:
The modeled shortfalls noted are for the Pinal AMA as a whole, and it is important to recognize that because the model is based on physical availability, the specific location of the pumping determines whether a shortfall is anticipated. Mose of the critical shortfalls are predicted to occur south of Eloy, roughly 30 to 40 miles from the Desert Wellfield [PR 0006441, p. 982]. The overlap of project impacts with the Pinal AMA are described in FEIS Chapter 4, "Pinal Active

Management Area modeling" [PR 0006441, pp. 982-983]. This section relies heavily on 2019 Pinal Model and 100-Year Assured Water Supply Projection Technical Memorandum [PR 0005340], which is the Pinal AMA recent modeling update also attached to the objection. The FEIS found that "while the cumulative water level reductions anticipated near the Phoenix AMA/Pinal AMA boundary (220 to 350 feet over the next 100 years) will have ramifications on water availability and cost of pumping similar to those described in Section 3.7.1, the aquifer in this area is by no means depleted. The Pinal AMA model considers any groundwater at depths greater than 1,100 feet below ground surface to be unavailable for use. Despite the anticipated drawdown, after 100 years the regional aquifer still retains 300 to 500 feet of saturated thickness (above the 1,100-foot cutoff) [PR 0006441, pp. 982-983]. Section 3.7.1 further describes: Cumulative drawdown at the Phoenix/Pinal AMA boundary due to Desert Wellfield, cumulative East Salt River Valley pumping, and Pinal AMA pumping; Potential remaining water resources based on that cumulative drawdown; Ramifications of additional agricultural pumping due to the drought contingency planning for agriculture; and the specific impact from and impact on Florence Copper project. The FEIS Figure 3.7.1-5 provides a geologic cross-section [PR 0006441, p. 402] that was specifically added in response to the BLM report [PR 0005781], BLM-2, to facilitate understanding of Phoenix/Pinal AMA connection.

The Forest Service undertook an extensive, inclusive, and well-documented modeling workgroup process to vet the Desert Wellfield groundwater model; the model is an ADWR regulatory model that was fully vetted by the NEPA team, and in addition to being used to analyze the Resolution-specific drawdown, was also used for a cumulative model run that incorporates all known water uses in the East Salt River Valley. While the Desert Wellfield groundwater modeling extended only to the boundary of the Phoenix AMA (because it was based on the ADWR regulatory model for the Phoenix AMA), the FEIS and project record also contain analysis of the nearby hydrologic effects associated with the Pinal AMA.

Comment 0233-58:
You contend that the project's groundwater withdrawals will have significant adverse impacts on the regional aquifer underlying 275 square miles of State Trust Land (STL). A core concern is that future water uses in the East Salt River Valley were not considered for cumulative impacts. [0235, pp. 2-3]

Response:
As part of the process for evaluation considerations in cumulative effects, some water uses were evaluated as RFFAs but found to not pass screening (spatial overlap, temporal overlap, and/or not being speculative). Chapter 4 of the FEIS evaluates water-related RFFAs either qualitatively or as part of the quantitative cumulative groundwater modeling. Chapter 4 Section "Analysis of Cumulative Effects in the East Salt River Valley" [PR 0006441, pp. 984-986] presents the results of a numerical groundwater flow model that takes into account all known current and future users in order to estimate water level changes in the East Salt River Valley, in combination with Resolution Copper's anticipated pumping from the Desert Wellfield.

Regarding Superstition Vistas, no comprehensive development plan exists for Superstition Vistas that includes sufficient detail of the amount and location of water use for the entire area. Without such a plan, Superstition Vistas cannot be quantitatively modeled. DEIS comments point to a

conceptual planning document for the Superstition Vistas area [PR 0004867]. This planning document offers no details on water supply but rather offers three widely varying scenarios on water use. At the time of the quantitative cumulative groundwater model, no lands within Superstition Vistas had yet been sold for development. This changed in late 2020, when the first Superstition Vistas parcel was auctioned by the state [PR 0006441, p. 987]. There is a master water development plan available for this auction parcel [PR 0006001]. As noted in this reference, water supply for the auctioned parcel will come from Apache Junction Water District, which has a Designation of Assured Water Supply. All committed Assured Water Supplies are already incorporated into the quantitative cumulative groundwater model, including those from Apache Junction Water District, and including those supplying the sole auctioned part of Superstition Vistas.

While the remnant of Superstition Vistas water use cannot be incorporated into the quantitative cumulative groundwater model, in essence the cumulative groundwater model is used to anticipate whether adequate groundwater supplies in the East Salt River Valley would be available to Superstition Vistas if it were to be developed [PR 0006441, pp. 986-988].

Comment 0233-12:
You contend that other springs in the area, including those identified by you and by the BLM in the 2022 "hydrology report", were not incorporated into the analysis. [0233, pp. 41-43]

Response:
You identified additional springs in your DEIS comment letter that you said were missed in the analysis [PR 3008032, Appendix M, pp. M1-M4]. The response to that comment, is found in Response-to-Comment WT56, Appendix R of the FEIS [PR 0006441, p. R-380]. The BLM "water report" made a similar comment to Appendix M1 [PR 0005882, pp. 8, 18]. The NEPA team assessed this comment, BLM-9, to determine if changes needed to be made to the FEIS and concluded that all data sources identified by BLM (and other commenters) were consulted during the NEPA process. The response also stated that "field surveys were required to identify persistent springs on the landscape, and it was the springs verified through field surveys that were then assessed for connection to the regional Apache Leap Tuff aquifer" [PR 0005781, pp. 6-9 to 6-10]. Several memos related to springs and potential impacts were developed for this project's analysis. The *Process Memorandum – Summary and Analysis of Groundwater-Dependent Ecosystems* [PR 0110673] detailed a "weight of evidence" approach for determining which springs are likely connected to the regional Apache Leap Tuff aquifer and therefore would be subject to impacts from mine dewatering. This memo also notes useful data sources that are in the project record. Another, *Process Memorandum – Summary of GIS Spring Coverage* [PR 0004475], contains details on developing the initial inventory of springs (similar to both Appendix M1 of the DEIS comments, and the BLM comment), that was later superseded by *Summary and Analysis of Groundwater-Dependent Ecosystems* [PR 0110673]. Additionally, a *Spring and Seep Catalog Resolution Copper Project Area Upper Queen Creek and Devils Canyon Watersheds* document was prepared by Resolution Copper based on field-verified monitored locations (Version 1.0 [PR 0002102]; Version 2.0 [PR 0002677]; Version 3.0 [PR 0003823]).

Comment 0233-14:
You contend that the amount of water use considered by the Forest Service was incorrect. [0233; pp. 44-45]

Response:
The overall concern is that total water usage over the life of the mine may be even greater than the FEIS discloses. Previous comments that have specified it should be 786,626 acre-feet (af) originate from the ITAA comment letter [PR 3008031], which repeats the ITAA scoping letter [PR 2024280]. These comments contain a table derived from figures in the Resolution Copper General Plan of Operations (GPO) Vol. 2 Figures 3.6-1a through 3.6-1c [PR 0000802, pp. 417-419]. The response to that comment, and other comments specifically about water use estimates are in FEIS Appendix R [PR 0006441, pp. R-333 - R-336].

The information relied on in the comment is not contemporaneous with the NEPA process and predates any analysis undertaken between the 2016 Notice of Intent and the 2019 DEIS. The GPO reflects Resolution's initial estimate of the proposed action, while the NEPA analysis goes far beyond just that single document. The document *Resolution Copper Water Balance Tailings Alternatives 2,3,4,5, and 6* [PR 0110517] was prepared in 2018 and supersedes the GPO. This included changes in the anticipated amounts and durations. Additional changes came about as part of the more sophisticated detailed groundwater modeling. For instance, the mine site groundwater model predicts 87,000 af of water during dewatering efforts [PR 0006441, pp. ES-25, 149, 428, 983], compared to 102,579 af in the GPO.

The response-to-comment WT2 [PR 0006441, p. R-335] considers total water usage. The water use for the preferred alternative is 16,682 af/year, based on the more specific and up-to-date sources identified in response WT2. The contention alleges 786,286 af of total water usage based on numbers in the GPO. This equates to17,473 af/year average usage after 786,286 af is divided by 45 years. Overall, these variations in definition are not substantially different from each other.

Despite differing estimates of total water usage, NEPA requires identifying what water uses would lead to impacts to the environment and disclosing those impacts. There are three types of water use that lead to impacts and each is fully analyzed: 1. Drawdown and associated impacts from Desert Wellfield pumping are analyzed using a groundwater model in FEIS Section 3.7.1 - Groundwater Quantity and Groundwater-Dependent Ecosystems [PR 0006441, pp. 381-454, 984-988];2. Drawdown and associated impacts from mine dewatering pumping are analyzed using a separate groundwater model in FEIS Section 3.7.1 - Groundwater Quantity and Groundwater-Dependent Ecosystems [PR 0006441, pp. 381-454]; Capture of precipitation and loss of water to the watershed is analyzed in FEIS Section 3.7.2 - Surface Water Quantity [PR 0006441, pp. 564-598].

Comment 0233-13:
You contend that the Forest Service failed to adequately consider water quality baseline information for the tailings alternatives. [0233, pp. 43-44]

Response:
The single water quality sample was collected on November 9, 2018, once Alternative 6 – Skunk Camp, was developed in mid-2018. There was no reason for baseline data collection at this location, which is not on NFS lands, prior to the development of this Alternative [PR 0110659, pp. 2-3]. However, analysis was completed prior to the development of Alternative 6, to assess the single 2018 sample against other known water quality samples for the Gila River and whether this would impact DEIS outcomes. The analysis areas for the tailings alternatives capture potential changes in groundwater quality immediately below the tailings facilities, as well as the likely migration pathway downgradient. A series of linked models was used to estimate the impacts to water quality due to seepage from the tailings facility over varying timeframes, assuming that all seepage eventually enters surface water downstream in the Gila River. Although no historic water quality data set exists for these downstream areas, other sampling was conducted on the Gila River over the past 50 years. For the DEIS, this data was compared to the single sample used in the seepage modeling. It is acknowledged that more data would be beneficial to reduce uncertainty, however it is not essential to understand the differences between alternatives. The water quality modeling provides reasonably clear answers to the risks posed to water quality by each alternative and the conclusions would not be likely to change by variations in the Gila River water quality. This information is well summarized in *Process Memorandum to File - Water Resource Analysis: Assumptions, Methodology Used, Relevant Regulations, Laws, and Guidance, and Key Documents* [PR 0110832, pp. 20-39].

Following the development of Alternative 6 - Skunk Camp, additional sampling work was started by Resolution Copper, and this information was brought forward after the DEIS, and incorporated into the FEIS. This includes 42 additional water quality samples from both new and existing wells to supplement the single November 9, 2018, water quality sample [PR 0006441, pp. 184, 477]. Therefore, the FEIS did rely on much more water quality data than stated in your objection. The additional site-specific water quality samples were used in a refined water quality model to supplement the approach used in the DEIS (noted above). The refined model confirmed the results of the DEIS water quality modeling which demonstrated that Alternative 6 meets water quality objectives, has additional capacity to do so, and the flexibility to implement additional seepage controls [PR 0006441, pp. 455, 468, 473].

The Forest Service adequately considered water quality information. Best available data was used for the DEIS, including the addition of more data when Alternative 6 was developed in the FEIS. This data, along with updated water quality modeling utilizing the new data for Alternative 6, provides reasonably clear answers to the risks posed to water quality by all alternatives. Baseline conditions for tailings Alternative 6 – Skunk Camp were adequately considered and 42 additional water quality samples for the FEIS supplemented the single water quality sample in the DEIS.

Comment 0233-28:
You contend that the Forest Service failed to assess the differences in conclusions between the DEIS water quality model and FEIS water quality model, and the timeframe of the models. [0233, pp. 56-60]

Response:
The analysis of effects to surface water quality and groundwater quality can be found in the FEIS in the water quality modeling methodology for the tailings storage facilities [PR 0006441, pp. 458-473] and the seepage analysis for Alternative 6 [PR 0006441, pp. 544-557]. The subsection "Risk of Seepage Impacting Groundwater or Surface Water Quality" [PR 0006441, pp. 545-552] predicts the anticipated water quality outcomes. Details on the surface water quality standards used for the analysis can be found in FEIS Appendix N, Table N-5 [PR 0006441, p. N-14] and *Surface Water Quality Standards* [PR 0110845].

The NEPA team chose to use and disclose the DEIS and FEIS water quality models, though some results differ. A summary of the outcomes of the models can be found in the FEIS [PR 0006441, pp. 560-561]. The DEIS model closely matches the modeling techniques used for the other tailings alternative seepage analyses. The FEIS water quality model was built using field investigations that occurred at Skunk Camp after the DEIS. The FEIS water quality model refined the analysis and supplemented the initial results from the DEIS water quality model, and the results are likely more reliable due to the additional robust inputs to the FEIS model [PR 0006441, p. 549]. The DEIS water quality modeling results were specifically noted by the modelers as likely overestimating water quality impacts, and the FEIS water quality model represents a more realistic attempt at predicting water quality outcomes [PR 0006441, p. 550]. The model period spans 245 years, which includes the 41-year planned Life of Mine (LOM) and an additional 204 years following closure [PR 0110587; 0110588; 0110589; 0110590]. The 200-year timeframe was selected to match the decisions by the Groundwater Modeling Workgroup, for the mine site groundwater model. The rationale for that decision can be found in the FEIS [PR 0006441, pp. 392-393].

Details about effects to each of these resources under each alternative scenario were fully described in Chapter 3.7 of the FEIS [PR 0006441, pp. 381-598]. FEIS Chapter 4 included discussions about cumulative effects related to water resources in Sections 4.3.3.6, 4.3.3.7 and 4.3.3.8 [PR 0006441, pp. 948-953]. The FEIS Volume 5 Appendices H, L, M, and N provides further water resources data supporting the analyses described in Chapter 3 [PR 0006441, pp. H-1 to H-8; - L-1to L-26; M-1 to M-22, N-1 to L-15].

Comment 0233-51:
You contend that the FEIS only considered the need for a CWA 401 water quality certification with respect to the CWA Section 404 permit, and that this self-imposed restriction violates the CWA whereby the 401 Certification is not limited to only direct impacts from the discharge, but rather, all impacts associated with a project. [0233, pp. 85-88]

Response:
ADEQ issued a 401 water quality certification for the Resolution Copper Project on December 22, 2020 [PR 0006441, pp. 474, R-234].

The compensatory mitigation package included as Appendix D in the FEIS represents an updated version that was determined to be sufficient and acceptable by the USACE but may still be modified prior to the issuance of the 404 permit, if required [PR 0006441, p. R-234]. The Forest

Service relies upon the U.S. Army Corps of Engineers (USACE) authority to determine jurisdictional waters. The full 404(b)1 Alternatives Analysis is attached to the FEIS as Appendix C. Potential impacts to surface water quality are analyzed in Section 3.7.2 which contains the analysis for non-numeric, narrative, antidegradation standards in subsections: "Potential Impacts on Impaired Waters", "Predicted Reductions in Assimilative Capacity", and "Further Assessment with Low-Flow Conditions" under each alternative [PR 0006441, pp. 473-554].

CWA Section 401 water quality certification from the ADEQ would only need to be issued in conjunction with a CWA Section 404 permit. The Forest Service has met the requirements of NEPA by acknowledging and deferring the determination of compliance with the CWA to the appropriate regulatory authority (ADEQ or the USACE), while still disclosing potential impacts to these resources. The Forest Service has also clearly identified that the mine may not be implemented without all permits being issued by ADEQ and the USACE.

Instruction 0233-51:
Clarify that Resolution Copper will obtain the necessary permitting, to include a Clean Water Act (CWA) 404 permit if required by the U.S. Army Corps of Engineers (USACE), in the Final ROD.

Comment 0233-52:
You contend that the Forest Service failed to protect water quality standards by relying on numeric water quality standards and not assessing narrative antidegradation standards identified in Arizona Administrative Code R18-11-107.01(D) – Antidegradation – and only focused on ensuring numeric water quality standards are not violated by the 404 discharge. [0233, pp. 88-90]

Response:
The FEIS and project record show that the analysis relied on more than just numeric water quality standards and assessed narrative antidegradation standards as well through assessment of impaired waters, assimilative capacity, and potential changes under low flow conditions. FEIS Section 3.7.2 contains the analysis for non-numeric, narrative, antidegradation standards in subsections: "Potential Impacts on Impaired Waters", "Predicted Reductions in Assimilative Capacity", and "Further Assessment with Low-Flow Conditions" under each alternative [PR 0006441, pp. 473-554].

With respect to how the Forest Service approached the differences between NEPA disclosure by the Forest Service versus ADEQ permitting under state law, this is discussed in detail in FEIS Section 3.7.2 "Forest Service Disclosure and ADEQ Permitting Requirements" [PR 0006441, pp. 473-476]. This section discusses how the Forest Service relies on state permitting to show compliance with the Clean Water Act but also has responsibilities for disclosing potential surface water quality impacts under NEPA. The section then discusses the two analyses used for disclosure: Impaired Waters, and Assimilative Capacity, noting the differences between approaches ADEQ might use in permitting, versus the assumptions used by the Forest Service. Footnote 80 in the FEIS states that the assimilative capacity of a water body—its ability to absorb pollutants without exceeding water quality standards—is determined by both water hardness and flow conditions. In the study of Queen Creek and the Gila River, specific hardness

values were used, and median flow was employed, instead of the more conservative low flow method. ADEQ could choose to apply different flow conditions, including low flow, during permitting, but this is yet unknown. Because of this uncertainty, the FEIS included additional analysis of low flow conditions and the effects those conditions would have on predicted water quality [PR 0006441, p. 475]. Section 7.8 of the DROD also describes how compliance with the CWA will be met [PR 0006694, p. 45].

Analysis relied on more than just numeric water quality standard and assessed narrative antidegradation standards as well through assessment of impaired waters, assimilative capacity, and potential changes under low flow conditions. The Forest Service has met its compliance obligations by analyzing both numeric standards and through assessment of impaired waters, assimilative capacity, and potential changes under low flow conditions. This analysis was done in addition to the assimilative capacity study using specific hardness values and median flow conditions due to the uncertainty of what flow conditions ADEQ might use.

Comment 0233-53:
You contend that the Forest Service deferral to Resolution's submittal of an adequate mitigation plan until after it obtains a 404 permit and plan of operations approval deprives the public of the ability to review and comment on that mitigation plan, in violation of environmental laws applicable to the USFS (Organic Act, etc.). [0233, pp. 90-91]

Response:
A compensatory water mitigation plan is completed and approved before a CWA Section 404 permit is issued. It is a critical part of the permit review process, and an applicant is responsible for ensuring mitigation is addressed if impacts to aquatic resources are unavoidable. Resolution Copper will be the applicant, thus is responsible for completing the mitigation plan if a CWA Section 404 permit is required. Appendix D of the FEIS includes a CWA Section 404 Conceptual Mitigation Plan that has been completed by Resolution Copper, in the event one is necessary [PR 0006441, Appendix D]. The NEPA team is unaware of any "surface water mitigation plan" other than those discussed in Appendix J (for Queen Creek, GDEs) and Appendix D (the USACE Conceptual Mitigation Plan).

The Forest Service has met its compliance obligations as it is following the required sequence of events regarding adequate compensatory mitigation plans for CWA Section 404 permits. The USACE is the responsible agency for determining if the applicant has demonstrated that all practicable steps have been taken to avoid and minimize impacts to aquatic resources. It will, ultimately, approve of and issue a CWA Section 404 permit if one is deemed necessary for this project on NFS lands.

Land Exchange Appraisals

Comment 0233-03:
You contend the Appraisals for the federal parcels fail to comply with the requirements of NDAA Section 3003 for these reasons: 1) the value of the mineral deposit was improperly discounted and not included in the valuation; 2) the "highest and best use" of the land was misconstrued; 3) failure to treat the land exchange as a private land transaction; and 4) failure to

account for rare earth minerals. You indicate that the land exchange and the mine project cannot proceed without compliance with appraisal and equal value standards. [0233, pp. 18-23]

Response:
The FEIS discusses land appraisal only minimally and for informational and response to comments purposes only. FEIS Appendix R. Response to Comments Received on the DEIS is clear on the regulatory framework for land appraisals stating, "the Federal regulations for land appraisal that are required by PL 113-291 are at 36 C.F.R. 259.9. These regulations include consideration of the best and highest uses of lands being appraised. These regulations, along with standards contained in Uniform Standards of Professional Appraisal Practice and Uniform Appraisal Standards for Federal Land Acquisitions standards, describe values and resources that are to be considered appraisal of exchange lands. As stated in both PL 113-291 and in the DEIS, the appraisal will comply with these regulations and nationally recognized appraisal standards." Since this land exchange is a legislative exchange, and the requirements for conducting the exchange are specified in Section 3003 of PL 113-291, requirements contained in other law, regulation, or policy that are not required by this legislation are not applicable to the exchange [PR 0006441, pp. R-253-254]. PL 113-291 also specified that the appraisal reports (or a summary thereof) supporting the land exchange would be made available for public review prior to consummation of the land exchange. Summaries of the appraisals for each parcel were publicly released by the Forest Service on April 22, 2025.

The land appraisal is a separate process that is interrelated to and required by Section 3003 of PL 113-291. However, it is not a part of the NEPA decision space for the Resolution Copper Project FEIS and ROD.

Minerals & Geology

Comment 0233-44:
You contend that the Forest Service inappropriately relied on preliminary information for the Skunk Camp tailings storage facility. You assert that the final post-closure management plan for the tailings storage facility is not complete but rather deferred to some future point in time, which violates NEPA. [0233, p. 83]

Response:
The FEIS discusses that Resolution Copper submitted additional detailed reclamation and closure plans after publication of the DEIS. The revised version of the Alternative 6 reclamation and closure plan was submitted to the Forest Service in October 2022 [PR 0006441, pp. 130-132]. Additionally, the review of further detailed reclamation plans by ADEQ as a part of future permitting is discussed specifically for Alternative 6 [PR 0006441, p. 213]. The Skunk Camp tailings storage facility reclamation and closure plan assessed in the DEIS was largely conceptual in nature. Discussion of the conceptual reclamation plans, and their associated effectiveness is discussed in detail in the FEIS [PR 0006441, pp. 244-251]. The FEIS indicates that "…Resolution Copper LLC has completed revised reclamation and closure plans, for both the preferred alternative tailings storage facility, as part of the overall mine plan of operations, (KCB Consultants Ltd. 2021 and Tetra Tech Inc. 2020, respectively), and for the tailings pipeline (Tetra Tech Inc. 2022)" [PR 0006441, pp. J-13 to J-14].

BCG Engineering USA Inc. conducted a review of the Skunk Camp TSF Reclamation Plan in *Resolution Copper Project EIS - Review of Skunk Camp TSF Reclamation Plan* [PR 0004211]. In general, BCG's review of the TSF reclamation plan shows that it is consistent with industry standard practices and guidelines. Some additional suggestions for improvements are provided. Iterative reclamation and closure plans are an industry standard. While not specifically stated, the Skunk Camp TSF Reclamation plan provided by Resolution Copper would be considered a conceptual closure plan, as the facility has yet to be constructed. Conceptual closure plans are routinely used in NEPA as best available information to disclose potential impacts. As the project progresses and additional information is gained through construction and monitoring of the facility, the reclamation and closure plans will be refined to the conditions of the existing facility.

Comment 0233-42:
You contend that the required mitigation related to subsidence at Oak Flat is insufficient for protection of Apache Leap and the Apache Leap Special Management Area. You claim that a 30% deviation from modeled impacts (the trigger point for action) would already impact Apache Leap. [0233, pp. 81-82]

Response:
The detailed Subsidence Monitoring Plan describes twelve distinct monitoring types over six phases of operations Figure 4 in the Monitoring Plan illustrates a scenario in which a 38% deviation from the modelled subsidence profile would require increased mitigations but would not reach the distance of Apache Leap [PR 0004403].

A detailed review of the subsidence modelling - *Geologic Data and Subsidence Modeling Evaluation Report* - was undertaken by a qualified geology and subsidence workgroup. The conclusions of that review are that the interpretations are reasonable and represent best available science [PR 0004855, pp. 62-66]. This was applied to the analysis in the FEIS.

The FEIS describes how public process led to additional stipulations being added to the applicant-committed subsidence monitoring plan. The combination of the applicant-committed environmental protection measures and the additional stipulations were reviewed for effectiveness [PR 0006441, pp. 203-204]. This review concluded that the mitigation would be effective, as "The phasing of the panel caving is such that remedial actions can be taken if monitoring indicates subsidence impacts are more extensive than anticipated" [PR 0006441, p. 204].

Comment 0233-49:
You contend there is no meaningful analysis of transport of water from the tailings storage facility to the West Plant Site. [0233, p. 84]

Response:
The General Plan of Operations (GPO), Figures 3.6-1a, 3.6-1b, and 3.6-1c discussed the water balance/process supply and clearly shows TSF reclaim, which includes some seepage reclaim to TSF [PR 0000802, pdf pp. 417-419]. Of note, seepage reclaim volume is 1:2 or less with inflow

precipitation and runoff in all phases, serving to further dilute chemistries in the seepage reclaim water. The GPO, Water Balance Section 3.6.1, also discusses Water Balance and indicates that the GPO provides a discussion of water use in the milling process, and specifics of use of reclaim water as make-up water in the milling process [PR 0000802, pp. 174-177]. GPO Section 3.6.1.3.3 discusses dust control, however a source for dust control water is not stated [PR 0000802, p. 178].

The FEIS provides information on pipeline and TSF design and clearly discusses the TSF recycle pond and the use of the recycled water for "process water at the cyclone house and/or at the West Plant Site, or for dust management at the tailings storage facility" (emphasis added), as well as tailings and reclaim pipelines [PR 0006441, pp. 74, 122-123, and 130].

Discussion of seepage transport modelling with implementation of additional controls occurs in *Results of Updated Seepage Transport Models Incorporating Additional Seepage Controls for TSF Alternative Sites* [PR 0003076]. This modelling exercise was performed for the DEIS to develop preliminary estimates of ground and surface water concentrations downgradient of TSF alternatives. For the Preferred Alternative (Alternative 6, Skunk Camp) the modelling predicted "no concentrations observed above standards". It is important to note that there are numerous assumptions in the modelling exercise, and the primary focus of the exercise was to qualitatively compare TSF alternatives and not to precisely predict future concentrations.

Additional modelling for the Skunk Camp TSF was undertaken for the FEIS and is presented in *Numerical Groundwater Flow Model for the Skunk Camp Tailings Storage Facility* [PR 0006593]. This model, along with the DEIS model were used in concert for analysis in the FEIS and the model results and limitations are clearly discussed [PR 0006441, pp. 549-552]. The results of both modelling efforts predict that surface and ground water quality immediately downstream of the Skunk Camp TSF will remain within the applicable standards. The transport of tailings and reclaim water to/from the West Plant are clearly discussed in the FEIS as an element common to all action alternatives, and further discussion of the pipeline corridor for Alternative 6 [PR 0006441, pp. 74, 122]. These conditions apply to all subsequent resource analyses in Chapter 3. The FEIS fully analyzed the pipelines between West Plant Site and the tailings storage facility [PR 0006441, pp. 74-76, 93-100, 123-132, 546-547, 556, and Appendix H].

While there is no distinct analysis of tailings seepage water, initial conservative modelling for Alternative 6 does suggest that residual water quality effects seem to be less than other alternatives. More detailed design and implementation of Best Available Demonstrated Control Technology (BADCT), to demonstrate compliance with water quality standards will be required in order to receive the Aquifer Protection Permit from ADEQ. The Aquifer Protection Permit will be required prior to implementation of the project and will require routine monitoring to show compliance with water quality standards.

National Environmental Policy Act (NEPA)

Comment 0233-06:
You contend the Forest Service failed to meaningfully consider BLM's 2022 "hydrology report", which was not included in the FEIS' Literature/Documents Cited and only appears in the project record addressing one mitigation measure, and the stormwater design for the tailings facility. You claim none of the other water-related recommendations or BLM concerns were acknowledged. [0233, pp. 36-37]

Response:
The BLM was identified as a cooperating agency in the FEIS [PR 0006694; PR 0006441, pp. ES-5, 40-41]. As part of reinitiation of tribal consultation in September 2021, at the request of the USDA, the BLM provided a targeted technical review of the January 2021 FEIS and supporting documents in the *Bureau of Land Management Review of Hydrology Aspects of the Resolution Copper Project* document [PR 0005882]. BLM hydrology specialists reported that they reviewed the hydrology and water resources aspects of the project and assessed whether the FEIS adequately addressed comments received during the EIS development. BLM noted that due to the substantial number of supplemental studies and amount of analysis conducted to develop the multivolume FEIS, and the relatively short time in which to evaluate, the BLM reviewers consider the document to be a high-level review which focuses on broader topics.

The June 13, 2022, BLM hydrology report provided observations and recommendations on how prior comment responses and concerns, modeling assumptions, modeling results, identified technical concerns, etc. were or were not included in the 2021 FEIS and its appendices [PR 0005882, pp. 1-26].

Internal process memos were developed to evaluate the 2022 BLM review comments [PR 0005781, pp. 1-141; PR 0006359]. The post-2021 Memo indicates the NEPA team distilled 35 BLM-provided topics from the 2022 report [PR 0005781, pp. 1, 5-6]. The disposition of the parsed comments is more fully described in the table in Attachment 6 [PR 0005781, pp. 6-1-6-49]. The Memo responses to BLM suggestions or concerns fit into roughly three categories: changes not included; clarifications added to FEIS; or no FEIS change due to disagreement or claim of prior coverage.

The Forest Service fully reviewed the BLM report and assessed the recommendations for inclusion in the FEIS. The detailed responses to all of the BLM recommendations can be found in the *Evaluation of Post-January 2021 Comments* document [PR 0005781]. The Forest Service assessed 35 specific issues or recommendations. The following items were changed in or added to the FEIS in response to the BLM comments. The identifiers (e.g. BLM-3) refer to specific items in *Evaluation of Post-January 2021 Comments* [PR 0005781]:

1. A new analysis of potential impacts to the Cutter Basin was added to the FEIS, Section 3.7.1 "Indirect Effects to the Cutter Basin" (Issue BLM-15)
2. Additional analysis quantifying the number of private wells impacted by Desert Wellfield pumping as added to the FEIS, Section 3.7., for each alternative (Issue BLM-36)

3. Additional documentation on assessing the potential to store tailings at multiple brownfield sites was added to Appendix F "Consideration of Disposal in Multiple Mine Pits" (Issue BLM-20)
4. Two new sections were added to the FEIS, Section 3.7.1 to discuss legal frameworks associated with water: "Arizona Legal Framework Concerning Water Use" and "Laws Concerning Forest Service Management of Springs and Water Resources" (BLM-6)
5. Two new sections were added to the FEIS, Chapter 4, to discuss how climate change was incorporated into water and tailings analyses: "Assessment of Future Meteorological Trends in Groundwater Models" and "Future Meteorological Trends and Ramifications for Potential Tailings Failure" (Issue BLM-16, BLM-17)
6. Figure 3.7.1-4 was added to the FEIS, Section 3.7.1, showing basins/subbasins and Cutter basin (Issue BLM-2)
7. Figure 3.7.1-5 was added to the FEIS, Section 3.7.1, showing cross-section from Desert Wellfield to Gila River (Issue BLM-2)
8. The discussion was expanded in the FEIS, Section 3.7.1 "Model Calibration" to compare deep groundwater system calibration and Apache Leap tuff groundwater system calibration (Issue BLM-2)
9. Figures 3.7.1-12 and 3.7.1-13 were added to the FEIS, Section 3.7.1, showing geology and cross-section from mine site to Cutter Basin (Issue BLM-2)
10. Figures 3.7.3-2, 3.7.3-3, 3.7.3-4, and 3.7.3-5 were added to the FEIS, Section 3.7.3, showing surface water basins related to each alternative (Issue BLM-2)
11. A discussion was added to the FEIS, Chapter 1 "Status of CEQ Regulations" to discuss changes to CEQ regulations (Issue BLM-8); however, note that the subsequent rescinding of the CEQ regulations rendered much of the discussion invalid and it was removed.
12. Additional discussion was added to the FEIS, Section 3.7.1 "Identifying and Defining Groundwater-Dependent Ecosystems" to clarify the data sources used to compile the list of springs and seeps (Issue BLM-9)
13. Additional discussion of Superstition Vistas was added to the FEIS, Chapter 4 to reflect the recent land auction (Issue BLM-10)
14. Changes were made to the language used to describe the No Action alternative in the FEIS, Chapter 2 (Issue BLM-11); however, note that the subsequent rescinding of the CEQ regulations altered this section further.
15. Water use amounts were added to the tables describing each action alternative in the FEIS, Chapter 2 (Issue BLM-13)
16. An update was made to mitigation measure FS-WR-04 "Replacement of Water in Queen Creek" in FEIS, Appendix J (Issue BLM-26)
17. Expanded discussion of the types of well impacts that could occur due to drawdown impacts was added to FEIS, Section 3.7.1 (Issue BLM-27)
18. Clarification of post-closure water budgets were added to each alternative in the FEIS, Section 3.7.2 (Issue BLM-28)
19. Discussion of the potential indirect impacts associated with mitigating groundwater-dependent ecosystems was added to the FEIS, Section 3.7.1 "Impacts from Mitigation Actions" (Issue BLM-30)
20. An additional section was added to further clarify the potential for a subsidence crater lake to develop in FEIS, Section 3.7.2 "Post-Closure Aquifer Conditions" (BLM-35)

The Forest Service considered all comments from the 2022 BLM hydrology report [PR 0005882] and incorporated some edits or changes, but none of these comments led to a change in overall project approach. Groundwater workgroups were convened to inform this project and its analysis. They included 38 participants representing the Forest Service and contractors, 6 cooperating agencies or stakeholders (including Dr. Wells on behalf of the San Carlos Apache Tribe), and Resolution Copper and contractors. Three different workgroups met from September 2017 to July 2020, involving 25 full workgroup meetings. The project record documents over 100 specific data requests and responses generated to vet the water analyses, and over 300 individual documents related to the analysis.

The project record reflects consideration of the 2022 BLM hydrology report [PR 0005882, evaluated in PR 0005781], and resultant changes were made to the 2025 FEIS.

Instruction 0233-06:
Clarify the results and outcome of the BLM Report related to the FEIS in the Final ROD.

Comment 0233-07:
You contend the Forest Service did not meaningfully consider comments from other agencies, specifically the ASLD, and that the Forest Service erroneously concluded that most of Superstition Vistas is 'speculative' and did not analyze it in the FEIS. [0233, pp. 37, 77-80]

Response:
The ASLD was a NEPA cooperating agency for the project [PR 0006441, p. 40]. Cooperating agencies assisted with EIS preparation by providing research and baseline data information, reviewing reports, identifying issues, assisting with alternatives development, and reviewing the DEIS and other materials. The summary of involvement of the ASLD during the preparation of the EIS is documented in a process memorandum to the file [PR 0005341].

Cooperating agencies were notified directly of the DEIS release, dates, times of public meetings, and how to provide substantive comments [PR 0003305]. A comment letter was received from the ASLD (#562) [PR 3000562; PR 0006441, pp. R-43, R-44] during the DEIS comment period. The Forest Service considered the comment letter received and responded to identified issues. The Forest Service responded to concerns for clarification of ASLD permitting (NEPA42) by refining Alternative 6, adding more details to which components of each alternative require involvement with Federal and State agencies, including the ASLD [PR 0006441, p. R-260]. The Forest Service responded to concerns on impacts to State Trust land (SO18) by adding discussion on the topic to the FEIS, including the Superstitions Vistas development, and added clarification to the FEIS that reductions in adjacent property value apply to any adjacent land – private or State Trust land [PR 000641, p. R-287]. The Forest Service responded to concerns on water scarcity and competing water uses (WT4, spec. WT4_G) by expanding the cumulative effects analysis in Chapter 4 of the FEIS to quantify the cumulative effects of competing water uses, ramifications of ongoing drought, and future meteorological trends [PR 000641, p. R-336]. The Forest Service responded to concerns on reduction of water content in tailings (WT23), explaining the key differences in amounts of water removal from the tailings slurry for each action alternative [PR 0006441, R-351]. The Forest Service responded to statements of support for specific alternatives (ALT30), stating the selected alternative – or 'selected action' – will be

identified in the ROD [PR 0006694, R-617]. The Forest Service responded to concerns over lack of cultural resource surveys or reports (CR5), explaining consistency with regulatory processes and making updates to the FEIS to reflect additional historic properties identified within the area of potential effect between the DEIS and FEIS [PR 0006441, p. R-193]. The Forest Service responded to concerns on impacts to Arizona State Trust Land grazing allottees (LG3), citing potential impacts and mitigations identified in the DEIS and conducting additional analysis in Chapter 3.13 of the FEIS [PR 0006441, p. R-224] of socioeconomic impacts related to changes in livestock grazing between DEIS and FEIS. The Forest Service responded to mitigation concepts or suggestions (MIT1) by evaluating them for implementation by the Forest Service between the DEIS and the FEIS [PR 0006441, p. R-225]. The Forest Service responded to concerns on the effects of jurisdictional delineation on Arizona State Trust lands (NEPA20), stating whether any waters of the U.S. are, or are not, considered jurisdictional under the CWA is a matter of law and regulation and determined under the auspices of the USACE; whether a jurisdictional delineation is approved or not does not change the fundamental requirements associated with that piece of property under those laws and regulations and any development that occurs is subject to those laws and regulations; and the effects of jurisdictional delineations on the ASLD's ability to realize the highest value for those State Trust lands located downstream, if any, are speculative and would be inappropriate for analysis [PR 0006441, p. R-245].

Prior to analyzing cumulative effects, future actions were assessed to be either RFFAs or were considered speculative actions. RFFAs were assessed 5 separate times during the NEPA process [PRs 0110920, 0110902, 0004292, 0004293, 0004788, 0006388, 0006410]. Among the actions considered was the future Superstition Vistas Development Area on ASLD. While the area would likely overlap in both space and time with the Resolution Copper Project's operational pumping, the development plans are conceptual and lacked adequate detail to allow a substantial analysis of resource effects and thus were considered to be speculative, not reasonably foreseeable. However, all Assured Water Supplies are incorporated into the model, including those supplying the sole auctioned part (auctioned by the state in late 2020) of Superstition Vistas and the model used to anticipate whether adequate groundwater supplies in the East River Valley would be available to Superstition Vistas if it were to be developed [PR 0006441, pp. 986-988].

The Forest Service analyzed 'potential economic effects from water supplies' [PR 000641, pp. 859-860], including seepage, water scarcity and competing water uses, and Desert Wellfield impacts. Potential effects to property values associated with water supplies and well infrastructure are further addressed in Response to Comment 0233-40. Subsidence impacts, including subsidence potentially impacting Arizona State Trust lands are analyzed in the FEIS [PR 0006441, pp. 194-199, 436-437]. Loss of Arizona State Trust land at the Skunk Camp location is analyzed throughout the FEIS, including effects and cumulative effects to recreation from loss of Arizona State Trust land [PR 0006441, pp. 654, 666, 679, 681, 957-960], effects and cumulative effects to livestock and grazing from loss of Arizona State Trust land [PR 0006441, pp. 901, 908, 909-910, 974-976].

The project record and FEIS support that the Forest Service considered and responded to the comment submitted by the ASLD during the DEIS comment period and involved the ASLD as a cooperating agency throughout the NEPA process. The project record and FEIS support that,

while Superstition Vistas was ultimately considered speculative during the RFFA assessments, the model used to anticipate adequate groundwater supplies in the East River Valley would be available to Superstition Vistas if it were to be developed. The project record and FEIS support that the Forest Service analyzed the impacts on Arizona State Trust lands at the mine site (due to subsidence), Arizona State Trust land loss at the Skunk Camp location, and the effect of jurisdictional delineations on Arizona State Trust lands.

Comment 0233-08:
You contend the Forest Service failed to meaningfully consider comments from other agencies, specifically the Arizona Department of Water Resources. They assert the overallocation of groundwater resources and the shortage/unmet demand in the Phoenix Active Management Area (AMA) as part of the 2024 updated Phoenix AMA model conclusions were insufficiently cited or included. [0233, p. 37]

Response:
Over-allocation of groundwater resources in the Phoenix AMA was considered and included in the FEIS [PR 0006441, pp. 981-985]. The 2023 version of the ADWR comprehensive groundwater flow model for the Salt River valley, including the Phoenix AMA (known as the Salt River valley (SRV) model) was evaluated, but a different model was considered more appropriate for the FEIS.

The ADWR was a cooperating agency [PR 0006694; PR 0006441, p. ES-5]. The FEIS reflects consideration of the 2023 ADWR SRV model. The Desert Wellfield cumulative effects modeling described in the FEIS was conducted by updating a 2009 version of this calibrated regulatory model [PR 0006411, pp. 396-397; PR 0004407; PR 0003964]. The updated 2023 version was assessed [PR 0006441, pp. 988-999; PR 0006430] and found aspects in the East Salt River Valley were updated in the revised model. However, the FEIS continues to explain that the new model and ADWR results led to public concern and news coverage, as it was accompanied by an announced moratorium on approving new Assured Water Supplies for development within the Phoenix AMA. The FEIS explains that the 2023 SRV model results in the East Salt River valley are substantially different from the Desert Wellfield modeling used for the cumulative effects analysis. Furthermore, the ADWR model calculating the 2121 groundwater depth without Resolution Copper pumping was predicted at 200 to 400 feet lower than the modeled depth in the NEPA analysis (SRV predicted ~750-1000-ft below ground surface, NEPA Desert Wellfield estimated 550-ft below ground surface). Differences in model assumptions related to future use and land conversions were described in the FEIS, specifically conversion of NMIDD lands to residential development and rates of agricultural pumping. Both models predicted continued deficit pumping of groundwater resources. Ultimately, while acknowledging differences, the FEIS model use was not changed, and a statement in the FEIS was made that the 2023 ADWR SRV modeling was inappropriate [PR 0006441, pp. 988-989]. This was further described in a related internal technical memo that also is cited in the FEIS as Barter and Bayley 2023 in the FEIS references appendix [PR 0006430, pp. 1-4; PR 0006441, p. 1015]. Documents related to the 2023 ADWR modeling, calibration, and water supply were included in the cited references [PR 0006441, p. 1014].

You are correct that the 2024 ADWR model was not used or cited. Both the ADWR Salt River Vally model (which includes the Phoenix AMA) and the Desert Wellfield cumulative effects model (used in the FEIS) indicate that a groundwater deficit will occur in the East Salt River Valley over the next 100 years, with pumping exceeding recharge. The primary concern with the ADWR model is the assumed increase in withdrawals from the New Magma Irrigation and Drainage District and that concern led to not using the ADWR model for NEPA analysis [PR 0006441, pp. 988-989]. The 2024 update to the ADWR model, released during the final preparation of the FEIS for publication, does not appear to address this issue. An internal process memo was developed to describe how new information would be handled, including the update to the Phoenix AMA Groundwater Model [PR 0006359, p. 2].

Regarding consideration of the 2024 model updates, the ADWR model was revised after the FEIS public comment period and was evaluated. However, because of the same professional disagreements about the 2023 modeling assumptions described above, the analyses were not changed.

In June 2023, ADWR released the results of a new predictive model run using the SRV model for the period 2022 through 2121. The FEIS assesses the applicability of the 2023 model to the Desert Wellfield [PR 0006441, pp. 988-999]. ADWR also released an update of the 2023 model in November 2024 (ADWR 2024). However, while the 2023 release was a multi-year overhaul effort, the 2024 release was limited in nature and "simply updates the pumping data with the next reporting year, recharge volumes, and locations, and approved well movements from property owners" (ADWR 2024). The discussion in the FEIS is applicable to both the 2023 model and the 2024 update to the model.

Comment 0233-09:
You contend that the Forest Service reviewed the project under an incorrect legal regime with respect to the Purpose and Need. Specifically, the Purpose and Need identified mining regulations and approval of a mine plan of operations, but not special use regulations or approval of Special Use Permits (SUP), which are now the understood means for authorization of the project. The Forest Service's authority over the pipelines, transmission lines, roads, and other facilities that remain on federal land after the exchange are completely discretionary under FLPMA and the Agency's Special Use regulations. You further contend that the Forest Service based the FEIS on the erroneous view that it could not deny Resolution's proposed pipelines, transmission lines, roads, and other project facilities. [0233, pp. 38-40]

Response:
The purpose and need was first described in the Notice of Intent (NOI) published to the Federal Register on March 18, 2016 [PR 0000615, p. 14829]. Section 3003 of P.L. 113-291 (2015 National Defense Act) required a single analysis to be prepared for the entire project, which required the Forest Service to leave disclaimers throughout the project record that the means to authorization could be done through special use or mining regulations. The potential for issuing special use permits was appropriately called out early in the process – in the NOI and at least seven times in the DEIS [PR 0003304].

During the DEIS comment period, the Forest Service received comments stating the DEIS is deficient because it does not explicitly discuss permitting the mine under regulations at 36 C.F.R. 251 (special use permit) instead of Forest Service mining regulations at 36 C.F.R. 228 using a GPO. In response, the Forest Service added additional language in the FEIS explaining the criteria that must be considered to permit use and occupancy of NFS land and that any decision to authorize use and occupancy of NFS land will be made in the ROD, which will apply criteria from the regulations and types of authorizations that will be issued [PR 0006441, p. R-239].

The FEIS describes both the Forest Service process under Mining Law, regulations that govern the use of surface resources in conjunction with mining operations on NFS lands set forth under 36 C.F.R. 228 Subpart A, and the Forest Service process under Special Use Regulations, proposed uses that are not the mine, processing facilities, or tailings facilities – i.e., roads, pipelines, and utilities – and identifies the decision to me made to either approve the GPO or approve under a special use authorization [PR 0006441, pp. 19-21]. This decision is based on the preferred alternative and will be disclosed in the Final ROD.

The FEIS identifies Alternative 6 – Skunk Camp as the preferred alternative [PR 0006441, p. 53]. Under this alternative, no mine, processing facilities, or tailings facilities will occur on NFS lands. The decision to be made concerns the proposed use of NFS roads, and the use of NFS land for the tailings pipeline corridor and powerline corridors across NFS lands. Congress legislatively mandated the Forest Service to carry out a land exchange and without the appurtenant utilities, roads and other supporting improvements required for the mine operations, the overall intent of Congress would not be met, which effectively limits the practical discretion on the part of the Forest Service [PR 0003304, p. 15]. The special uses are being authorized in accordance with applicable law, regulations and directives consistent with how other NFS lands are administered, particularly given the multiple use mandate and mission of the agency. That is, the proposed uses met both the initial and second-level screening criteria as required in 36 C.F.R. 251.54 and the applications were appropriately evaluated.

The FEIS and project record demonstrate that the Forest Service met all regulatory requirements in developing the purpose and need for the project, that the Purpose and Need was appropriate for the analysis, and that changes to apply special use regulations from mining regulations arose from the NEPA analysis itself and robust alternatives considered.

The decision to approve under the GPO or to approve under a special use authorization is not the purpose of the project, but rather an avenue that arose during alternatives development and the NEPA process for the action to meet the purpose of the project.

Comment 0233-30:
You contend that the pipeline route for Alternative 6 was “substantially redesigned” after the 2020 DEIS comment period and there was no opportunity for further public review. [0233, p. 62]

Response:
The DEIS was made available for public review and comment in August 2019 [PR 0003301]. A notice of availability (NOA) was published along with the DEIS in the Federal Register. This began a 90-day public comment period that ended on November 7, 2019. The FEIS and DROD

were published in the Federal Register and a legal notice for the opportunity to object was published in January 2021, with a corrected legal notice on February 12, 2021 [PR 0005448]. On March 1, 2021, the USDA directed the Forest Service to withdraw the NOA and rescind the FEIS and DROD. A legal notice cancelling the opportunity to object to the Resolution Copper Project and Land Exchange was published on March 12, 2021 [PR 0005447]. The USDA took this step to provide an opportunity to conduct a more thorough review, to ensure regulatory compliance and provide time for the Forest Service to fully understand concerns raised by the Tribes and the public and the project's expected impacts to various resources.

Based on public comments received, the project team evaluated further modifications to the proposed range of alternatives. Modifications to the proposed range of alternatives, including recommendations based on coordination with cooperating agencies, are described in a September 5, 2017, briefing paper and a *Process Memorandum to File – Review of Proposed Range of Alternatives* [PR 0001922; PR 0002597; PR 0110659].

The pipeline route was redesigned based on public comments provided during the review process, with a focus on adjusting the design to minimize potential impacts, including those to endangered Arizona hedgehog cactus and yellow-billed cuckoo [PR 0006441, p. 122]. The Biological Opinion was based on information provided in the revised June 26, 2020, BA (SWCA 2020) [PRs 0004446; 0004409; 0004857]. The DEIS described two alternative pipeline routes to carry slurry for Alternative 6, north and south. In the FEIS, the south pipeline option was removed from further consideration based on the expected level of impacts and the north pipeline route was revised to lessen impacts to resources. In addition, an alternatives analysis was prepared using USACE Section 404(b)(1) guidelines and Alternative 6, with the north pipeline route, which was identified as the least environmentally damaging [PR 0004732]. The pipeline route was redesigned based on public comments provided during the review process, with a focus on adjusting the design to minimize potential impacts [PR 0006441, p. 122].

The TNF conducted six public meetings to present information, answer questions, and receive public comments on the DEIS. There were additional public meetings associated with scoping (5 public meetings) alternatives development (2 public meetings), and a 7th DEIS meeting with the San Carlos tribe [PR 0006441, pp. 39-40]. Over 29,000 comment submittals were received and responded to as presented in Appendix R of the FEIS [PR 0006641]. Tribal entities requested an extended comment period and meeting, which were granted by the Forest Service. Tribes were given a 45-day extension to submit comments; the extension concluded on December 23, 2019 [PR 0006441, pp. ES-10, 40]. Outside of tribal government-to-government consultation requirements, no additional public comment period is required. NEPA requirements relating to public involvement were met for the project.

Comment 0233-31:
You contend that the updated Alternative 6 – Skunk Camp was introduced with no opportunity for public review or comment, that the information on the tunnel is insufficient, and that it was not subject to [ESA] Section 7 consultation, and that it has ramifications to water resources. [0233, pp. 63-65]

Response:
The Alternative 6-Skunk Camp was introduced in the DEIS [PR 0003304, p. 94] with two different tailings corridor options (north and south). After receipt of public comments, the choice was made to eliminate the south tailings pipeline corridor from consideration [PR 0006441, pp. 50, 122]. The north pipeline corridor was further revised, in part based on public comments, and measurably reduced surface disturbance and potential impacts to threatened and endangered species compared with the route in the DEIS.

The updated Alternative 6 was introduced with the January 15, 2021 Notice of Availability (NOA) (36 C.F.R. 220.5(f)(1)) of the FEIS and a legal notice for the opportunity to object published in the newspaper of record (36 C.F.R. 218.7(c)); however, the TNF was directed by the USDA to withdraw the NOA and rescind the FEIS and DROD and a legal notice cancelling the opportunity to object was published on March 12, 2021 [PR 0005447].

Following a thorough review, the FEIS was republished on June 20, 2025. An NOA was published in the Federal Register (36 C.F.R. 220.5(f)(1), and a legal notice published in the newspaper of record (36 C.F.R. 218.7(c)) [PR 0006603]. No changes to Alternative 6 were made between the January 2021 publication and the July 2025 publication. All other changes were disclosed in the June 2025 FEIS [PR 0006441, p. 6].

The June 20, 2025 legal notice began the objection filing period [PR 0006603]. The notice discloses that individuals and entities as defined in 36 C.F.R. 218.2 who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment (includes the scoping period, DEIS comment period, or other public involvement opportunity requested by the responsible official) may file an objection (36 C.F.R. 218.5). When filing an objection, the issues raised must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues per 36 C.F.R. 218.8(c).

In compliance with the Endangered Species Act (ESA) Section 7(a)(2), the Forest prepared a biological assessment (BA) that analyzed effects on federally listed species from the preferred project Alternative 6, which included the tunnel. The BA describes construction of the tunnel in Kings Crown Peak and includes a detailed map [PR 0004446, pp. 13, pdf p. 242]. The USFWS produced a BO having reviewed the preferred alternative [PR 0004856]. The Forest analyzed the preferred alternative that included the tunnel and adequately completed ESA Section 7(a)(2) consultation with the USFWS.

Comment 0233-63:
You contend that the public was never provided an opportunity to comment after the DEIS was issued, or regarding the changes to the FEIS or DROD since January 2021, so all changes to the FEIS or DROD since then could never have been commented upon. Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. § 553-706, and USFS requirements, the Regional Forester's Office must provide a detailed response to each of the issues/objections raised in this Objection. [0233, p. 2]

Response:
The Forest Service released the DEIS on August 9, 2019. A notice of availability (NOA) was published alongside the DEIS in the Federal Register. The legal notice was published to 16 local papers, including the newspaper of record [PR 0006696], initiating the 90-day DEIS comment period. The Forest Service conducted six public meetings to share information, answer questions, and receive public comments during the DEIS comment period. The FEIS Appendix R: Response to Comments Received on the DEIS documents the consideration of all comment received during that comment period [PR 0006441].

The NOA alongside the FEIS and DROD was published in the Federal Register. A legal notice for the opportunity to object was published in January 2021 and a corrected legal notice on February 12, 2021 [PR 0005448]. On March 1, 2021, the USDA directed the Forest Service to withdraw the NOA and rescind the FEIS and DROD. A legal notice cancelling the opportunity to object to the Resolution Copper Project was published on March 12, 2021 [PR 0005447]. The USDA took this step to provide an opportunity to conduct a thorough review, to ensure regulatory compliance and provide time for the Forest Service to fully understand concerns raised by the Tribes and the public and the project's impact to these important resources.

The June 20, 2025 legal notice began the objection filing period [PR 0006603]. The notice discloses that individuals and entities as defined in 36 C.F.R. 218.2 who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment (includes the scoping period, DEIS comment period, or other public involvement opportunity requested by the responsible official) may file an objection (36 C.F.R. 218.5). When filing an objection, the issues raised must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues per 36 C.F.R. 218.8(c).

Upon completion of the objection filing period, the Forest Service conducts a review of objections received. Based on this review, the reviewing officer responds to objections. The written response must set forth the reasons for the response but need not be a point-by-point response and may contain instructions to the Responsible Official, if necessary (36 C.F.R. 218.11(b)).

A comment was received during the DEIS comment period regarding compliance with the APA. The comment was addressed in the response to comment in the FEIS [PR 0006441, p. R-257], stating the Forest Service is acting in compliance with the APA. The APA prescribes the minimum procedural steps an agency must follow when carrying out statutory responsibilities through rulemaking and adjudicative proceedings. The NEPA discloses the effects of land exchange as required by Section 3003 of P.L. 113-291 as well as the effects of the approval of a mining plan of operations on NFS land associated with a proposed large-scale mine, a project-specific amendment of the Forest Plan, and mitigations to offset impacts from the proposed action [PR 0006441, p. 12]. The decision to be made by the Forest Service is limited to authorization of the proposed uses of NFS land outside of the land to be exchanged, since P.L.

113-291 mandates the land exchange. The NEPA itself is not rulemaking and the NEPA is not currently under judicial review.

The project meets the applicable requirements for public involvement and notification pursuant to the NEPA implementing regulations at 36 C.F.R. 220 and the requirements for objection filing and notification at 36 C.F.R. 218. Any new information introduced between the DEIS and the FEIS was eligible for objection review per 36 C.F.R. 2188(c).

Comment 0233-37:
You contend that resource impacts, across resources, related to the proposed power line corridors and other related infrastructure lack detailed analysis and that there is a lack of disclosure for cultural surveys for the powerlines and substations. [0233, pp. 73-76]

Response:
Resource areas are described in FEIS Chapter 2, which also includes a number of figures and tables that detail proposed power lines and substations [PR 0006441, Figures 2.2.2-9, 2.2.2-12 and 2.2.2-13, 2.2.2-15, and Table 2.2.2-7]. All known project components shown in Chapter 2 are fully incorporated into each analysis in Chapter 3 (direct and indirect impacts) and Chapter 4 (cumulative impacts) [PR 0006441].

In FEIS Section 2.2.8, Alternative 6 – Skunk Camp, Figures 2.2.8-3 - 2.2.8-6 displays the Skunk Camp power line corridor [PR 0006441, pp. 126-129]. FEIS Section 2.2.8.1, Alternative 6 Mine Plan Components, Tailings Facility – Auxiliary Facilities mentions an electrical substation and electrical distribution lines (either a 69-kV or 115-kV) [PR 0006441, p. 130].

The FEIS specifically analyzes effects of project activities, including dewatering and water use and transmission lines on wildlife, birds and habitat. These impacts are addressed in general construction, operation, and closure and reclamation impacts, as well as specific impacts to wildlife groups, special habitat areas, wildlife connectivity, and potential wildlife exposure to water ponds [PR 0006441, pp. 615-626]. Potential effects to wildlife and their habitat include mortality, reduced available habitat and fragmentation, increased metabolic expenditures from traveling farther to find water, impaired water quality and quantity, collisions, crushing, impacts from increased noise, vibration, and lighting, increased barriers to movement and dispersal, and impacts from smells associated with construction [PR 0006441, pp. 611-643]. The FEIS addresses cumulative effects to wildlife and their habitats [PR 0006441, pp. 640-641, 954-957]. Additional documents that support the wildlife analysis include; BA and addenda [PRs 0004446, 0004409, 0004857], Biological Evaluation for the Proposed Skunk Camp Tailings Storage Facility with Proposed North and South Corridors in Gila and Pinal Counties, Arizona [PR 0003407] and Biological Evaluation for the Resolution Copper Project 230kv Power Line in the Vicinity of Superior, Pinal County, Arizona [PR 0003477].

Figures and tables were developed for the analysis area for Soils and Vegetation/ERUs [PR 0006441, Section 3.3.2, 3.3.2.1 and Figures 3.3.2-2, 3.3.2-3, Tables 3.3.3-3 and 3.3.3-4]. Section 3.3 of the FEIS describes the effects to Soils, Vegetation and Reclamation for all alternatives. The comparison of alternatives table in Section 2.5, titled, Soils, Vegetation, and Reclamation – FEIS Section 3.3, of the FEIS presents a summary of analyzed impacts by alternative, including

the pipeline/powerline corridor for Alternative 6 [PR 0006441, p. 146]. The Alternative 6 pipeline route was revised, in large part, to address potential impacts to habitat and resources along Mineral Creek, including Arizona Hedgehog cactus. Section 7 consultation was completed for the project with the USFWS and the final Biological Opinion (BO) is included in the FEIS, Appendix P. Impact analysis for threatened and endangered plant species, and any designated critical habitat, are contained in the final BO, with summary information included in Section 3.3 of the FEIS.

The viewshed analysis for Alternative 6 is presented in the process memorandum (Newell, Grams, et al. 2018). The FEIS includes a clearly defined Scenery/Visual resource analysis area, as described in Section 3.11.2.1 [PR 0006441, p. 768]. In addition, Sensitive viewpoints – Key Observation Points (KOPs) - in the area around the Skunk Camp tailings facility were identified to analyze impacts on the area's scenery resources [PR 0006441, p. 767]. The contrast rating analysis process was conducted for each KOP and is presented in Table 3.11.4-13 [PR 0006441, pp. 769-770, 805]. The related contrast rating worksheets and the visual simulations are presented in the process memorandum (Newell, Grams, et al. 2018). Appendix D of the FEIS [Newell, Grams, et al. (2018)] contains simulations for the Skunk Camp tailings facility from KOP 29 for three additional mine-life stages, at 15-, 20-, and 30-year construction intervals. These simulations illustrate the views of the tailings facility over time and the view of concurrent reclamation activities that begin in approximately year 10 [PR 0006441, p. 805].

The FEIS fully discloses impacts on cultural resources related to power corridors and power related infrastructure. Power corridors and power related infrastructure are not analyzed separately, they are combined within a complete footprint of all project elements and listed under the Direct Analysis Area section [PR 0006441, p. 816] as "670-acre Silver King to Oak Flat Transmission Line Corridor" and "Alternative 2-6 tailings storage facilities and tailings corridor." The direct analysis area assumes that all areas within those boundaries or fence lines would be disturbed. The area for the proposed action (GPO and land exchange) is approximately 38,446 acres. A direct impact indicator on a cultural resource consists of damage, loss, or disturbance caused by ground disturbance that would alter the characteristic(s) that make the property eligible for listing in the NRHP [PR 0006441, p. 818]. Adverse impacts on historic properties would be avoided, minimized, or mitigated through the NHPA Section 106 process. For resolution of adverse effects for this complex project, a Programmatic Agreement (PA) was developed in consultation with the Arizona State Historic Preservation Office (SHPO), ACHP, Tribes, and other consulting parties. All signatories, other than the ACHP, had signed as of January 15, 2021. ACHP terminated consultation February 11, 2021. The Secretary of Agriculture concluded the Section 106 process April 17, 2025.

Therefore, mitigation measures for those impacts will now be implemented through the final ROD and special use permit for use of NFS lands, through enforcement by other State and federal agencies, and through third parties in separate agreements. These are described in the FEIS section Mitigation Effectiveness as well as Appendix J [PR 0006441, pp. 834-837, Appendix J]. The FEIS fully discloses the analysis of impacts on cultural resources in the power corridors and power related infrastructure. Under the FEIS' Direct Analysis Area, Archaeological Sites, within the direct impacts analysis area, 644 archaeological sites have been recorded, of those, 506 are recommended or determined eligible for the NRHP, 116 are

recommended or determined not eligible for the NRHP, 21 are undetermined, and one is exempt from Section 106 compliance [PR 0006441, p. 824].

The direct impacts to recommended or determined eligible and undetermined cultural resources by alternative are further detailed in Section 3.12.4 Environmental Consequences of Implementation of the Proposed Mine Plan and Alternatives [PR 0006441, pp. 825-834].
The FEIS provides a disclosure of the cultural resource surveys conducted for the powerlines and substations. In Section Inventories of the Direct Impacts Analysis Area, 52 cultural resource surveys, inventories, or assessments have been completed within the direct analysis area. Two of those surveys have been conducted for proposed transmission line routes (Charest 2020; Deaver 2012) [PR 0006441, pp. 823-824]. Both of these survey reports can be found within the project record. Furthermore, "one hundred percent of all alternatives and mitigation parcels has been surveyed, except for inaccessible areas such as steep or dangerous terrain or areas with access issues."

Direct, indirect and cumulative impacts were summarized along with jurisdictional findings for water resources in the FEIS [PR 0006441, p. ES-25]. Further details about effects to water resources under each alternative scenario were more fully described in Chapter 3.7 of the FEIS [PR 0006441]. Effects analysis included how the Resolution Copper Project could affect water availability and quality in three key areas: groundwater quantity and groundwater-dependent ecosystems (GDEs), groundwater and surface water quality, and surface water quantity [PR 0006441, p. ES-25].

Comment 0233-10:
You contend that the Forest Service failed to consider and properly review all reasonable alternatives, including the No Action Alternative. Specifically, you contend that the No Action alternative improperly lumped disapproval of the land exchange (Congressionally mandated) with disapproval of the mining project, thus rendering the No Action alternative impossible to select. Nothing in the NDAA, or any other federal law, requires the Forest Service (or any other agency) to approve anything beyond the exchange. You further contend the Forest Service does have the authority and discretion to deny Special Use Permit applications under FLPMA and the Agency's 36 C.F.R. Part 251 and Part 261 regulations. [0233, pp. 40-41, 44]

Response:
The Forest Supervisor is not restricted to the alternatives as presented in the FEIS, as specified by NEPA regulations: "Under mining regulations (36 C.F.R. 220.4(c)), the Forest Service responsible official can make a decision in the record of decision (ROD) that modifies an alternative as long as the modifications are "encompassed within the range of alternatives analyzed in the EIS" [PR 0006441, p. F-17, also noted in Appendix R, response-to-comment ALT1 (R-157) and TS31 (R-321)].

USDA regulations that govern the use of surface resources in conjunction with mining operations on NFS lands are set forth under 36 C.F.R. 228 Subpart A. These regulations require that the Forest Service respond to parties who submit proposed plans to conduct mining operations on or otherwise use NFS lands in conjunction with mining for part or all of their planned actions. Authorization for a special use or occupancy of NFS lands requires submittal of

a special use application (SF-299). This application process is designed to ensure that authorizations to use and occupy NFS lands are in the public interest (36 C.F.R. §251, Subpart B). Once submitted, the application is subject to several levels of screening (36 C.F.R. §251.54). In processing the application, the Forest Service must consider the potential environmental effects of authorizing the proposed uses of NFS land in accordance with the National Environmental Policy Act (NEPA), and the Forest Supervisor must proceed to either approve or deny the authorization. The Forest Service does have the authority and discretion to approve or deny Special Use Permit applications under FLPMA and the Agency's 36 C.F.R. Part 251 and Part 261 regulations and include terms and conditions (36 C.F.R. § 251.56) [PR 0006694, p. 5].

As the lead agency tasked with completion of the FEIS and ROD for this project, the Forest Service only has management responsibility for the following: 1) the NFS lands that would be affected by the proposed GPO or special use authorization, 2) executing (not approving) the land exchange that was mandated by Congress and 3) approving necessary amendments to the Forest Plan [PR 0006441, p. 19]. The Land Exchange is directed by Section 3003 of P.L. 113-291, as disclosed in the FEIS and draft ROD [PR 0006441, pp. 15-17; PR 0006694, p. v] is outside the Forest Service's decision authority [PR 0006441, pp. 20-21].

Mining operations within the area conveyed by the Forest Service in the exchange are not subject to regulation by the Forest Service, since Forest Service regulation of mining operations pertains only to mining operations conducted on NFS land under the jurisdiction of the Secretary of Agriculture (36 C.F.R. §228.2). The decisions to be made by the Forest Service are limited to authorization of the proposed uses of NFS land outside the exchanged land [PR 0006694, p. 5]. The No Action alternative was addressed appropriately in the FEIS.

National Forest Management Act (NFMA)

Comment 0233-55:
You contend that the project is not consistent with Tribal Relations and Areas of Tribal Importance Desired Condition TRB-DC-01 "Locations identified as important by American Indian tribes are acknowledged and there is an emphasis on the resilience and protection of natural and cultural resources and to preserve the character and use of these places." You also contend that the NFMA analysis did not consider the connection between the impacts of the overall project from issuing the permit. [0233, pp. 92-94]

Response:
The FEIS includes statements that the Resolution Copper Project "Alternative 6 would include a multicomponent project-specific amendment of the forest plan. This amendment would except the same 16 forest plan desired conditions and guidelines as the amendment under Alternative 5" [PR 0006441, p. 132]. It also states that "Three forest plan desired conditions associated with protection of cultural resources are proposed to be excepted in this amendment: CUH-DC-01, CUH-DC-02, and CUH-DC-07" [PR 006441, p. T-20]. The Direct Impacts listed in the FEIS 3.14.4.6 for Alternative 6-Skunk Camp states "The Tribal Monitors identified 383 special interest areas in the Alternative 6 tailings facility, pipeline corridor, and 115-kV transmission line. Of the 383 special interest areas, 372 are cultural areas and include settlement areas, resource gathering and processing areas, agricultural areas, and cultural areas. The nine natural

resources areas include springs and other water sources, plant resource areas, and a rockshelter. Two special interest areas are classified as both cultural and natural resource areas; they are both plant processing locations." It also states that "62 plant species are found in the Alternative 6 tailings facility and pipeline; four of these species can be found in special interest areas. These resources may be lost completely because of ground disturbance, or Tribes may lose access to these resources once they are part of the mine facility." The section also states that the "Indirect impacts to places of traditional and cultural importance are the same as Alternatives 2, 3, 4, and 5" [PR 0006441, p. 888].

Plan component TRB-DC-01 is listed as a desired condition associated but not exceeding Desired Conditions [PR 0006441, p. T-20]. The FEIS states that none of the plan components for Tribal Relations and Areas of Tribal Importance would require amendment [PR 0006441, p. 885], but the finding statement in the FEIS does not include supporting information or explanation for how Desired Condition TRB-DC-01 could be met with the direct and indirect impacts to places of traditional and cultural importance disclosed for Alternative 6-Skunk Camp [PR 0006441, p. 888]. There is a brief explanation supporting the consistency finding in the appendix of a "Process memorandum to file" that lists the plan components from the revised 2023 Tonto Land Management Plan with a field "Is it consistent? How? Alt 6 preferred" The entry for TRB-DC-01 states "Consistent. The preferred alternative does not foreclose the opportunity to maintain or achieve any of the applicable desired conditions over the long term, even if the project (or an activity authorized by the project) would have an adverse short-term effect on one or more desired conditions or objectives" [PR 0006366, pp. A36-A37]. Given that the project's pipeline and powerline would result in direct and indirect effects (and plan inconsistencies) for scenery, wildlife, and cultural resources in areas identified as tribally important, it is not apparent how the natural and cultural resources important to the character described in TRB-DC-01 could be achieved, even over the long term. The project record does not currently support the finding of "consistent" for Desired Condition TRB-DC-01.

Regarding the connection between the impacts of the overall project from issuing the permit, the required analysis under the planning regulations for NFMA (36 C.F.R. 219). For plan amendments it is focused on the direct and indirect impacts of the plan amendment (excepting the project from specific plan components within the footprint of the project area) and the ability of the amended plan to meet the substantive requirements of the planning rule for: sustainability (36 C.F.R. 219.8), species diversity (36 C.F.R. 219.9), multiple use (36 C.F.R. 219.10), and timber (36 C.F.R. 219.11). The FEIS appropriately discloses the effects of the amendment [PR 0006441, pp. 237-238, 427, 611-612, 664-667, 786-788, and 826-828] and that the FEIS Appendix T [PR 0006441, pp. T1-T37] appropriately determines and applies the substantive requirements directly related to the project as required by 36 C.F.R. 219.8 through 219.11 within the scope and scale of the proposed amendment (36 C.F.R. § 219.13(b)(5)).

Instruction 0233-55:
Include Desired Condition TRB-DC-01 in the list of plan components to be excepted in the project-specific plan amendment in an erratum to the FEIS.

Comment 0233-56:

You contend that the proposed amendments to the Forest Plan were added without any public review and that the June 2025 FEIS and DROD included, for the first time, a new proposal to substantially amend the current Tonto National Forest Plan. You claim opportunities for public notification and participation required for plan amendments were not provided. You also contend that the scope of the amendment was insufficient because the result of approving the amendments allows for the project to be implemented with the full range of impacts, including the destruction of Oak Flat and the massive loss of groundwater. [0233, pp. 92-93]

Response:
The Notice of Intent (NOI) to prepare an EIS for the Resolution Copper Project and Land Exchange was published on March 18, 2016. The NOI stated, "The EIS will analyze the environmental effects of: 1) a mining proposal submitted to the Tonto National Forest by Resolution Copper Mining, LLC; 2) the exchange of 2,422 acres of federal land near Oak Flat for 5,344 acres of privately held land elsewhere in Arizona; and 3) any necessary amendments to the Tonto National Forest Land and Resource Management Plan (emphasis added) [PR 0000611, p. 1], anticipating the need for a project-specific amendment to accommodate the project. The DEIS Executive summary [PR 0003304, p. ES-6] says that "An initial review of the consistency of the proposed GPO with the forest plan indicates that approval of the proposed GPO would result in conditions that are inconsistent with the forest plan. An amendment to the forest plan would address the necessary changes (emphasis added) to relevant standards and guidelines for managing visual quality and recreation opportunities as determined by the record of decision for the project." The amendment was also discussed at the public meetings on the DEIS [PR 0005620].

The purpose of a project-specific amendment is to accommodate a project that would otherwise not be consistent with the land management plan (77 FR 21239) [PR 0006441, p. T-2]. While there were changes to the proposed project between the DEIS and FEIS [PR 0006441, pp. 50-51], the need for changes in the plan amendment were due to the newly revised Tonto National Forest Land Management Plan, approved in 2023 [PR 0006209]. The change in the plan resulted in a need for new/different exceptions to the specific plan components to ensure project consistency with the revised plan.

The need for a project-specific plan amendment to accommodate the project was disclosed multiple times throughout the planning process with the purpose for the amendment to address "any necessary amendments to the Tonto National Forest Land and Resource Management Plan [PR 000897-000907, 001718-001720, 002110, 002598]. While the specific exceptions included in the amendment for the revised plan were not provided for public comment prior to June 2025, the opportunity to object to the Resolution Copper Project is part of the public participation process and the draft ROD for the Resolution Copper Project has been provided for review and objection prior to a decision being made [PR 0006603, p. 1]. The Final ROD will not be signed until after conclusion of the pre-decisional objection process, as required under 36 C.F.R. § 218.

Regarding the scope of the amendment, the land exchange transferring Oak Flat to private ownership was authorized by Congress and is not part of the agency decision. Under PL 113-291 the Federal Government would convey 2,422 acres of specified NFS lands at Oak Flat to Resolution Copper [PR 0006441, p. 15]. The final ROD for the Resolution Copper Project and

Land Exchange will not be signed until after conclusion of the pre-decisional objection process, as required under 36 C.F.R. § 218 Subparts A and B. The effects of the project off of NFS lands were addressed in the FEIS, but not as effects of the project-specific amendment, which is limited to the effects and actions on NFS lands that are inconsistent with the 2023 Tonto Land Management Plan.

Socioeconomics

Comment 0233-39:
You contend that the socioeconomic impacts associated with impacts to recreation resources were not meaningfully analyzed, in particular the recreational uses of Skunk Camp area. Additionally, you state that Arizona Game and Fish Department (AGFD) provided data on the economic impact from the loss of recreational resources in which the FEIS only looked at the loss for the life of the mine (60-year period) but, you argue recreational opportunities would be lost forever.

Response:
The FEIS provides the appropriate level of contextual information on potential social and economic effects from changes in recreational resources and uses [PR 0006441, p. 856]. The FEIS includes details such as the projected loss of Federal land within the overall context of Federal land of the Tonto National Forest, how the effects on the nature-based tourism economy may change, and that these potential effects are discussed in qualitative terms because of a lack of visitation data and the visitation and spending patterns may shift because of the proposed mine. The FEIS provides potential effects to specific project site locations in both qualitative and quantitative terms. These discussions also include the AGFD quantified economic effects [PR 0006441, pp. 856-858].

The *Socioeconomic Effects Technical Report: Resolution Copper Mine Environmental Impact Statement* (BBC Research and Consulting 2020) [PR 0004274] provides considerably more detail on the contextual information/approach used to examine the social and economic effects from changes in the recreational resources/uses discussed in the FEIS. In particular, this report notes "the effects that cannot be fully mitigated would have lasting and detrimental impacts on the region's nature-based tourism economy" [PR 0004274, p. 7]. The report also states, "In some cases, quantitative estimates of impacts are available for specific activities, such as hunting... However, most economic impacts cannot be quantified without making a number of speculative assumptions about individual behavior and hypothesizing about current visitation levels and expenditures in specific portions of the Tonto National Forest where no data are available. In these cases, impacts are discussed qualitatively" [PR 0004274, p. 8]. Like the FEIS, this report also provides potential effects to specific project site locations in both qualitative and quantitative terms. These discussions also include the AGFD quantified economic effects [PR 0004274, pp. 8-10].

The general approach taken to address social and economic effects in the FEIS and Socioeconomic Effects Technical Report appropriately conveys the difficulty in quantifying economic effects due to potential changes in recreational uses/resources [PRs 0006441,

0004274]. Most of the discussion of effects is qualitative due to the limitations in data, but both documents do provide/include quantified economic effects provided by AGFD.

You call out the effects analysis associated with recreation in the Skunk Camp area and the use of AGFD data. Both the FEIS and Socioeconomic Effects Technical Report provide potential effects to specific project site locations in both qualitative and quantitative terms, as applicable, including for the Skunk Camp area [PRs 0006441, 0004274]. The FEIS provides additional social and economic effects associated with potential recreation changes in the Skunk Camp area. Specifically, the FEIS states that for Alternative 6, "the Skunk Camp alternative would reduce the number of hunting days on the site by approximately 1,269 hunter-days per year, amounting to a reduction in direct expenditures of $70,554 per year, or $4.2 million over the 60-year operational time horizon of the proposed mine (Arizona Game and Fish Department 2018d)" [PR 0006441, p. 858]. Additionally, the FEIS specifically stated "[w]hile AGFD used a 60-year period to quantify their analysis of effects on wildlife-related recreation spending, permanent damage to the area from subsidence and the anticipated lengthy period of reclamation for the tailings storage facility would likely result in persistent impacts extending well beyond this period" [PR 0006441, p. 856].

The FEIS clearly indicates that economic effects to the Skunk Camp area are analyzed in both qualitative and as appropriate quantitative terms. Your contention that that the FEIS only looked at the economic effects associated with recreational uses/resources losses for the life of the mine (60-year period) is incorrect. The quantified economic effects for the 60-year period is from the AGFD data provided to the Forest Service. The FEIS specifically acknowledges the permanent damage that would occur to the Skunk Camp area.

The Resolution Copper Project has appropriately examined the social and economic effects associated with changes in recreational resources and uses in the project area, including in the Skunk Camp tailings site. There are considerable challenges for quantifying economic effects associated with changes in recreational use/resources due to lack of explicit visitation data projections. This was adequately addressed in the FEIS [PR 0006441] and the Socioeconomic Effects Technical Report: Resolution Copper Mine Environmental Impact Statement (BBC Research and Consulting 2020) [PR 0004274].

Comment 0233-40:
You assert there is a lack of socioeconomic effects analysis associated with potential property value effects, including non-residential property values such as Arizona State Trust Lands. You additionally assert that there is a lack of socioeconomic and cultural effects analysis associated with potential water supplies and well infrastructure effects with the anticipated pumping from the Desert Wellfield and dewatering at the mine.

Response:
Property values effects, including non-residential property values
The FEIS explained that "[p]otential effects on local property values from proximity to the proposed tailings facility alternatives were evaluated based on previous published studies, including a quantitative analysis of impacts on property values in Green Valley, Arizona (near an existing mine)" [PR 0006441, p. 840]. The FEIS further explains that the potential property

value effects "are based on a limited body of directly relevant research. Any adjacent state lands could experience similar decreases in property values" [PR 0006441, p. 858]. It should be noted that the FEIS under Alternative 6, anticipates "that the tailings storage facility would be located on private lands (after eventual acquisition of Arizona State Trust land)" [PR 0006441, p. 21]. Although it is anticipated that Resolution Copper would acquire the State Trust land for the tailings storage facility under Alternative 5 and Alternative 6 from Arizona State Land Department [PR 0006441, p. 28], (see Table 1.5.5-1 Agency jurisdiction over different project components), adjacent state lands could still experience decreases in property values.

The *Socioeconomic Effects Technical Report* explains in more detail the hedonic property value approach used to examine potential property value effects [PR 0004274, pp. 1-6]. The potential property values effects discussion explained the challenges in examining property values especially when the mine does not yet exist (thus "it is not possible to estimate effects on the values of surrounding property values based on prior market transactions" [PR 0004274, p. 2] and explained the Green Valley study that was used. The Green Valley study focused on residential property sales and therefore, "it is appropriate to apply the resulting impact percentages to similar property types" [PR 0004274, p. 4]. The Socioeconomic Effects Technical Report provided the following caveat about the use of the Green Valley study and the potential property value effects from the Resolution project, "These estimates of potential effects on property values should be considered order-of-magnitude estimates based on relatively limited information. Unlike the results of an original hedonic property value study of an area, which would occur after mining has commenced and the local real estate market has had time to reflect corresponding changes, these estimates are based on applying the estimated percentage impacts from the Green Valley study to the properties surrounding each of the alternatives for the Resolution mine tailings. While the actual effects on property values could be considerably larger or smaller than these estimates, there is sufficient information from both the Green Valley study and other previous hedonic property value studies to conclude that a measurable effect on the value of nearby residential properties would be likely to occur" [PR 0004274, p. 5].

Potential property value effects were analyzed using data that was available and applicable for similar mining efforts. Although previous studies have focused on residential property values, all of the studies have indicated that there is likely a measurable effect on the value of nearby residential properties from mining projects. The FEIS acknowledged that property value effects could also occur to non-residential state lands likely reflecting "a combination of factors including noise, dust, visual impacts, traffic and other considerations" that could affect property values [PR 0006441, p. 840].

Property values effects associated with water quantity/well infrastructure
Any water used by Resolution Copper must adhere to a complex regulatory framework. Furthermore, it states, "Resolution Copper's legally permitted use of water adheres to the norms and values placed on water by the State of Arizona. Analysis of the economic value of the water used by Resolution Copper, the other beneficial uses to which water could be put, or extrapolation of economic harm to other entities due to Resolution Copper's legally permitted use of water, is outside the scope of analysis of this EIS" [PR 0006441, p. 860].

The FEIS acknowledges that water use for Alternative 6, is bracketed between that of Alternative 2 which has the greatest water use and Alternative 4 which has the least groundwater use (see figure 3.7.1-2). Additionally, under Alternative 2, the FEIS states that "[i]mpacts resulting from drawdown could include loss of well capacity, the need to deepen wells, the need to modify pump equipment, or increased pumping costs" [PR 0006441, pp. 385; 444].

Regarding cumulative impacts, see Response to Comment 0233-07.

The FEIS elaborates, "[g]roundwater drawdown in the vicinity of the mine site could impact water supply availability for some existing users, including the Town of Superior, Boyce Thompson Arboretum, and Top-of-the-World [census designated place (CDP)]. However, Resolution Copper has committed to mitigating impacts on these users if necessary (see the "Mitigation Effectiveness" part of Section 3.7.1). Groundwater quantity near the Desert Wellfield could also be impacted. Groundwater users in this area could experience increased pumping costs or potentially need to drill deeper wells to obtain their water supplies (see section 3.7.1). Higher pumping costs and deeper well requirements could also affect the desirability of properties in this area and, potentially, the value of those properties" [PR 0006441, p. 860].

The Resolution Copper Project has appropriately examined the potential property value effects given limited information available from past studies. As highlighted above, there is difficulty in ascertaining potential property value effects from a mine when the mine does not yet exist. The FEIS [PR 0006441] and the Socioeconomic Effects Technical Report: Resolution Copper Mine Environmental Impact Statement (BBC Research and Consulting 2020) [PR0004274] provide information on the hedonic property value approach used and provided detailed information on the studies reviewed and the Green Valley study used to quantify potential residential property value effects. Non-residential property values were discussed qualitatively appropriately given the lack of data. The potential of water availability effects on property values is uncertain. The FEIS appropriately acknowledges qualitatively that groundwater drawdown by Resolution Copper could affect neighboring property values and well costs.

Comment 0233-41:
You contend that the Forest Service failed to analyze the socioeconomic and other impacts related to damage to Central Arizona Project infrastructure from groundwater pumping-related surface subsidence or fissuring.

Response:
You note that the FEIS acknowledges that "drawdowns associated with the Desert Wellfield likely would result in subsidence of roughly 24 to 52 inches." The FEIS discussed that there are "numerous societal costs associated with land subsidence caused by basin-wide pumping, but specific impacts are unpredictable. Gradual widespread regional subsidence may have no effect at all on infrastructure, whereas the opening of earth fissures due to subsidence can directly destroy infrastructure" [PR 0006441, pp. 436-437]. Some of the common damage identified with earth fissures included broken pipes and utility lines, damaged or breached canals, damaged well casing or wellhead, and disrupted drainage. Although this does not specifically call out the Central Arizona Project (CAP), potential impacts to the CAP are unpredictable, but the impacts listed in the FEIS could have similar effects to CAP sections [PR 0006441, p. 437].

The Resolution Copper Project has appropriately examined the potential social and economic effects associated with subsidence and fissures to water supplies and infrastructure, such as CAP. The FEIS adequately acknowledges that there could be societal costs associated with subsidence, including broken pipes, damaged or breached canals among other effects. The costs cannot be quantified given the unpredictable nature of potential effects.

Special Uses

Comment 0233-04:
You contend that the Forest Service's special use process was violated and give the example that special use applications were never submitted for public comment. You contend that public interest requirement was not demonstrated. [0233, pp. 23-29]

Response:
Use of the special use regulations shifted naturally from the mining regulations as a result of the NEPA analysis and alternatives considered. The potential for issuing special use permits was appropriately called out early in the process. The Authorized Officer screened the proposals for compliance with certain criteria, including applicable laws, orders, and policies, the land management plan, and other requirements. The Authorized Officer appropriately accepted applications after determining the proposals passed the initial and second-level screening criteria [PR 0006441, Appendix Q].

You suggest that analysis in the FEIS inadequately assessed other FLPMA requirements and contend a violation of the Organic Act because the SUPs fail to improve and protect forests from depredation. Consistent with 36 C.F.R. 251.56 and Forest Service directives, the agency uses national special use authorization forms that include standard terms that promote consistency and legal and programmatic sufficiency. Special use authorizations are multi-faceted and include terms to protect the interests of the United States and National Forest System lands and resources (e.g., environmental protection, liability, resource protection, and land use fees). These national special use authorization forms are subject to a rigorous review process including review by the Office of the General Counsel and public comment. Ultimately, the forms must be approved by the Office of Management and Budget. While a special use authorization can be customized to accommodate a specific use type, any changes to the standard terms require approval by the national Office of the General Counsel and the Washington Office Program Director (ref: FSH 2709.11, sections 14 and 50.3). The standard terms help protect forests from depredation while balancing the needs of the public and multiple use mandate [PR 0006694, p. 43]. Furthermore, the Forest Service developed comprehensive mitigation to ensure environmental protection through a robust NEPA and public involvement process [PR 0006441, Appendix J] comprised of 37 required or committed measures, as well as voluntary measures. In addition, 143 mitigation/monitoring proposals were investigated for inclusion [PR 0004859, 0004860, 0004833]. Annual land use fees will be assessed for the authorized uses, commensurate to similar special use authorizations and in compliance with 36 C.F.R. 251.57. The land use fee must be paid prior to the issuance of a Special Use Permit [PR 0006441, p. 35].

Comment 0233-05:

You contend that the Forest Service did not analyze, or require, that Resolution obtain a Special Use Permit for its copper concentrate slurry pipeline and transmission line that would be located along the Magma Arizona Railroad Company (MARRCO) corridor. [0233, pp. 29-32]

Response:
The NEPA process requires a hard look at the effects of a proposed action. The FEIS discusses the MARRCO corridor as an "existing, previously disturbed right-of-way" that would host mine infrastructure as part of the proposed project activities. The FEIS also states that the portion of the corridor on NFS lands would be subject to Forest Service regulatory jurisdiction [PR 0006441, p. ES-7]. Utilization and proposed infrastructure within the MARRCO corridor, and the effects thereof were thoroughly examined throughout the effects analysis and directly discussed in the FEIS [PR 0006441, pp. 60, 76-78, 90, and Appendix G]. In addition, a clear description of the intended infrastructure was provided in the Resolution Copper FEIS for what is proposed within the MARRCO corridor [PR 0006441, pp. 7, 14, Appendix G, pp. G-6, G-9-11].

There are various instruments available to the Forest Service to grant use on NFS lands, as described in Forest Service special use regulations at 36 C.F.R. 251.50. The appropriate authorizations are determined based on the type of use being requested. The evaluation of the use includes an examination of the environmental effects. The FEIS thoroughly evaluated effects of the proposed action including the activities within the MARRCO corridor. The Final ROD is where the responsible official can determine which authorization instrument best meets the parameters of the proposed uses on NFS lands.

Instruction 0233-05: Clarify the instrument for authorizing infrastructure and use activities within the Final ROD.

Surface Water

Comment 0233-47:
You contend the Forest Service inappropriately relied on an old draft Queen Creek Total Maximum Daily Load (TMDL) from 2017, and makes no mention of the ongoing Queen Creek TMDL being required pursuant to a Consent Decree entered in Federal Court which has changed due to ongoing litigation with ADEQ. [0233, p. 84]

Response:
The FEIS disclosed that Queen Creek appears on the 303(d) Impaired Waters List in 2018. The FEIS indicates that there are outstanding unresolved issues with AZPDES permit renewal and does not reference the Consent Decree. The 2017 Draft Queen Creek TMDL is described and referenced in the FEIS [PR 0006441, pp. 480-481, 514, 521-522, 530]. The 2017 Draft Queen Creek TMDL is described in the DEIS [PR 0003304, p. 392]. In addition, all of the modeling files used to develop the Draft TMDL are in the project record [PR 0001233]. An AZPDES permit was held by Resolution Copper in 2020. However, renewal of that permit resulted in an ongoing appeal that identifies future obligations, including finalizing standards on Queen Creek before a similar AZDPES permit could be issued [PR 0006441, pp. 31, 481].

The FEIS and appendices rely on numerous modelling efforts and analyses and do not rely on the 2017 Draft Queen Creek TMDL, which is the most current TMDL in place. A 2023 Consent Decree ordered an update of this TMDL [PR 0006695]. The litigation around this issue is still ongoing. Given the ongoing legal questions around the TMDL, the FEIS and draft ROD are not framed around this TMDL.

Instruction 0233-47:
Clarify information on the status of the 2017 TMDL and its revision.

Comment 0233-48:
You contend that the FEIS did not meaningfully analyze discharges to Queen Creek from the active AZDPES permit. [0233, p. 84]

Response:
Direct discharges of a pollutant into a water typically require an individual AZPDPES permit. The FEIS adequately analyzes the current discharges under the existing AZPDES permit indicating that "No discharges have occurred at either outfall under this permit since 2004, when Resolution Copper began operations at the site" [PR 0006441, p. 481]. The discharges are subject to water quality limits, with concentrations set by ADEQ to be below the most restrictive surface water standards." Since there have not been any discharges under the AZPDES into Queen Creek, and discharges are not anticipated as part of the proposed project, there are no discharges to further analyze in the FEIS. All water related to this is anticipated to be required for use in processing [PR 0006441, pp. 31, 481].

Tribal Values

Comment 0233-34:
You contend a lack of proper consultation with federally recognized Tribes in Arizona as well as public stakeholders with vested interests regarding threats to historic properties upon the Oak Flat land parcel. You also assert violations of: NHPA, EO 13007, Section 3003 of the NDAA, and the American Indian Religious Freedom Act (AIRFA).

Response:
The Tonto National Forest's (TNF) Tribal consultation and engagement efforts related to the proposed Resolution Copper Mine and the Southeast Arizona Land Exchange are summarized over time in three phases since 2003. The first phase of the project tribal consultation occurred from 2003 to 2016, when the TNF began government-to-government consultation on the proposed project. In December 2014, Congress passed the NDAA). Section 3003 of the NDAA authorizes and directs the Secretary of Agriculture to facilitate and expedite an exchange of lands between Resolution Copper and the United States [PR 0001786]. This exchange of land would convey 2,422 acres of federal land (Oak Flat Parcel) in exchange for approximately 5,344 acres of private land from eight parcels. One of the parcels was designated by the TNF as part of the Apache Leap Special Management Area (SMA), as also directed by the NDAA. The NDAA required the preparation of a single EIS under the NEPA, as well as government-to-government consultation with "affected Indian tribes concerning issues of concern to the affected Indian tribes related to the land exchange." The NDAA also stipulated that the Secretary shall consult

with Resolution Copper to find "mutually acceptable measures" to address concerns of the affected tribes. Section 3003 of P.L. 113-291 also requires that the Secretary of Agriculture engage in government-to-government consultation with affected Tribes concerning issues related to the land exchange. The Secretary of Agriculture delegated the TNF Forest Supervisor to consult with Resolution Copper to seek mutually acceptable measures to address the concerns of the affected Tribes and minimize the adverse effects from mining and related activities on the conveyed lands. In 2015, the TNF began consultation with 11 Tribes regarding the proposed mine, the land exchange, and the development of alternate tailings locations based on the 2015 tribal consultation initiation letters [PR 0000112 to 0000137]; with additional follow-up in April 2016 upon publication of the NOI [PR 0000682 to 0000692]. TNF also consulted the Tribes regarding the management of the Apache Leap SMA, as directed by Section 3003 of P.L. 113-291 (2016 ALSMA tribal consultation initiation letters [PR 0001980 to 0001990]). Four additional Tribes were later included in consultation with the introduction of the Peg Leg alternative location at the BLM's request (15 Tribes; 2018 addition of 4 southern tribes [PR 0110811 to 0110814]).

The second phase of Tribal consultation (2016-2021) began with the environmental review of the Plan of Operation and crafting measures to mitigate adverse effects to resources of tribal concern, as the Tribes collectively opposed the mine as it would result in adverse effects that were not mitigatable based on Tribal values and traditions. Tribal consultation was reinitiated in September 2021 [PRs 0005476 to 0005504]. Thereby marking the third phase of Tribal consultation to present.

Tribal values and concerns regarding the land exchange and the proposed GPO include resources with traditional or cultural significance. Resources of traditional or cultural significance can be traditional cultural places (TCPs) as defined by National Register Bulletin 38, "Guidelines for Documenting and Evaluating Traditional Cultural Properties" (Parker and King 1998); sacred places; and traditional knowledge places (TKPs). As a result, several changes were made in the FEIS to the "Tribal Values" section of the DEIS to address TCP concerns [PR 0006441, p. 868].

Cultural Resources
See also Response to Comment 0233-33. The letter from the ACHP dated March 31, 2021 [PR 0004974, pp. 3-5] discussed that consultation with Indian Tribes began as early as 2003 and then was accelerated following the passage of the NDAA in 2015. The letter states that although it is not clear which of these interactions were characterized as formal Section 106 consultation there is a record of consultation where the TNF engaged with Tribes and interested members of the public over the course of many years. These interactions were outlined in the 2021 FEIS [PR 0004878, ES-1.8 (outlining public participation), Chapter 5, p. 978, and Appendix S]. The Section 106 Process Status Report [PR 0002413] contains a summary of consultation up to April 2018.

In the 2021 letter the ACHP recognized the difficult position that the TNF was placed in and that the project involved unique challenges for all parties associated with the project. The letter goes on to state that although the TNF struggled to manage its consultation efforts with Indian tribes and to ensure that consultation informed the overall Section 106 process…It is clear that the TNF

intended to carry out Tribal consultation, including government-to-government consultation, and solicit tribal input [PR 0004974, p. 5].

In the years since the withdrawal of the 2021 FEIS and DROD the Forest Service has reengaged in NHPA consultation. The 2025 FEIS [PR 0006441, pp. ES-9 – ES-10, Section 1.1.3.2, and Section 1.7.1, Section 1.7.3, Section 3.14.1.2, Section 5.5, Appendix J, p. J-3 – J-5] and the DROD [PR 0006694, pp. 37-44] outline how the consultation process has continued, and grown, despite the ACHP's termination of the NHPA, Section 106 process. Despite the fact that the ACHP terminated consultation, they did not dismiss the consultative process that led to the development of the document. Instead the ACHP advised that the agency use the PA as written to implement previously agreed upon mitigation measures to resolve adverse effects: "If USDA decides to proceed with the undertaking as described, the ACHP recommends the [agency] commit to implementing the terms of the PA, including but not limited to the phased identification process, the historic property treatment plans, and the listed mitigation measures in cooperation with Resolution Copper and the other invited signatories and in consultation with the consulting parties" [PR 0004974, p. 7]. As stated in Objection Response 0233-33, the agency has accepted ACHP's advice in full and will incorporate the mitigation measures in the unexecuted PA into the Final ROD and the special use permit for the use of National Forest System lands [PR 0006441, pp. 815, 821, Appendix J; PR 0006694, pp. 38-41]. Therefore, the reluctance of the ACHP to sign the PA is not evidence the that the Forest Service's consultation with Indian Tribes and members of the interested public was in violation of laws and regulation.

Executive Order (EO) 13007, Indian Sacred Sites
Related to the concern that EO 13007 has been violated by way of this process, the agency has, to the extent practicable and permitted by law, accommodated access to and ceremonial use of the sacred site that is Oak Flat (Chích'il Bił Dagoteel) by Indian religious practitioners and avoided adversely affecting its physical integrity so long as those lands are within the NFS lands. The NDAA effectively transfers the land and likewise, that is a law that the Forest must heed in consideration of the place and its uses. With regard to confidentiality, the place that is Oak Flat (Chích'il Bił Dagoteel) has, through this process, become well known in print and electronic media and in public-facing court proceedings as a prominent Sacred Site. The agency has consistently and respectfully granted deference to religious-cultural practitioners and holders of Indigenous Knowledge (IK) regarding Oak Flat (Chích'il Bił Dagoteel) to speak for the place, it uses, and values. Where practicable and appropriate, procedures to ensure reasonable notice of proposed actions or land management policies that may restrict future access to or ceremonial use, or adversely affect the physical integrity, of Oak Flat (Chích'il Bił Dagoteel) have been provided.

AIRFA
To your assertion that AIRFA was violated by way of this process, no such violations have occurred on behalf of the Forest Service. Passed in 1978, AIRFA ensured the extension of religious Constitutional freedoms to federally recognized Tribes and enrolled practitioners, conceding violations of those rights as well on behalf of the government prior to its passage. So long as the Oak Flat parcel (Chích'il Bił Dagoteel) is within the NFS lands, the Forest Service has adhered to and will continue to adhere to all laws and policies to accommodate access to, and

use of that parcel to the extent that the use is practicable and is consistent with an agency's essential functions.

Wildlife

Comment 0233-32:
You contend that the Forest Service failed to properly consult with the United States Fish and Wildlife Service (USFWS) on new impacts, violating ESA, and relying on an inadequate Biological Opinion (BO). You assert the new impacts are not analyzed and do not ensure protection of the listed species and habitat as required by ESA. Failure to protect the Arizona Hedgehog Cactus violates agency special use regulations. The final USFWS BO (FEIS Vol. 5) lists the various pipeline designs only, with no explanation and no description of how blasting plans would be reconciled with the cactus' critical habitat. [0233, pp. 63-64]

Response:
In compliance with the ESA Section 7(a)(2), the Forest prepared a biological assessment (BA) that analyzed effects of the preferred project alternative, including to the endangered Arizona hedgehog cactus (AHC); the AHC does not have designated critical habitat as you indicated, but cacti are known to occur within the proposed project footprint and in adjacent areas within the action area [PR 0004446, p. 94; PR 0004857, pp. 3-4].

The BA analyzes the 500-foot width of the tailings pipeline corridor assumed to be disturbed by project activities, describes blasting for the tunnel with a blasting plan, and includes a detailed map of the proposed corridor with tunnels and powerlines [PR 0004446, pp. 27-28, pdf p. 242, pdf pp. 286-295]. Based on surveys conducted 2004-2020, the BA also contains estimates of the individual AHC and disturbed acres by project component [PR 0004446, p. 97; PR 0004857, pp. 3-4]. Based on the Forest's BA, the USFWS determined in the 2020 Biological Opinion (BO) that the project's level of anticipated take is not likely to jeopardize the continued existence of AHC [PR 0004856, pp. 53-54].

Prior to republication of the FEIS in June 2025, the NEPA team reviewed any changed circumstances since publication of the 2020 BO and evaluated these against reinitiation triggers in the BO [PR 0006384]. The Forest concluded that none of the triggers were met [PR 0006382]. The FEIS incorporated the BO determination for AHC [PR 0006441, p. 42] to conclude the project may affect, is likely to adversely affect AHC and the Draft ROD documents compliance with the ESA [PR 0006694, p. 43].

Forest Service special use authorizations contain standardized, national terms and conditions that are legally and programmatically designed to help protect natural resources from depredation while balancing the needs of the public and multiple use mandate. There is no violation of special use regulations here.

Comment 0233-38:
You contend that baseline conditions related to water and wildlife were not adequately assessed and that impacts were not analyzed. The FEIS notes that thousands of acres of bird and other species' habitat, "potentially would be impacted under each action alternative," but no analysis is

included as to how the project activities—including but not limited to dewatering and water use and transmission lines—would directly, indirectly, and cumulatively impact wildlife, birds and habitat or the traditional, cultural or religious practices of the Tribes. Under the Land Exchange, the Oak Flat federal lands would leave Forest Service jurisdiction, which would reduce wildlife protections on these lands as the NFMA, Tonto National Forest Land and Resource Management Plan, the Organic Act, FLPMA, and provisions of the Endangered Species Act would no longer apply. [0233, p. 76]

Response:
Baseline conditions related to special status wildlife (species listed under ESA, Tonto National Forest sensitive species, BLM sensitive species, migratory birds, bald and golden eagles, and Arizona Game and Fish Department Species of Greatest Conservation Need) were adequately assessed and impacts were analyzed by all alternatives; Tonto National Forest Species of Conservation Concern were assessed to ensure compliance with the Forest Plan [PR 0006441, pp. 599-643]. Baseline data for special status wildlife and survey information is in numerous supporting documents, including but not limited to:

1. BA [PR 0004446];
2. BA Addendum 1 [PR 0004409];
3. BA Addendum 2 [PR 0004857];
4. Biological Evaluation of the Near West Analysis Area [PR 0000662];
5. Biological Evaluation for the Proposed Peg Leg Well Tailings Storage Facility in the Vicinity of Florence, Pinal County, Arizona [PR 0002350];
6. Biological Evaluation for the Silver King Tailings Storage Facility in the Vicinity of Superior, Pinal County, Arizona [PR 0002351];
7. Biological Evaluation for the Proposed Skunk Camp Tailings Storage Facility with Proposed North and South Corridors in Gila and Pinal Counties, Arizona [PR 0003407];
8. Biological Evaluation for the Resolution Copper Project 230kv Power Line in the Vicinity of Superior, Pinal County, Arizona [PR 0003477].

The FEIS specifically analyzes effects of project activities, including dewatering and water use and transmission lines on wildlife, birds and habitat. These impacts are addressed in general construction, operation, and closure and reclamation impacts, as well as specific impacts to wildlife groups, special habitat areas, wildlife connectivity, and potential wildlife exposure to water ponds [PR 0006441, pp. 615-626]. Potential effects to wildlife and their habitat include mortality, reduced available habitat and fragmentation, increased metabolic expenditures from traveling farther to find water, impaired water quality and quantity, collisions, crushing, impacts from increased noise, vibration, and lighting, increased barriers to movement and dispersal, and impacts from smells associated with construction [PR 0006441, pp. 611-643]. The FEIS addresses cumulative effects to wildlife and their habitats [PR 0006441, pp. 640-641, 954-957]. The Forest analyzed the preferred project alternative that included the tailings pipeline corridor and adequately completed ESA Section 7(a)(2) consultation with the USFWS. The FEIS incorporated the biological opinion and the Draft ROD documents in compliance with the ESA. Regarding the concern related to impacts to “the traditional, cultural or religious practices of the Tribes”, the FEIS analyzes cultural resources - both historic properties and cultural resources not listed on the National Register of Historic Places [PR 0006441, p. 814] - and analyzes tribal values and concerns, including resources with traditional or cultural significance [PR 0006441,

p. 867]. There are three distinct 'analysis areas' in the EIS: direct impacts analysis area, indirect impacts analysis, and the atmospheric impacts analysis area. These three areas are identical to the area of potential effect (APE) which was developed through consultation with Arizona SHPO, ACHP, BLM, ASLD, affected Tribes, and other consulting parties. Direct, indirect, and atmospheric impacts for each alternative, including the no action alternative, are described in the FEIS [PR 0006441, pp. 825-837, 884-892]. The cumulative effects process [PR 0006441, p. 923] and cumulative effects analysis for cultural resources [PR 0006441, pp. 968-969] and for Tribal values and concerns is described in the FEIS [PR 0006441 pp. 972-973].

Between the DEIS and the FEIS [PR 0006441, p. 814], surveys for cultural resources were completed and reported on for the majority of the project area and alternatives. The data were compiled and used in the FEIS analysis and used to refine design elements for project components. Additional analysis was conducted in the FEIS in response to DEIS comments and the cumulative effects analysis was revised for the FEIS to better quantify impacts.

Regarding your statement related to Oak Flat federal lands leaving Forest Service jurisdiction, the FEIS discloses details of the land exchange. There are three separate, but related components analyzed throughout the FEIS: approval of a mining plan of operations on NFS land associated with a proposed large-scale mine, which would be on private land after the land exchange; an exchange of the Oak Flat Federal parcel (NFS land) for eight parcels throughout Arizona (Resolution Copper land) as directed under PL 113-291; and the approval of an amendment to the land management plan [PR 0006441, p. 12]. The FEIS discloses the direct, indirect [PR 0006441, pp. 163-912], and cumulative impacts [PR 0006441, pp. 923-996 that would result from the proposed action. The environmental effects resulting from the land exchange on private, State, and NFS lands are analyzed in the FEIS. The comparison point for the effects of the land exchange is in the No Action Alternative (i.e., the land exchange would not occur) [PR 0004661, pp. 91-92], and is analyzed for each resource in the FEIS [PR 0006441, pp. 163-894]. The land exchange is addressed for each analyzed resource under 'Elements Common to All Action Alternatives' [PR 0006441, pp. 364, 748, 848]. Should the land exchange occur, the Forest Service would no longer have regulatory jurisdiction for those lands. However, Resolution Copper would still be required to comply with applicable Federal and State environmental laws. A summary of effects, should the land exchange occur, including changes in regulatory protection of resources through loss of Federal oversight, are described in Appendix I of the FEIS [PR 0006441, pp. I-1-I-4].

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letters received. My review finds that the project is in compliance with all applicable laws and the 2023 TNF Forest Plan. However, based on my review, I am instructing TNF Forest Supervisor Robert Trujillo to:

- Clarify how Clean Air Act conformity will be met in the Final ROD.
- Clarify that Resolution Copper will obtain the necessary permitting, to include a Clean Water Act 404 permit if required by the U.S. Army Corps of Engineers, in the Final ROD.
- Clarify the results and outcome of the BLM Report related to the FEIS in the Final ROD.

- Include Desired Condition TRB-DC-01 in the list of plan components to be excepted in the project-specific plan amendment in an erratum to the FEIS.
- Clarify the instrument for authorizing infrastructure and use activities within the Final ROD.
- Clarify information on the status of the 2017 TMDL and its revision.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 C.F.R. § 218.11(b)(2)].

If you have any questions or concerns, please contact Roxanne Turley, Regional Administrative Review Coordinator, at roxanne.turley@usda.gov.

Sincerely,

JACOB NUTTALL

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JACOB NUTTALL
DEPUTY REGIONAL FORESTER

Enclosure

Cc: Robert Trujillo, Anne Thomas, Kimberly Moore, Roxanne Turley

USDA United States Department of Agriculture | Forest Service | Southwestern Regional Office | 333 Broadway Blvd. SE
Albuquerque, NM 87102
505-842-3292

File Code: 1570
Date: 10/20/2025

John Godec
757 Coal Bank Trail
Castle Rock, CO 80104

Dear Mr. Godec:

On behalf of the Tonto National Forest (TNF), I would like to thank you for your involvement in the Resolution Copper Project and Land Exchange. This letter is in response to the objection you filed regarding the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD). I have read and considered your objection and reviewed the project record and FEIS, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 C.F.R. 218, Subparts A and B.

PROJECT OVERVIEW

Resolution Copper proposes to develop an underground copper mine on unpatented mining claims on National Forest System (NFS) land near the Town of Superior in Pinal County, Arizona, approximately 60 miles east of Phoenix. Resolution Copper is a limited liability company that is owned by Rio Tinto (55 percent) and BHP Copper, Inc. (45 percent). Rio Tinto is the managing member.

In December 2014, Congress authorized a land exchange pending completion of the FEIS, as outlined in Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (which is referred to as Public Law (PL) 113-291). The exchange parcel to be conveyed to Resolution Copper includes not only the Oak Flat Withdrawal Area but also the NFS lands above the location of the copper deposit. This collective 2,422-acre tract of land is known as the "Oak Flat Federal Parcel."

The only decision to be made by the Forest Service is limited to approval of ancillary infrastructure (road, power and pipelines) on National Forest System (NFS) land associated with the Resolution Copper Project. The project-specific forest plan amendment would except the activities approved as part of the selected Federal action, namely the powerline, pipeline, and road use from complying with the specific plan components documented in the 2023 Tonto National Forest Land Management Plan.

ADMINISTRATIVE REVIEW PROCESS

Regulations at 36 C.F.R. 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections (36 C.F.R. § 218.8). The legal notice for the objection filing period was published on June 20, 2025. According to 36 C.F.R. § 218.5(a), objections may be filed by individuals and entities who have previously submitted timely, specific written comments regarding the project during a designated opportunity for public comment. Fourteen submissions from individuals and entities were received, and six were determined eligible

for objection review.

Each objection was thoroughly considered and is responded to. Per 36 C.F.R. § 218.11(b), objection responses do not need to be point-by-point. Overall, the objection review and remedies suggested did not reveal opportunities for resolution; therefore, I did not hold a resolution meeting. This letter is my written response to your objection.

OBJECTION & RESPONSE SUMMARY

First, your objection states that your support of the Resolution Copper Project is contingent on a commitment that mitigations remain viable throughout the life of this project. I interpret these "required mitigations" as those detailed in the mitigation agreement negotiated between Resolution Copper Mine (RCM) and the Town of Superior. The Forest Service is not a party to this agreement and is not making any decision with respect to that agreement. Accordingly, it will not be addressed any further in the FEIS or Final ROD.

You also request Resolution Copper's commitment to resolve the Bronco Creek Superior West claims issue and agree that no new development occurs during the life of the project.

Bronco Creek's Superior West project was not considered for analysis as a Reasonably Foreseeable Future Action (RFFA) in the FEIS [PR 0006388, p. A-5], for the Resolution Copper project as it was not ripe for consideration. The Superior West project is likewise not the subject of any proposed decision documented in the DROD and is not subject to objection. Should a future proposal be initiated, lands under NFS jurisdiction will be managed according to the Land Management Plan in place, subject to valid existing rights, and appropriate laws and regulations.

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letters received. My review finds that the project is in compliance with all applicable laws and the 2023 TNF Land Management Plan.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 C.F.R. § 218.11(b)(2)].

If you have any questions or concerns, please contact Roxanne Turley, Regional Administrative Review Coordinator, at roxanne.turley@usda.gov.

Sincerely,

JACOB NUTTALL

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JACOB NUTTALL
Deputy Regional Forester

Cc: Robert Trujillo, Anne Thomas, Kimberly Moore, Roxanne Turley

USDA United States Department of Agriculture | Forest Service | Southwestern Regional Office | 333 Broadway Blvd. SE Albuquerque, NM 87102 505-842-3292

File Code: 1570
Date: 10/20/2025

Dear Town Manager Pryor:

On behalf of the Tonto National Forest (TNF), I would like to thank you for your involvement in the Resolution Copper Project and Land Exchange. This letter is in response to the objection you filed regarding the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD). I have read and considered your objection and reviewed the project record and FEIS, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 C.F.R. 218, Subparts A and B.

PROJECT OVERVIEW

Resolution Copper proposes to develop an underground copper mine on unpatented mining claims on National Forest System (NFS) land near the Town of Superior in Pinal County, Arizona, approximately 60 miles east of Phoenix. Resolution Copper is a limited liability company that is owned by Rio Tinto (55 percent) and BHP Copper, Inc. (45 percent). Rio Tinto is the managing member.

In December 2014, Congress authorized a land exchange pending completion of the FEIS, as outlined in Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (which is referred to as Public Law (PL) 113-291). The exchange parcel to be conveyed to Resolution Copper includes not only the Oak Flat Withdrawal Area but also the NFS lands above the location of the copper deposit. This collective 2,422-acre tract of land is known as the "Oak Flat Federal Parcel."

The only decision to be made by the Forest Service is limited to approval of ancillary infrastructure (road, power and pipelines) on National Forest System (NFS) land associated with the Resolution Copper Project. The project-specific forest plan amendment would except the activities approved as part of the selected Federal action, namely the powerline, pipeline, and road use from complying with the specific plan components documented in the 2023 Tonto National Forest Land Management Plan.

ADMINISTRATIVE REVIEW PROCESS

Regulations at 36 C.F.R. 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections (36 C.F.R. § 218.8). The legal notice for the objection filing period was published on June 20, 2025. According to 36 C.F.R. § 218.5(a), objections may be filed by individuals and entities who have previously submitted timely, specific written comments regarding the project during a designated opportunity for public comment. Fourteen submissions from individuals and entities were received, and six were determined eligible for objection review.

Each objection was thoroughly considered and is responded to. Per 36 C.F.R. § 218.11(b), objection responses need not be point-by-point. Overall, the objection review and remedies suggested did not

reveal opportunities for resolution; therefore, I did not hold a resolution meeting. This letter is my written response to your objection.

OBJECTION & RESPONSE SUMMARY

First, your objection states that your support of the Resolution Copper Project is directly contingent on "a firm and enforceable commitment that" your "mitigation requests are well funded and included in the final Record of Decision." I interpret these "mitigation requests" as those detailed in the "mitigation agreement negotiated between RCM and the Town of Superior," which you have attached to your objection. The Forest Service is not a party to the agreement you attached to your objection and is not making any decision with respect to that agreement. Accordingly, it will not be incorporated into the Final ROD.

You also state that support of the Resolution Copper Project is directly contingent on a commitment to address the potential for Bronco Creek to drill on the exchanged lands on the Superior West project and subsequently create an impact to the Town of Superior's economic stability.

Bronco Creek's Superior West project, which is referenced in your objection letter, was not considered for analysis as a Reasonably Foreseeable Future Action (RFFA) in the FEIS [PR 0006388, p. A-5], for the Resolution Copper Project. The Superior West project is likewise not the subject of any proposed decision contained in the DROD and is not subject to objection. Should a future proposal be initiated, lands under NFS jurisdiction will be managed according to the Land Management Plan in place, subject to valid existing rights, and appropriate laws and regulations.

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letters received. My review finds that the project is in compliance with all applicable laws and the 2023 TNF Land Management Plan.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 C.F.R. § 218.11(b)(2)].

If you have any questions or concerns, please contact Roxanne Turley, Regional Administrative Review Coordinator, at roxanne.turley@usda.gov.

Sincerely,

JACOB NUTTALL

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JACOB NUTTALL
DEPUTY REGIONAL FORESTER

Enclosure

Cc: Robert Trujillo, Anne Thomas, Kimberly Moore, Roxanne Turley

USDA United States Department of Agriculture | Forest Service | Southwestern Regional Office | 333 Broadway Blvd. SE Albuquerque, NM 87102 505-842-3292

File Code: 1570
Date: 10/20/2025

Dear Chairman Rambler:

On behalf of the Tonto National Forest (TNF), I would like to thank you for your involvement in the Resolution Copper Project and Land Exchange. This letter is in response to the objection you filed regarding the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD). I have read and considered your objection and reviewed the project record and FEIS, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 C.F.R. 218, Subparts A and B.

PROJECT OVERVIEW

Resolution Copper proposes to develop an underground copper mine on unpatented mining claims on National Forest System (NFS) land near the Town of Superior in Pinal County, Arizona, approximately 60 miles east of Phoenix. Resolution Copper is a limited liability company that is owned by Rio Tinto (55 percent) and BHP Copper, Inc. (45 percent). Rio Tinto is the managing member.

In December 2014, Congress authorized a land exchange pending completion of the FEIS, as outlined in Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (which is referred to as Public Law (PL) 113-291). The exchange parcel to be conveyed to Resolution Copper includes not only the Oak Flat Withdrawal Area but also the NFS lands above the location of the copper deposit. This collective 2,422-acre tract of land is known as the "Oak Flat Federal Parcel."

The only decision to be made by the Forest Service is limited to approval of ancillary infrastructure (road, power and pipelines) on National Forest System land associated with the Resolution Copper Project. The project-specific forest plan amendment would except the activities approved as part of the selected Federal action, namely the powerline, pipeline, and road use from complying with the specific plan components documented in the 2023 Tonto National Forest Land Management Plan.

ADMINISTRATIVE REVIEW PROCESS

Regulations at 36 C.F.R. 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections (36 C.F.R. § 218.8). The legal notice for the objection filing period was published on June 20, 2025. According to 36 C.F.R. § 218.5(a), objections may be filed by individuals and entities who have previously submitted timely, specific written comments regarding the project during a designated opportunity for public comment. Fourteen submissions from individuals and entities were received, and six were determined eligible for objection review.

Each objection was thoroughly considered and is responded to. Per 36 C.F.R. § 218.11(b), objection responses need not be point-by-point. Project Record (PR) documents are cited throughout responses with their identifying number and page reference, for example: [PR 0006441, pp. 18-20]. Overall, the objection review and remedies suggested did not reveal opportunities for resolution; therefore, I did not hold a resolution meeting. This letter is my written response to your objections.

OBJECTION & RESPONSE SUMMARY

Objector Comment & USFS Response 1:

You contend that the FEIS fails to consider numerous relevant, industry-standard factors related to the tailings storage facility alternatives and the tailings and concentrate pipelines. The objection letter provided a 5-page objection letter with 4 Exhibits attached. Exhibit 2, provided with the objection letter [Objection, Exhibit 2, pp. 1-4/pdf pp. 107-110], is a declaration from Dr. Steven Emerman, signed on May 29, 2025, which contains 14 points that are not related to the listed 14 assertions in the objection letter [Objection, pp. 2-3], thereby omitting pertinent contextual information from this objection review. Objection regulations at 36 C.F.R. § 218.8(b) indicate that documents incorporated by reference must be one of four exceptions, otherwise, "all other documents must be included with the objection." The written response to the 14 listed objection assertions, based on how the assertions were understood without Exhibit 2 are included below.

You contend that, according to Dr. Emerman, 14 relevant factors that the 2025 FEIS fails to consider are:

(1) Nine of ten possible causes of pipeline failure, including the most common cause of failure (Exh. 2, at 2-6);

(1) Response: There are four documents in the record that speak to pipeline failure: 1) Concentrate Pipeline Corridor Management Plan, May 2, 2019 [PR 0003126]; 2) Resolution Copper Tailings Corridor Pipeline Management Plan, May 2019 [PR 0003158]; 3) Resolution Copper Skunk Camp Pipelines, Pipeline Protection and Integrity Plan, May 15, 2020 [PR 0004027], and; 4) Failure Modes Effects Analysis 2020 Workshop Resolution Copper Environmental Impact Statement Proposed Skunk Camp Tailings Storage Facility, October 2020 [PR 0004408].

The *Resolution Copper Tailings Corridor Pipeline Management Plan, May 2019* [PR 0003158] lists common pipeline failure modes, including those related to mechanical, operational, corrosion, natural hazards, and third parties. This document is a general review of common pipeline failure modes and applies to all pipelines related to the project. The latter two referenced documents [PR 0004027 & PR 0004408] are specific to the Skunk Camp tailings lines and use a risk analysis technique, the Failure Modes and Effects Analysis methodology (FMEA), to examine credible pipeline failure scenarios, including mechanical, operational, corrosion and erosion, a number of natural hazards, and third-party damage. *Resolution Copper Skunk Camp Pipelines, Pipeline Protection and Integrity Plan, May 15, 2020* [PR 0004027] identified a total of nine pipeline failure modes. This document may be what the objection is referencing. A risk analysis for the concentrate line [PR 0003126]

highlighted similar failure scenarios, including geohazards, failure from storm events, design and technical shortcomings, construction, and third-party damage.

As demonstrated in four separate pipeline related documents prepared in support of the FEIS analysis, strikingly similar pipeline failure modes were identified. The analysis in the FEIS has evaluated credible pipeline failure scenarios and has met the threshold of adequacy.

(2) Factors heightening the consequences of pipeline failure including the volume of tailings conveyed, the inability of Resolution to rapidly halt production, and the high-risk features like canyon crossings (Id. 6-9);

(2) Response: The FEIS includes four separate pipeline risk analyses [PR 0004027; PR 0003158; PR 0003126; PR 0004408] which examine potential pipeline failure modes and the resulting consequences. Further, the analyses provide mitigation measures to minimize any adverse consequences. The risk analyses identify credible failure scenarios, taking into account the unique aspects of the pipeline system being evaluated, to make an assessment of potential consequences from such a failure. Mitigation measures developed by the proponent [PR 0006441, p. 712; PR 0004027, p. 10; PR 0004408, p. 51] addressed these potential failure modes that have considered either directly or indirectly pipeline tailings volume subject to spillage, emergency pipeline shutdown protocols, and canyon crossings. Further, analyses of potential consequences from a pipeline breach can be found in Section 3.10 of the FEIS [PR 0006441]. The analysis in the FEIS related to this objection contention has met the threshold of adequacy.

(3) The probability of a concentrate pipeline failure (Id. 9-10);

(3) Response: The Concentrate Pipeline Corridor Management Plan [PR 0003126, p. 7] provides statistics on frequency of pipeline failures. Since determining a probability of failure specific to the concentrate pipeline would be speculative, using data from historic pipeline failures is an appropriate method of evaluating probability of failure for the concentrate pipeline. The analysis in the FEIS has properly disclosed the probability of failure of the concentrate pipeline.

(4) Factors heightening the consequences of a concentrate pipeline failure to the immediate environment and downstream communities, such as toxicity (Id. 10-12);

(4) Response: The FEIS discusses toxicity levels of the tailings concentrate and their potential to exceed State of Arizona soil remediation levels in the event of a pipeline spill, along with the potential to cause an exceedance of surface and groundwater standards should the pipeline tailings come into contact with either [PR 0006441, pp. 720-721].

Four independent risk evaluations, mitigation control, and operations and management plans have been developed for the pipelines and are incorporated into the General Plan of Operations (GPO) [PR 0004027; PR 0003158; PR 0003126; PR 0004408]. These plans discuss pipeline monitoring, operation, maintenance and response actions in the event of a pipeline breach or spill.

The analysis in the FEIS has properly disclosed the toxicity of the tailings concentrate, and the GPO has incorporated operation and response plans to mitigate the effects of toxicity from a failure of the concentrate pipeline.

(5) A dam breach analysis and emergency preparedness and response plan and the consequent risks to downstream communities directly impacted before any kind of emergency action may be taken (Id. 12-16).

(5) Response: The FEIS includes a breach analysis [PR 0006441, pp. 691-693]. The FEIS addressed an emergency preparedness and response plan in a response to comment [PR 0006441, p. R-312] wherein it states, "*Development of a full emergency action plan is premature, given that the tailings storage facility would likely not be constructed for at least a decade and on-the-ground details of downstream infrastructure, communities, and residents likely will change in that time."* The proponent is a signatory to the Global Industry Standard on Tailings Management protocols, of which preparation of an emergency preparedness and response plan is required. Preparation of such a plan, in coordination with other first responder agencies, would be part of a final TSF design. The Forest Service believes this adequately addresses this objection contention.

(6) The 268-mile runout distance associated with a tailings dam failure as predicted by the empirical model the 2025 FEIS otherwise relies upon (Id. 16-19);

(6) Response: The objection reference to "*...268-mile runout..."* comes from the DEIS analysis [PR 0003304, p. 539]. This runout distance was estimated using an empirically derived methodology based on a compilation of data from past tailings impoundment failures. Limitations to using this empirical approach are discussed in the FEIS [PR 0006441, p. 692]. During the FMEA exercise, FMEA participants recommended conducting an additional breach analysis that would reflect more accurately the site-specific conditions at the Skunk Camp site. This additional analysis was completed [PR 0003851], and a description of the results is disclosed in the FEIS [PR 0006441, p. 715].

Both analyses were used in the FEIS to bracket the topographical limits of potential downstream consequences [PR 0006441, p. 692]. A description of potential impacts from a hypothetical tailings dam breach of the Skunk Camp TSF is in the FEIS. [PR 0006441, p. 731] and uses both the 268-mile runout distance predicted by the empirical model, and a shorter runout distance estimated based on recommendations from the FMEA. The disclosure and accompanying analysis in the FEIS satisfies this objection contention.

(7) All credible failure models after arbitrarily and erroneously defining a "credible" failure in terms of probability rather than possibility (Id. 19-20);

(7) Response: A risk analysis using the FMEA method was conducted for the Skunk Creek TSF which examined possible failure modes for the Skunk Creek tailings facility [PR 0004408]. The participants in the risk analysis workshop included knowledgeable persons with mining experience from state and federal regulatory agencies, and consultants specializing in tailings dams and geotechnical engineering. As stated in the FMEA report,

"*This FMEA was conducted in general conformance with dam safety industry standards for risk analysis. Guidelines for risk analysis of dams from the following organizations were reviewed and utilized for the FMEA: Canadian Dam Association (CDA), Federal Energy Regulatory Commission (FERC), USACE, and the United States Bureau of Reclamation (USBR).*" [PR 0004408, p. 5]

The FMEA exercise was conducted by 1) individuals with relevant and applicable experience, and 2) conformed to established and standard practices for dam engineering. The FMEA exercise and its applicability to conclusions contained in the FEIS were appropriate.

(8) Industry standard factors for foundation characterization including intrusive investigations, in situ testing, geophysics, and laboratory testing (Id. 20-21).

(8) Response: There is a discussion of site investigations and results from site investigations conducted at the Skunk Creek TSF site in the FEIS [PR 0006441, p. 183]. The site investigations included mapping, geophysical surveys, test pits, drilling, pump tests, material characterization and strength lab tests, and a seismic hazard assessment.

Details on the scope of tests and the results are found in the following documents: Resolution Copper Project: Skunk Camp Site Investigation, 2019 [PR 0003561]; Summary of Results for 2020 Site Investigations at the Skunk Camp Storage Facility, 2020 [PR 0003885];Site-Specific Hazard Analyses and Development of Time Histories for Resolution Copper's Proposed Skunk Camp Tailings Storage Facility, Southern Arizona. Final Report Rev. 2, 2020 [PR 0004404]; Resolution Copper Project, Skunk Camp TSF Stability Implications Post Site Investigations, 2020 [PR 0004071]. The scope of site investigations at the Skunk Creek TSF location is sufficient to characterize foundation conditions.

(9) A stability analysis of the tailings (Id. 21);

(9) Response: Presumably this is referring to the Skunk Camp tailings alternative. The document, *Resolution Copper Project, Skunk Camp TSF – Tailings Laboratory Strength Testing Summary,* Doc. #03-81600-EX-LTR-00018 – Rev. 0, dated June 1, 2020, contains results of a stability analysis for the Skunk Camp TSF [PR 0003852]. The results of the stability analysis indicated the Skunk Camp tailings impoundment will be stable under the various stated design criteria loading conditions, provided there is adequate embankment drainage and quality control during construction. The analysis disclosed in the above referenced document is sufficient for disclosure purposes of this FEIS, and its conclusions do not change the analysis that was provided in the FEIS.

(10) How outer embankment slopes that are steeper than allowed by U.S. Army Corp of Engineers may increase the risk of catastrophic failure (Id. 22-24).

(10) Response: The objection appears to contend that the FEIS analysis fails to examine how embankment slopes steeper than those allowed by the U.S. Army Corps of Engineers may increase the risk of catastrophic failure. The Forest Service is unaware of any prescriptive requirements in U.S. Army Corps of Engineer (USACE) Manuals related to maximum slope

angle for earthen embankment dams, similar to that proposed for the Resolution project. The USACE does have guidance regarding embankment slopes for levees (EM 1110-2-1913 (2000), but as that guidance points out, a levee's primary purpose is flood control from seasonal high water, and embankments subject to water loading for prolonged periods should be designed according to earth dam criteria. For the Skunk Camp tailings facility, the proponent is following the Federal Guidelines for Dam Safety, P-93 (FEMA, 2004) which the Forest Service uses for dam design, including tailings dams. This design protocol is referenced in the FEIS [PR 0006441, pp. 698-700]. The Federal Guidelines for Dam Safety, P-93 do not have prescriptive maximum embankment slope requirements.

The applicable, appropriate and required design manual for its design of the Skunk Camp tailings dam has been used.

(11) International standards for minimum separation between tailings dams and downstream communities (Id. 24-26);

(11) Response: The Skunk Camp tailings dam is designed using the guidelines from the Arizona Department of Environmental Quality (ADEQ) under its Aquifer Protection Permit requirements. The State of Arizona is the governing regulatory body for the Skunk Camp TSF. The proponent has chosen to also meet the federal design guidelines as found in the Federal Guidelines for Dam Safety, P-93, as administered by the Federal Emergency Management Agency (FEMA), even though the Skunk Camp tailings dam is not located on NFS lands. Further, the proponent as a signatory to the Global Industry Standard on Tailings Management, an international effort to establish minimum standards for the planning, design, operation and closure of tailings dams.

Further, the design for the Skunk Camp tailings dam meets many of the requirements for design contained in other international guidelines for tailings dam design and operation such as the Mining Association of Canada, The Australian National Committee on Large Dams, and the International Council on Mining and Metals, all respected and cited design compendiums. A comparison of the Skunk Camp design features and these international standards is in the FEIS [PR 0006441, pp. 703-704]. The proponent has met the design requirements of the regulatory authority, ADEQ, while meeting many of the design requirements of other international guidelines. Adherence to *every* promulgated guideline is not required of the proponent under the National Environmental Policy Act (NEPA) and the standard for analysis regarding this objection has been met.

(12) Factors informing whether a modified centerline method or downstream method for the tailings dam should be preferred (Id. 26-28);

(12) Response: There are several supporting documents to the DEIS and FEIS that evaluate a suite of tailings dam construction techniques including centerline, modified centerline and downstream options. Towards this end, the proponent established an Independent Technical Review Board (ITRB) to review and evaluate questions surrounding *"...siting and design of large and complex tailings storage facilities"* [PR 0001301, p. 1]. The use of ITRBs is consistent with international best practices. The results of their review are found in *Independent Technical Review Board Report No. 1, Rev 1*, dated March 8, 2017, and

provides the following conclusion, "*Overall, the ITRB is content that additional alternatives to the MPO tailings construction methodology have been studied and three of those dam sections encompassing centerline sand dam, modified centerline sand dam, and dry stack are technically viable, the selection process followed is sufficiently robust to make a defensible selection* [PR 0001301, p. 7]. The proponent also prepared an embankment design alternatives report for their proposed TSF location, the Near West site, that included public scoping input [PR 0001303]. This report, although it addresses the Near West site specifically, contains a general assessment of tailings construction options that are applicable to the Skunk Camp site as well.

Further, an alternatives analysis [PR 0004820] which examines both tailings locations and construction techniques, including centerline and downstream, was prepared in November 2017 in support of the EIS alternatives development process. This was followed with a process memorandum titled *Evolution of Range of Alternatives Considered in Detail in the DEIS, after Publication of the Alternatives Evaluation Report (Nov 2017)*, dated October 4, 2018 [PR 0110659].

As noted, there are several documents that have been prepared in support of the DEIS and FEIS which examine tailings dam construction options, including modified centerline and downstream construction techniques. The discussion in those documents is reasoned and consistent with current design practice. The EIS process has developed sufficient and adequate documentation to evaluate a range of tailings construction options.

(13) Factors informing whether tailings potentially generate acid and whether treating so-called NPAG tailings, which include potentially acid-generating tailings, to construct the tailings dam increases the risks of dam failure and of uncontrolled acid mine drainage into the aquifer and downstream waterways, including the Gila River (Id. 28-31); and

(13) Response: The response is broken into two parts, 1) "*...whether tailings potentially generate acid...";* and 2) "*...whether treating so-called NPAG tailings...increases the risks of dam failure...and uncontrolled acid mine drainage...".*

For the first part of the objection, the "Final Resolution Copper Tailings Geochemical Characterization Data Summary Report" contains results from the geochemical characterization study of the various tailings streams, which evaluates the acid generating potential of the tailings [PR 0000960]. The NPAG tailings referred to in this objection are the Rougher Tailings referenced in that report. Additional discussion of tailings acid potential can be found in the FEIS [PR 0006441, pp. 462, 485].

For the second part of the objection, it is not clear what is meant by *"...treating so-called NPAG tailings..."* The only treatment of NPAG tailings referenced in project record is from the "Failure Modes and Effects Analysis 2020 Workshop Resolution Copper Environmental Impact Statement Proposed Skunk Camp Tailings Storage Facility" document, where incorporating limestone into the NPAG tailings to neutralize acid potential is a possible mitigation [PR 0004408, pp. 35, A-11]. This specific mitigation was proposed in response to a failure mode initiating in the embankment foundation. This objection appears to be asking

about a failure within the embankment itself due to incorporating limestone into the tailings material that is used to construct the embankment. The effects from incorporating materials with differences in either grain size or chemical composition into the tailings stream that is used as a construction material was not modelled for stability. The treatment of the NPAG tailings with limestone was one possible mitigation, among several, to address a potential embankment failure mode initiated by future acid generation of the NPAG tailings. There are other possible mitigations to address embankment instability brought on by changed foundation conditions due to tailings acid generation that are applicable to a failure mode initiated in the embankment itself [PR 0004408, p. A-11]. Not all hypothetical failure scenarios and proposed mitigations identified in a risk analysis are modelled at this stage of project development. Final design analyses, which are not customarily done at this stage of project development, could evaluate the addition of any material into the embankment section, such as limestone, to determine whether the results of the initial analyses are still valid. That said, the stability of the Skunk Camp TSF as currently proposed has been evaluated [PR 0003852], and a risk assessment [PR 0006441, p. 714; PR 0004408] and a breach analysis [PR 0003851] have been performed which address the implied end result (i.e., TSF embankment failure) of the second part of the objection.

(14) Factors indicating water consumption of the Project will exceed Resolution's projections by a factor of three (Id. ¶ 4).

(14) Response: The FEIS [PR 0006441] discloses the water use of the mine in multiple places, including in Chapter 2 (see "Water Use," pp. 84-85); Chapter 3, section 3.7.1 (see "Changes in Desert Wellfield Pumping," p. 444); and Appendix H, Further Details of Mine Water Balance and Use (pp. H1 to H8). The "predicted water consumption" of the mine as disclosed in the FEIS averages about 17,000 acre-feet per year [PR 0006441, p. 85]. This is, as the objector suggests, three times less than could be estimated based on published water use estimates from other copper mines. It was confirmed that water use for Resolution Copper is less than other mines in Arizona and the differences between these mines is discussed in *Assessment if Factual Basis for Comments on Dewatering Amounts, Water Usage, and Power Usage* [PR 0004861]. The Resolution Copper Project uses less water than other mines since the mine proponent has incorporated enhanced technology (thickened tailings) in order to reduce water use.

<u>Objector Comment and USFS Response 2:</u>
You identify factors provided by Dr. James Wells for the Forest Service to consider such as whether acid rock drainage will impact water quality at the mine and the TSF and increase the risks to groundwater downstream of the TSF. [Objection, pp. 3-4]

For block-cave water quality estimates, the approach to estimating post-closure water quality changed between the DEIS and FEIS and is disclosed in the FEIS [PR 0006441, pp. 488-492]. Based on DEIS comments [PR 3030140] the post-DEIS Water Resources Workgroup examined the block-cave water quality estimates in the DEIS and determined the approach used was not appropriate as neither model were proper analogs for the physical and chemical actions that take place when the block-cave zone is reflooded after closure. More appropriate methods of estimating post-closure block-cave water quality were identified to disclose impacts. The

changes from the DEIS to FEIS show predictions of block-cave water quality with lower concentrations than disclosed in the DEIS and may not represent an environmental concern as previously disclosed in the DEIS [PR 0006441, p. 489].

Regarding oxidation products associated with fractured ore changing the water quality in the tailings seepage, the models largely calculate the same chemical load but consider two different routes for how the load is delivered to the West Plant Site. In both models (Eary, Hatch), the mass of oxidation products is consistent that enter the West Plant Site, ultimately becoming one source that contributes to elevated concentrations of metals in the tailings seepage [PR 0006441, p. 488]. Therefore, the oxidation products within the mine during operations are accounted for. Dr. Wells was involved in the pre-DEIS Groundwater Modeling Workgroup (focused on groundwater modeling), and then the post-DEIS Water Resources Workgroup (which covered all water topics raised in public comments). Records pertinent to geochemistry include comments from Dr. Wells and the San Carlos Apache Tribe, forwarding and mentioning, comments from Dr. Wells [PR 0004463; PR 0005186; PR 0005189]. Block cave water quality and oxygenation are not mentioned in these comments. Dr. Wells was given the explicit opportunity to disagree in writing and ultimately did not submit any comments on this topic.

Objector Comment and USFS Response 3:

You contend that the 2022 BLM "hydrology report" indicates numerous failings in the FEIS analysis, such as failure to develop a mitigation plan that addresses the major impacts to regional water supply. Namely, the 2025 FEIS fails to adequately analyze the impact of climate change and the long-term environmental impacts of the mine, such as high average temperatures, decreased precipitation, higher evapotranspiration, more frequent and potentially more severe flooding, increases in forest fires due to dry vegetation, increased groundwater pumping due to the reduction of surface flows, and salinity. Further, the FEIS mitigation plan to address the negative impacts on groundwater takes a flawed approach that resorts to "robbing Peter to pay Paul logic" and "passing the buck," rather than providing true mitigation. [Objection, p. 4]

The FEIS includes required mitigations for impacts near the mine site caused by dewatering (which involve Forest surface resources), including for GDEs, Queen Creek, and private water supplies [PR 0006441, pp. J-19 to J-21]. The applicant-committed mitigation measures are discussed further in FEIS Section 3.7.1 [PR 0006441, pp. 449-453].

For long-term environmental water impacts from the mine, long-term ramifications of tailings seepage are found for each alternative in FEIS Section 3.7.2 [PR 0006441, pp. 513, 521, 529, 538, 552]. Long-term impacts to local water supplies from dewatering and block caving and quantitative modeled analysis of impacts to GDEs extending for 200 years are found in FEIS Section 3.71 [PR 0006441, pp. 381-448]. Drawdown modeled results for each GDE are provided in the form of hydrographs over 200 years in Appendix L [PR 0006441]. Based on comments from the DEIS, a new discussion of the regional water supply in the context of Resolution Copper Project's use of water was included in subsection 4.3.4.1, Cumulative Effects on Regional Water Supplies [PR 0006441, pp. 977-988].

Analysis related to climate change is compiled in FEIS Chapter 4, Section 4.3.4.2 "Future Meteorological Trends" [PR 0006441, pp. 989-996] and includes discussion on temperature and

precipitation. Subsections include further discussion on metrics like evapotranspiration and groundwater recharge, and the effects of ongoing meteorological trends on water balance in the area are also discussed in FEIS Sections 3.7.1 and 3.7.3 [PR 0006441, p. 410 and pp. 571-572]. Considerations of the mine and future climate change are included in the subsections "Assessment of Future Meteorological Trends in Groundwater Models" [PR 0006441, pp. 992-995] and "Future Meteorological Trends and Ramifications for Potential Tailings Failure" [PR 0006441, pp. 995-996].

The FEIS, DROD, and project record demonstrate that the Forest Service pursued all mitigation raised during the NEPA process and included in the FEIS and DROD those mitigations under the authority of the Forest Service to require.

Objector Comment and USFS Response 4:
You contend that the 2025 FEIS fails to meet the requirements of Southeastern Arizona Land Exchange and Conservation Act of 2015 (SALECA), and therefore, there is a lack of authority to transfer Oak Flat to Resolution. The Forest Service cannot approve or authorize any of the action alternatives described in the FEIS and DROD, including the Exchange and Special Use Permits, or any action alternative at all that the applicant Resolution may propose, unless and until all laws have been satisfied. As such, the Forest Service must withdraw the FEIS and DROD and order the correction of all errors noted herein. [Objection, p. 2]

The Act, P.L. 113-291, Section 3003, clearly authorizes and directs the Secretary of Agriculture to "facilitate and expedite" the land exchange between Resolution Copper, LLC and the United States, based on the terms and conditions and according to the procedures set forth in the Act. Section 3003 of P.L. 113-291 directs the conveyance of specified Federal lands to Resolution Copper *if* Resolution Copper offers to convey the specified non-Federal land to the United States [PR 0002218].

Under P.L. 113-291 [PR 0006641, Appendix A, Number 9 (Section A)], the only requirements described for Environmental Compliance, except as otherwise provided in the section, state that the Secretary shall carry out the land exchange in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Section B, environmental compliance, states that prior to conveying Federal land under this section, the Secretary shall prepare a single environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), which shall be used as the basis for all decisions under Federal law related to the proposed mine and the Resolution mine plan of operations and any related major Federal actions significantly affecting the quality of the human environment, including the granting of any permits, rights-of-way, or approvals for the construction of associated power, water, transportation, processing, tailings, waste disposal, or other ancillary facilities.

The Forest Service prepared a single EIS, as required, and provided the EIS for public comment. The Forest Service was, therefore, compliant with both SALECA and NEPA requirements. The land exchange was mandated and authorized by Congress, with the Forest Service directed to execute the land exchange.

The 2025 FEIS meets the requirements of SALECA, as described in Appendix A.

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letters received. My review finds that the project is in compliance with all applicable laws and the 2023 TNF Forest Plan.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 C.F.R. § 218.11(b)(2)].

If you have any questions or concerns, please contact Roxanne Turley, Regional Administrative Review Coordinator, at roxanne.turley@usda.gov.

Sincerely,

JACOB NUTTALL
Digitally signed by JACOB NUTTALL
Date: 2025.10.20 10:49:09 -06'00'

JACOB NUTTALL
DEPUTY REGIONAL FORESTER

Enclosure

Cc: Robert Trujillo, Anne Thomas, Kimberly Moore, Roxanne Turley

USDA United States Department of Agriculture | Forest Service | Southwestern Regional Office | 333 Broadway Blvd. SE Albuquerque, NM 87102 505-842-3292

File Code: 1570
Date: 10/20/2025

Dear Commissioner Sahid:

On behalf of the Tonto National Forest (TNF), I would like to thank you for your involvement in the Resolution Copper Project and Land Exchange. This letter is in response to the objection you filed regarding the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD). I have read and considered your objection and reviewed the project record and FEIS, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 C.F.R. 218, Subparts A and B.

PROJECT OVERVIEW

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In December 2014, Congress authorized a land exchange pending completion of the FEIS, as outlined in Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (which is referred to as Public Law (PL) 113-291). The exchange parcel to be conveyed to Resolution Copper includes not only the Oak Flat Withdrawal Area but also the NFS lands above the location of the copper deposit. This collective 2,422-acre tract of land is known as the "Oak Flat Federal Parcel."

The only decision to be made by the Forest Service is limited to approval of ancillary infrastructure (road, power and pipelines) on National Forest System (NFS) land associated with the Resolution Copper Project. The project-specific forest plan amendment would except the activities approved as part of the selected Federal action, namely the powerline, pipeline, and road use from complying with the specific plan components documented in the 2023 Tonto National Forest Land Management Plan.

ADMINISTRATIVE REVIEW PROCESS

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Each objection was thoroughly considered and is responded to. Per 36 C.F.R. § 218.11(b), objection responses do not need to be point-by-point. Project Record (PR) documents are cited throughout responses with their identifying number and page reference, for example: [PR 0006441, pp. 18-20]. Overall, the objection review and remedies suggested did not reveal opportunities for resolution; therefore, I did not hold a resolution meeting. This letter is my written response to your objection.

OBJECTION & RESPONSE SUMMARY

You contend that the FEIS includes new information that attempts to quantify the extent of subsidence that may result from groundwater withdrawal. You indicated concern over the withdrawal of water from the Desert Wellfield and restate the analysis of subsidence in the FEIS and its effect on Arizona State Trust lands. Your objection states: "while the impacts of subsidence are not predictable and may be minimal on land that is not yet developed, the ongoing process of subsidence and the potential formation of earth fissures in the subsidence area present a risk to the future development of the land and the value of [Arizona State Trust Land] in the area. As noted in the Final EIS, earth fissures can directly damage structures as well as infrastructure including roads, utility lines, wells, and canals. Mapped earth fissures have already been identified in areas not far from the Desert Wellfield." You assert that alternatively, or in addition, expansion of the existing Hawk Rock subsidence area to the northwest, which also contains miles of Arizona State Trust Lands, may accelerate. [Objection, p. 2]

The FEIS Section 3.7.1.4 provides clearly disclosed analysis of potential impacts from subsidence due to groundwater pumping of the Desert Wellfield. Subsidence estimates were derived from the Hawk Rock analogue, which was produced under different conditions (general basin-wide subsidence) than those which would initiate subsidence at the Desert Wellfield (distinct drawdown from localized pumping). Using modelling performed for the EIS, subsidence is estimated to be between 24-52 inches in the direct vicinity of the Desert Wellfield [PR 0006441, pp. 436-437].

Montgomery and Associates modelled groundwater drawdown impacts in *Desert Wellfield Pumping 100-Year Drawdown Analysis for Arizona Department of Water Resources (ADWR) Evaluation in Support of the Resolution Copper EIS* [PR 0003964] using a baseline (no Desert Wellfield pumping) and a maximum impact (highest potential Desert Wellfield pumping) scenario. Modelling predicts a maximum drawdown of ~200 feet localized to the immediate vicinity of the Desert Wellfield. Modelled drawdown (and by association, implied additional subsidence) in the Hawk Rock area is only marginally impacted at year 40 and less so at year 100 (Figures 7 and 8) in the maximum pumping scenario [PR 0003964, pp. 20-21]. Impacts and potential expansion of the Hawk Rock subsidence area can be assumed to be minor.

In the *Review of Desert Wellfield Subsidence Analysis* [PR 0004457], BCG reviewed the modelling used for the DEIS analysis as well as analysis presented during a water workgroup meeting [PR 0003214] to determine reasonableness of modelling, and to provide estimates of potential subsidence in the Desert Wellfield based on groundwater withdrawal. Using the subsidence that occurred in the nearby Hawk Rock area as an analogue, BCG concluded that subsidence at the Desert Wellfield location would be likely less than ten feet, even localized to

the center of the wellfield. They note that Hawk Rock subsidence was aligned with basin-wide subsidence due to a number of factors.

In the *Technical Memorandum - Measure to Reduce Fresh Groundwater Consumption for the Desert Wellfield Area Aquifer* [PR 0006387], Montgomery and Associates provide a review of groundwater storage credits held by Resolution Copper. The memo provides numeric data showing existing and pending water storage credits, which will reduce groundwater withdrawals. This review, specific to Alternative 6, shows that the previous modelling [PR 0003964] would produce a 23-24% overestimate in groundwater withdrawal impacts.

The project record shows that modelled groundwater drawdown is on the order of 200 feet immediately adjacent to the Desert Wellfield, which would likely produce around 2-5 feet of localized subsidence, based on regional analogues. The analysis shows that level of subsidence is not likely to have major impacts on the lands in contention, as they are outside the localized area of predicted subsidence impacts.

Additional mitigation measures (MIT30 [PR 0006441, Appendix R, p. R-235]; WT12 [PR 0006441, Appendix R, p. R-346]; and WT14 [PR 0006441, Appendix R, p. R-346]) related to pumping in the Desert Wellfield were addressed in response to comments on the DEIS as outside of the jurisdiction of the Forest Service, and additional voluntary mitigations were not proposed by Resolution Copper, as discussed in the process memo, *Post-DEIS Assessment of Mitigation* [PR 0004833].

You also contend that the project's groundwater withdrawals will have significant adverse impacts on the regional aquifer underlying 275 square miles of State Trust Land (STL). The FEIS modeling of Alternative 6 shows a maximum drawdown of approximately 200 feet in the center of the wellfield below current water levels, with declines of approximately 100 – 130 feet at its edges. This pumping associated with Alternative 6 would decrease the likelihood that groundwater could be used for new development in the future as hydrological and legal contexts continue to evolve, adding additional groundwater depletion to an already stressed groundwater sub-basin. Moreover, the extensive, concentrated withdrawal of groundwater may make existing, committed groundwater uses near [Arizona State Trust Land] more expensive and more complicated as water levels decline. The value of the as yet undeveloped [Arizona State Trust land] would thus suffer from the potential additional water supply obstacles to already committed uses, which could delay or eliminate demand for [Arizona State Trust land]." [Objection, pp. 2-3]

A core objection concern of yours seems to be that future water uses in the East Salt River Valley were not considered for cumulative impacts. Some of this concern derives from the fact that some water uses were evaluated as Reasonably Foreseeable Future Actions (RFFAs) and found to not pass screening (spatial overlap, temporal overlap, and/or not being speculative). Chapter 4 of the FEIS evaluates water-related RFFAs either qualitatively or as part of the quantitative cumulative groundwater modeling. Chapter 4 Section "Analysis of Cumulative Effects in the East Salt River Valley" [PR 0006441, pp. 984-986] presents the results of a numerical groundwater flow model that takes into account all known current and future users in order to

estimate water level changes in the East Salt River Valley, in combination with Resolution Copper's anticipated pumping from the Desert Wellfield.

Some of the Arizona STL includes Superstition Vistas, a large tract of vacant land in the East Salt River Valley that is anticipated to eventually be developed as urban or suburban residential, commercial or industrial use. Regarding Superstition Vistas, no comprehensive development plan exists for Superstition Vistas that includes sufficient detail of the amount and location of water use for the entire area. Without such a plan, Superstition Vistas cannot be quantitatively modeled. DEIS comments point to a conceptual planning document for the Superstition Vistas area [PR 0004867]. This planning document offers no details on water supply, but rather offers three widely varying scenarios on water use. At the time of the quantitative cumulative groundwater model, no lands within Superstition Vistas had yet been sold for development. This changed in late 2020, when the first Superstition Vistas parcel was auctioned by the state [PR 0006441, p. 987]. There is a master water development plan available for this auction parcel [PR 0006001]. As noted in this reference, water supply for the auctioned parcel will come from Apache Junction Water District, which has a Designation of Assured Water Supply. All committed Assured Water Supplies are already incorporated into the quantitative cumulative groundwater model, including those from Apache Junction Water District, and including those supplying the sole auctioned part of Superstition Vistas. While the remnant of Superstition Vistas water use cannot be incorporated into the quantitative cumulative groundwater model, in essence the cumulative groundwater model is used to anticipate whether adequate groundwater supplies in the East Salt River Valley would be available to Superstition Vistas if it were to be developed [PR 0006441, pp. 986-988].

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letters received. My review finds that the project is in compliance with all applicable laws and the 2023 TNF Forest Plan. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 C.F.R. § 218.11(b)(2)].

If you have any questions or concerns, please contact Roxanne Turley, Regional Administrative Review Coordinator, at roxanne.turley@usda.gov.

Sincerely,

JACOB NUTTALL

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JACOB NUTTALL
DEPUTY REGIONAL FORESTER

Enclosure

Cc: Robert Trujillo, Anne Thomas, Kimberly Moore, Roxanne Turley

USDA United States Department of Agriculture | Forest Service | Southwestern Regional Office | 333 Broadway Blvd. SE Albuquerque, NM 87102 505-842-3292

File Code: 1570
Date: 10/20/2025

Ms. Silvia Werre
50954 Apple Valley Rd.
Miami, AZ 85539

Dear Ms. Werre:

On behalf of the Tonto National Forest (TNF), I would like to thank you for your involvement in the Resolution Copper Project and Land Exchange. This letter is in response to the objection you filed regarding the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (DROD). I have read and considered your objection and reviewed the project record and FEIS, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 C.F.R. 218, Subparts A and B.

PROJECT OVERVIEW

Resolution Copper proposes to develop an underground copper mine on unpatented mining claims on National Forest System (NFS) land near the Town of Superior in Pinal County, Arizona, approximately 60 miles east of Phoenix. Resolution Copper is a limited liability company that is owned by Rio Tinto (55 percent) and BHP Copper, Inc. (45 percent). Rio Tinto is the managing member.

In December 2014, Congress authorized a land exchange pending completion of the FEIS, as outlined in Section 3003 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (which is referred to as Public Law (PL) 113-291). The exchange parcel to be conveyed to Resolution Copper includes not only the Oak Flat Withdrawal Area but also the NFS lands above the location of the copper deposit. This collective 2,422-acre tract of land is known as the "Oak Flat Federal Parcel."

The only decision to be made by the Forest Service is limited to approval of ancillary infrastructure (road, power and pipelines) on National Forest System (NFS) land associated with the Resolution Copper Project. The project-specific forest plan amendment would except the activities approved as part of the selected Federal action, namely the powerline, pipeline, and road use from complying with the specific plan components documented in the 2023 Tonto National Forest Land Management Plan.

ADMINISTRATIVE REVIEW PROCESS

Regulations at 36 C.F.R. 218 provide for a pre-decisional administrative review process in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections (36 C.F.R. § 218.8). The legal notice for the objection filing period was published on June 20, 2025. According to 36 C.F.R. §

218.5(a), objections may be filed by individuals and entities who have previously submitted timely, specific written comments regarding the project during a designated opportunity for public comment. Fourteen submissions from individuals and entities were received, and six were determined eligible for objection review.

Each objection was thoroughly considered and is responded to. Per 36 C.F.R. § 218.11(b), objection responses do not need to be point-by-point. Project Record (PR) documents are cited throughout responses with their identifying number and page reference, for example: [PR 0006441, pp. 18-20]. Overall, the objection review and remedies suggested did not reveal opportunities for resolution; therefore, I did not hold a resolution meeting. This letter is my written response to your objection.

OBJECTION & RESPONSE SUMMARY

You contend that Top of the World residents consider the RV-RC-06 mitigation, regarding JI Ranch to open Signal Mountain Road for public access, would result in unacceptable risks and you do not endorse it. You state the increased public access for recreation can increase wildfire risk and the Top of the World community lacks adequate fire suppression capabilities. [Objection, p. 1]

The FEIS provides an overview of the Top-of-the-World Sub-Wildland Urban Interface (WUI) including terrain and vegetative components that contribute to a rating of 10 (indicates no protection) from the Insurance Services Office (ISO) [PR 0006441, pp. 745-746]. Further, the FEIS states the community of Top-of-the-World is outside a fire district, is not under Forest Service jurisdiction for fire protection, and is outside of fire department jurisdiction. The Arizona Department of Forestry and Fire Management provides fire suppression. The community is prioritized in the Pinal County community wildfire protection plan (CWPP) for fuel treatments because of its moderate risk and potential slow response times.

The FEIS discusses effects on transportation and access to include loss and other changes to the road network and access. Forest access to many areas will not be entirely closed but may require alternative routes [PR 0006441, pp. 312-349].

The FEIS Appendix J [PR 0006441, p. J-33], Section RV-RC-06: Mitigation for public access to JI Ranch through Arizona Game and Fish Department (AGFD) cooperative agreement, states:

Description: Resolution Copper will open Signal Mountain Road on the JI Ranch for public access to the Tonto National Forest for wildlife-related recreation through an agreement with the AGFD…

Authority to require: As an applicant–proposed mitigation measure, implementation is not assured; however, if included as a stipulation or requirement in a permit it may become required.

The FEIS identifies that reductions in recreational use over large portions of the TNF associated with the tailings storage facility would decrease risk of accidental ignition caused by recreation.

However, those reductions may be offset by shifting recreation in other areas [PR 0006441, p. 749]. The RV-RC-06 measure could be effective at offsetting the loss of open land base for recreation, including providing specific opportunities for hunting and motorized recreation [PR 0006441, pp. 684-685].

Wildfire risk and frequency of occurrence are affected by multiple factors including vegetative, climatic, terrain and human activity. The FEIS does provide a robust summarization of related issues including wildfire risk and public access/roads but does not provide a singular determination of whether the proposed mitigation of providing access through the Signal Mountain Road ultimately presents overall increased risk, which is largely outside the scope of this decision.

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letters received. My review finds that the project is in compliance with all applicable laws and the 2023 TNF Forest Plan.

My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 C.F.R. § 218.11(b)(2)].

If you have any questions or concerns, please contact Roxanne Turley, Regional Administrative Review Coordinator, at roxanne.turley@usda.gov.

Sincerely,

JACOB NUTTALL

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JACOB NUTTALL
Deputy Regional Forester

Cc: Robert Trujillo, Anne Thomas, Kimberly Moore, Roxanne Turley