

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

USDA Forest Service
Tonto National Forest
Arizona

August 6, 2018

Process Memorandum to File

Environmental Justice Resource Analysis: Assumptions, Methodology Used and 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 memo 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 EIS

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 EIS Analysis

Resource Analysis Area

The geographic area for the analysis of potential environmental justice impacts includes communities (such as cities, towns, and Census Designated Places [CDPs]) within Gila, Graham, Maricopa, and Pinal Counties. Native American communities within this analysis area are also included (please see Figure 3.15.2-1 in section 3.15.2 of the Draft EIS). Although the extent of potential project-related impacts would likely be limited to a smaller, more regional area, this four-county analysis area was determined to be appropriate in order to capture the extent of potential measurable socioeconomic effects. While the region with the potential for project-related impacts is located in Pinal and Gila Counties, Maricopa

County was also included because a substantial portion of the workforce would be expected to commute from the Phoenix metropolitan area, and Graham County was included because of its proximity to the project area and large Native American population.

Analysis Methodology

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

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 12898, Environmental Justice for Low Income and Minority Populations (1994)	<p>Consideration of environmental justice issues is mandated by Executive Order 12898, which was published on February 11, 1994. This executive order 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.” The goal of the executive order is to ensure the following:</p> <ul style="list-style-type: none"> • That all people are treated fairly with respect to the development and enforcement of protective environmental laws, regulations, and policies; and • That potentially affected community residents are meaningfully involved in the decisions that would affect their environment and/or their health. 	The Draft EIS will analyze the potential impacts of the land exchange and the Resolution Copper Mine General Plan of Operations on environmental justice populations.

Laws, Ordinances, Regulations, and Standards	Description	Applicability
Forest Service Guide “Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA” (2014)	The U.S. Forest Service updated the agency’s environmental justice analysis process in “ <i>Striving for Inclusion: Addressing Environmental Justice for Forest Service NEPA</i> ” 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 “meaningful greater” minority population is defined as a difference of more than 5 percent between the study area and the surrounding geographic area or reference area.	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 percent greater than the reference community (the State of Arizona), based on U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates: Bylas CDP, Town of Hayden, Town of Miami, Peridot CDP, Sand Carlos CDP, Town of Superior, Town of Winkelman, and the San Carlos Reservation.
2012-2016 U.S. Census 5-Year American Community Survey	Low-income populations in an affected area are populations below the annual statistical poverty thresholds published by the Census Bureau’s current population reports on income and poverty. Families and persons are classified by the 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 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).	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 percent: 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.

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.

Minnesota IMPLAN Group Inc. 2016. IMPLAN Model Economic Overview for Zip Code 85173.

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.

SWCA Environmental Consultants. 2017. *Resolution Copper Project and Land Exchange Environmental Impact Statement: Final Summary of Issues Identified Through Scoping*. Prepared for U.S. Forest Service. Phoenix, Arizona: SWCA Environmental Consultants. November.

U.S. Census Bureau. 2016. American Fact Finder - Poverty Status in the Past 12 months. 2012-2016 American Community Survey 5-Year Estimates. Available at: <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml?>. Accessed December 27, 2018.