

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

USDA Forest Service  
Tonto National Forest  
Arizona

August 6, 2018

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## **Process Memorandum to File**

### **Environmental Justice Resource Analysis: Assumptions; Methodology Used; Relevant Regulations, Laws, and Guidance; and Key Documents**

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.

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## Revision History

Date	Personnel	Revisions Made
08/06/18	Emily Newell	Process memorandum created
10/29/18	Emily Newell	Revisions to memorandum title, revision history table added, edits to purpose of process memorandum section, references and key documents section added
11/15/18	Emily Newell	Edits to applicability of relevant laws and regulations table, references cited, and analysis area
08/01/19	Emily Newell	Edits per draft environmental impact statement
12/30/20	Chris Garrett	Final update for consistency prior to final environmental impact statement release

## Purpose of Process Memorandum

In order to provide a concise and accessible summary of resource impacts, certain detailed information has not been included directly in the environmental impact statement (EIS). The purpose of this process memorandum is to describe additional supporting resource information in detail. The environmental justice section of chapter 3 of the EIS includes brief summaries of the information contained in this process memorandum. This process memorandum covers the following topics:

- Resource analysis area
- Analysis methodology
- Regulations, laws, and guidance
- Key documents and references cited

## Detailed Information Supporting Environmental Impact Statement Analysis

### Resource Analysis Area

The geographic reference area for potential environmental justice impacts includes the counties of Pinal, Gila, Graham, and Maricopa. These counties represent the extent of potential project-related impacts to affected resources identified in the EIS. The aggregated sum and proportions of minority and low-income populations for this four-county area is used as the comparison reference area for identification of communities with environmental justice populations (figure 13.15.2-1 in the final EIS

[FEIS]). Included within the geographic reference area are the following sovereign tribal lands and associated communities:

- 1) White Mountain Apache Tribe (which includes the Carrizo, Cedar Creek, and Canyon Day Census Designated Places [CDPs])
- 2) Fort McDowell Yavapai Nation
- 3) Gila River Indian Community (which includes the Maricopa Colony, St. Johns, Komatke, Gila Crossing, Santa Cruz, Sacate Village, Goodyear Village, Casa Blanca, Wet Camp Village, Sweet Water Village, Stotonic Village, Lower Santan Village, Upper Santan Village, Sacaton, Sacaton Flats, and Blackwater CDPs)
- 4) Ak-Chin Indian Community (which includes the Ak-Chin Village CDP)
- 5) Salt River Pima-Maricopa Indian Community
- 6) San Carlos Apache Tribe (which includes the East Globe, San Carlos, Peridot, and Bylas CDPs)
- 7) Tohono O'odham Nation (which includes the Chuichu, Vaiva Vo, Tat Momoli, Kohatk, and Kaka CDPs, as well as the satellite village of Florence Village)
- 8) Tonto Apache Tribe

Potential environmental impacts resulting from construction and operation of the project occur within a smaller area than the four-county reference area. This defines the analysis area for environmental justice impacts (figure 3.15.2-2 in the FEIS). Analysis area boundaries are informed by the various resource analyses in chapter 3 of the EIS and are sufficient to encompass such impacts as physical disturbance, noise, air quality, traffic, and visual changes. The analysis area displayed in FEIS figure 3.15.2-2 represents the greatest extent of potential quantifiable impacts that would result from construction and operation of the proposed project. This analysis area is specifically based on the buffers used for viewshed analysis, which range from 1 to 6 miles for the proposed action and alternatives components. Potential impacts to environmental justice populations resulting from socioeconomic or cultural resource impacts likely would occur beyond the analysis area and within the four-county reference area. However, impacts to specific environmental justice populations beyond the analysis area cannot be determined.

### **Analysis Methodology**

No additional details were identified regarding methodology not included in the FEIS.

## **Regulations, Laws, and Guidance**

Table 1 provides a summary of environmental justice laws, regulations, policies, and plans at the Federal, State, and local level.

**Table 1. Relevant Laws, Regulations, Policies, and Plans**

Laws, Ordinances, Regulations, and Standards	Description	Applicability
Executive Order (EO) 12898, “Environmental Justice for Low Income and Minority Populations” (1994)	<p>Consideration of environmental justice issues is mandated by EO 12898, which was published on February 11, 1994. This EO requires that all Federal agencies incorporate environmental justice into their mission by “identifying and addressing . . . disproportionately high and adverse human health or environmental effects of [their] programs, policies and activities on minority and low-income populations in the United States.”</p> <p>The goal of the EO is to ensure</p> <ul style="list-style-type: none"> <li>• that all people are treated fairly with respect to the development and enforcement of protective environmental laws, regulations, and policies; and</li> <li>• that potentially affected community residents are meaningfully involved in the decisions that would affect their environment or their health, or both.</li> </ul>	The EIS will analyze the potential impacts of the land exchange and the Resolution Copper Mine General Plan of Operations on environmental justice populations.
U.S. Forest Service (Forest Service) Guide “Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA” (2014)	<p>The Forest Service updated the agency’s environmental justice analysis process in “Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA” in 2014. In this new guidance document, the Forest Service recommends that project team members tasked with environmental justice analysis identify groups that have meaningfully greater minority populations than adjacent geographic areas. As defined in the document, a “meaningfully greater” minority population is defined as a difference of more than 5% between the study area and the surrounding geographic area or reference area.</p>	Using the Forest Service criteria for identifying environmental justice populations, there are eight locations in the analysis area where the minority population is at least 5% greater than the reference community (the state of Arizona), based on U.S. Census Bureau 2012–2016 American Community Survey 5-Year Estimates for Bylas CDP, Town of Hayden, Town of Miami, Peridot CDP, Sand Carlos CDP, Town of Superior, Town of Winkelman, and the San Carlos Reservation.

Laws, Ordinances, Regulations, and Standards	Description	Applicability
2012–2016 U.S. Census Bureau 5-Year American Community Survey	<p>Low-income populations in an affected area are populations below the annual statistical poverty thresholds published by the U.S. Census Bureau’s current population reports on income and poverty. Families and persons are classified by the U.S. Census Bureau as below poverty level if their total family income or unrelated individual income is less than the poverty threshold specified for the applicable family size, age, and number of related children under 18 years of age. Poverty status is determined for all families (and, by implication, all family members). For persons not in families, poverty status is determined by their income in relation to the appropriate poverty threshold. Thus, two unrelated individuals living together may not have the same poverty status. The U.S. Census Bureau defines poverty-level thresholds for individuals and a family of four as income levels below \$12,228 and \$24,563, respectively (U.S. Census Bureau 2016).</p>	<p>Using the Forest Service criteria for identifying environmental justice populations, there are seven locations within the analysis area where the populations of individuals and families living below poverty level exceed the reference community (state of Arizona) by more than 5%: Bylas CDP, Town of Hayden, Town of Miami (for individuals living below poverty only), Peridot CDP, Sand Carlos CDP, City of Globe (for families living below poverty level only), and the San Carlos Reservation.</p>

## Key Documents and References Cited for Environmental Justice

The following list is meant to highlight key process or analysis documents available in the project record. It should not be considered a full list of all available documentation considered within this process memorandum of the EIS analysis.

- Council on Environmental Quality. 1997. Environmental Justice: Guidance under the National Environmental Policy Act. Washington, D.C.: Council on Environmental Quality. December 10.
- Grinspoon, E., J. Schaegeers, R. Periman, J. Smalls, C. Manning, and T.L. Porto. 2014. Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA. Washington D.C.: U.S. Forest Service. June.
- Headwaters Economic Profile System. 2020a. A Demographic Profile: San Tan Valley CDP, Arizona; Florence town, Arizona. Generated/Compiled using EPS-HDT. Washington, D.C.: Headwaters Economics. June 2.

- . 2020b. A Demographic Profile: Superior Town, Arizona; Pinal County, Arizona; Graham County, Arizona; Gila County, Arizona. Generated/Compiled using EPS-HDT. Washington, D.C.: Headwaters Economics. May 8.
- Lucchesi, A., and A. Echo-Hawk. 2018. Missing and Murdered Indigenous Women and Girls: A snapshot of data from 71 urban cities in the United States. Available at: <https://www.uihi.org/projects/our-bodies-our-stories/>. Accessed October 23/2020.
- Minnesota IMPLAN Group Inc. 2016. IMPLAN Model Economic Overview for Zip Code 85173.
- Office of the Assistant Secretary for Planning and Evaluation. 2020. HHS Poverty Guidelines for 2020. Available at: <https://aspe.hhs.gov/poverty-guidelines>. Accessed October 24, 2020.
- Periman, R., and E. Grinspoon. 2014. Striving for Inclusion: Addressing Environmental Justice under the 2012 Planning Rule. Washington, D.C.: U.S. Forest Service. June.
- U.S. Census Bureau. 2018. American Community Survey: Employment Status. Gila, Graham, Maricopa and Pinal Counties; Florence AZ; San Tan Valley CDP, AZ; Superior, AZ. Washington, D.C.: U.S. Census Bureau.
- U.S. Department of State. 2017. The link between extractive industries and sex trafficking. Available at: <https://www.state.gov/wp-content/uploads/2019/02/272964.pdf>. Accessed November 24, 2020.
- U.S. Forest Service. 1985. Tonto National Forest Land and Resource Management Plan. U.S. Forest Service, Southwestern Region. October.