

**Resolution Copper Project and Land Exchange  
Environmental Impact Statement**

USDA Forest Service  
Tonto National Forest  
Arizona

June 16, 2020

---

## **Process Memorandum to File**

### **Status of Comments from Professor Stephen Boyd**

This document is deliberative and is prepared by the third-party contractor in compliance with the National Environmental Policy Act and other laws, regulations, and policies to document ongoing process and analysis steps. This document does not take the place of any Line Officer's decision space related to this project.

**Prepared by:  
Chris Garrett  
SWCA Environmental Consultants**

## Purpose of Process Memorandum

The purpose of this process memorandum is to summarize an investigation into the status of comments on the Draft Environmental Impact Statement (EIS) alleged to have been submitted by Professor Stephen Boyd in October 2019.

## Reference to Boyd Comments

The Draft EIS for the Resolution Copper Project was released to the public on August 9, 2019, with a specified 90-day public comment period. The comment period was later extended to December 23, 2019 for tribes only.

Reference is made to comments submitted by Professor Stephen Boyd in one of the more substantial public comment letters received by the Tonto National Forest, sent by the Arizona Mining Reform Coalition (AZMRC) and others (comment letter #8032). The AZMRC comment letter contains this comment:

*These comments on the DEIS acknowledge and incorporate by reference those comments of October 25, 2019, relating to failure of the DEIS to address EJCs submitted by Professor Steven Boyd (EJ-EX-01). The USFS is required to disclose, analyze, and mitigate significant impacts on EJCs pursuant to Executive Order (EO) No. 12898 (59 FR 7629 February 16, 1994, which addresses environmental justice in minority populations), NEPA, and related laws and policies. Moreover, EO 12898 supplements EO No. 12250 (45 FR 72995, November 2, 1980), Sec. 1-201(a) and (d), quoted in pertinent part in the comments submitted by Professor Boyd. (Letter #8032, page 123)*

The public comment letters were processed and coded into a comment database. The above content is contained in this database as Comment #8032-138.

## Search for Boyd Comments

Despite being referenced in the AZMRC comment letter, no comment was identified in the comment database that seemed to match the mentioned comments from Professor Stephen Boyd on October 25, 2019. For this reason, a full search was conducted by the NEPA team to attempt to find these comments.

It was determined that a comment was submitted by Stephen B. Boyd, Wake Forest University, Winston-Salem, North Carolina, self-identified with The Religion and Human Rights Forum for the Preservation of Native American Sacred Sites and Rights. However, this comment was submitted on August 28, 2019.

The comment from August 28 does not appear to be that referenced in the AZMRC letter. Rather, the comment was an email sent from the email address [boyd@wfu.edu](mailto:boyd@wfu.edu) directly to the Forest Supervisor,

Neil Bosworth, at his email address [nbosworth@fs.fed.us](mailto:nbosworth@fs.fed.us). The email is titled “Resolution EIS Comment Period and Request for Extension to 180 days”, and indeed contains primarily a request for an extension of the comment period. There are no detailed comments in the email on environmental justice.

No other comments were identified in the comment database as having been submitted by Stephen Boyd. The NEPA team then undertook the following tasks to attempt to find these comments:

- The NEPA team searched the comment database for any comments submitted on or around October 25, 2019. No comments were identified on this date that were submitted by Stephen Boyd or specific to environmental justice.
- The NEPA team double-checked the AZMRC letter in order to make sure Stephen Boyd’s letter wasn’t included as one of the many attachments. It was not.
- In case the comments were submitted under a different name (perhaps a grad student), all of the comments that had been coded to environmental justice were searched, and global searches were conducted for key words like “Boyd” and “Human Rights Forum”. No comments were discovered through this method.
- Email was not a publicized or official submittal mechanism for the comments on the Draft EIS. Comments were to be submitted via the website, by mail, in written form at a public meeting, or verbally at a public meeting (spoken publicly or dictated to a court reporter). However, though not an official submittal channel, several email accounts existed from previous public outreach and remained open throughout the comment period in the event comments were inadvertently sent to them. The NEPA team accessed the various email inboxes, searching for any comments, including any that may have been caught in spam or junk folders. No comments were discovered.
- Understanding that the previous comment from Stephen Boyd was submitted through an unpublicized channel (directly by email to the Forest Supervisor) not actively monitored by the NEPA team, a request was made for the Forest Supervisor to double-check his email inbox. No comments were found. It should be noted that the standard practice during the public comment period for any email comments received by Supervisor Bosworth was for them to be forwarded as soon as possible, either to the comment email inbox, or to the project manager (Mary Rasmussen) or public affairs officer (John Scaggs), who would then forward to the comment email inbox. Indeed, this appears to have been the process by which the August 28 comment entered the comment database. No record of comments being submitted in the same manner in October was found.
- Having found that often comment letters from organizations are posted publicly on the web, the NEPA team conducted a web search for any comments on the Resolution Draft EIS from Stephen Boyd or his organization. No comments were found through this method.

In summary, the comments from Stephen Boyd incorporated by reference by AZMRC do not appear to have been received by the Tonto National Forest, either through the official publicized channels actively monitored by the NEPA team (website, mail, written during public comment meetings, verbal during public comment meetings), or unpublicized channels (emailed direct to the unpublicized comment email inbox, or emailed to Forest Supervisor).