

**ENVIRONMENTAL ASSESSMENT FOR WITHDRAWAL OF  
276 ACRES OF THE TONTO NATIONAL FOREST WITHIN THE  
TOWN OF SUPERIOR, PINAL COUNTY, ARIZONA**

Prepared for

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January 2024

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## **ACRONYMS AND ABBREVIATIONS**

AGFD	Arizona Game and Fish Department
BLM	Bureau of Land Management
CFR	Code of Federal Regulations
EA	environmental assessment
ESA	Endangered Species Act
EXPN	non-essential experimental population
FEMA	Federal Emergency Management Agency
Forest Service	U.S. Forest Service, Tonto National Forest
kV	kilovolt
NDAA	Carl Levin and Howard P. “Buck” Mckee National Defense Authorization Act for Fiscal Year 2015
NEPA	National Environmental Policy Act
NFS	National Forest System
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
Reclamation	Bureau of Reclamation
SMA	Special Management Area
Town	Town of Superior
U.S. 60	U.S. Route 60
U.S. Mining Laws	General Mining Act of 1872, as amended
USFWS	U.S. Fish and Wildlife Service
WAA	withdrawal application area

# 1 INTRODUCTION AND BACKGROUND

The U.S. Forest Service, Tonto National Forest (Forest Service) applied to the Bureau of Land Management (BLM) for the Secretary of the Interior to withdraw 276 acres of National Forest System (NFS) lands located within the Tonto National Forest from location and entry under the General Mining Act of 1872, as amended (30 United States Code 22–54) (U.S. mining laws) for a 20-year term, subject to valid existing rights. The purpose of the withdrawal requested is to protect the lands pending conveyance to the Town of Superior (Town), Pinal County, Arizona as directed by Congress. On October 15, 2021, the Town requested that the Secretary of Agriculture convey the subject parcels to the Town pursuant to Section 3003 of the National Defense Authorization Act (NDAA) for Fiscal Year 2015 (Public Law 113-291), also known as the Southeast Arizona Land Exchange and Conservation Act. In response to this request, the Forest Service applied for a 20-year withdrawal to protect the NFS lands from potential encumbrances that could affect the Town’s future ability to use the lands once the subject parcels are conveyed to the Town. The BLM manages the subsurface mineral estate and is responsible for processing applications for withdrawals on behalf of the Secretary of the Interior. The BLM published a notice of the withdrawal application in the *Federal Register* on July 20, 2022 (*Federal Register* 87:43294), which temporarily segregated the subject parcels for up to 2 years (BLM 2022a). This temporary segregation will expire on July 19, 2024 (BLM 2022b).

This environmental assessment (EA) is being prepared by the Forest Service to evaluate the environmental consequences that may be associated with the requested withdrawal and complies with the National Environmental Policy Act (NEPA) in accordance with Council on Environmental Quality regulations at 40 Code of Federal Regulations (CFR) 1500–1508.

## 1.1 Withdrawal Application Area

The withdrawal application area (WAA) consists of 276 acres of lands that would be withdrawn from location and entry under U.S. mining laws on the western side of the Town of Superior in Pinal County, Arizona (Figure 1). The WAA parcels are identified in Section 3003 of the NDAA as the 30-acre Fairview Cemetery parcel and the 250-acre Superior Airport Contiguous Parcels (16 United States Code 539p(h)(1)) (Figure 2). The Superior Airport Contiguous Parcels were later revised to correct discrepancies between the BLM surface management data originally used to develop the boundaries of the parcels and the land tenure information recorded at the Pinal County Recorder’s Office, which reduced the total acreage of the Superior Airport Contiguous Parcels to 246 acres (Morissette 2019). The Superior Airport Contiguous Parcels consist of four separate disjunct parcels that abut the Superior Municipal Airport on the west side of the Town; the Fairview Cemetery parcel is located slightly to the east of these parcels, immediately adjacent to residential areas in the Town. A legal description of the WAA is provided in Appendix A.

Approximately 99 acres of the 276-acre WAA are subject to existing withdrawals and segregations. Two existing withdrawals overlap with 69 acres of the WAA, one for the U.S Bureau of Reclamation (Reclamation) Salt River Project withdrawn through Secretarial Order on May 23, 1925, and another for the U.S. Highway 60/70 Roadside Zone withdrawn through Public Land Order No. 2919 on January 30, 1963 (see Figure 2). On December 3, 2002, the Forest Service issued a townsite designation order segregating the 30-acre Fairview Cemetery parcel from all other forms of entry (including entry under U.S. mining laws) in response to an application from the Town for the sale of the parcel (BLM 2003). The sale of the parcel has not yet been completed, and the designation order and segregation remain in effect.

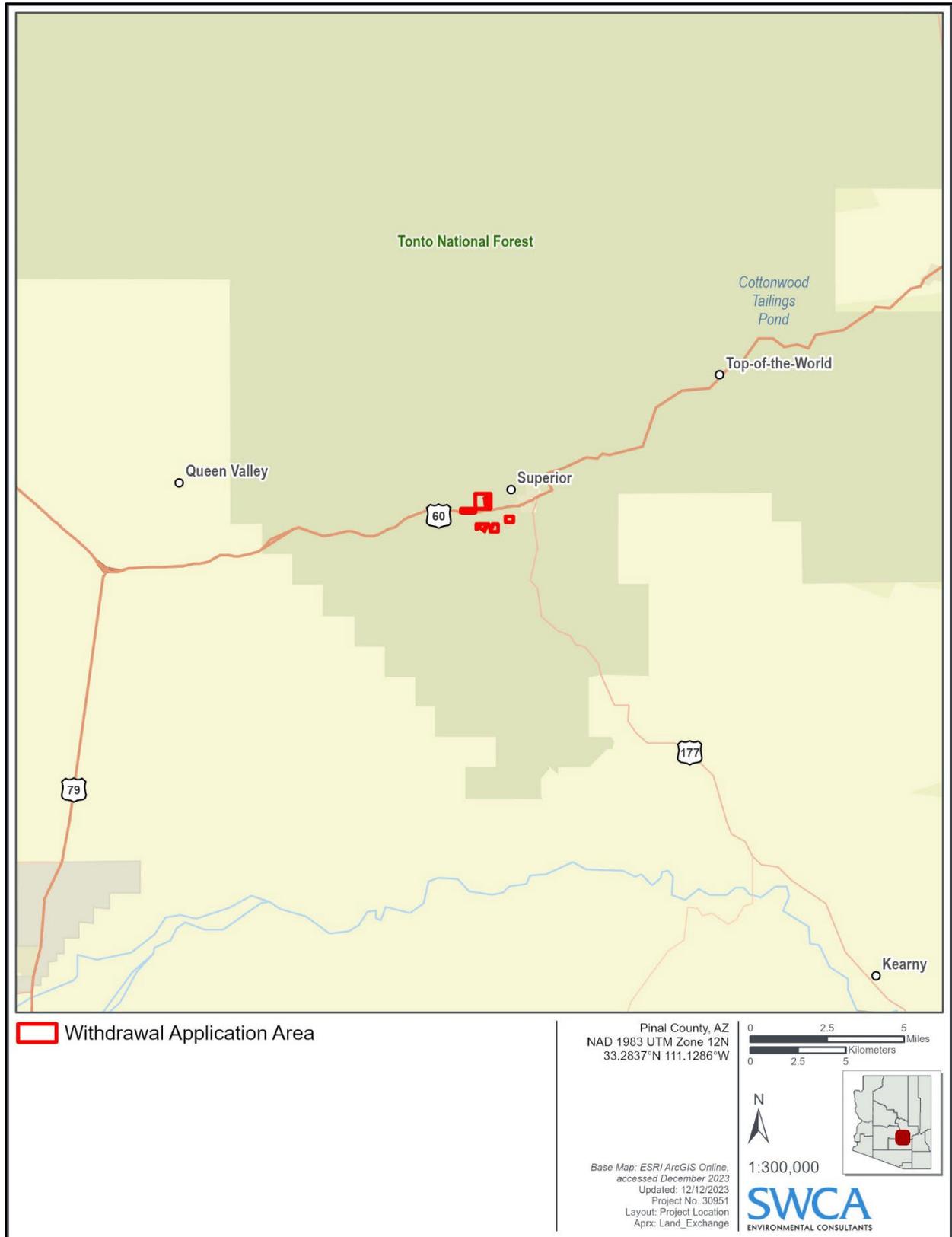


Figure 1. Vicinity map.

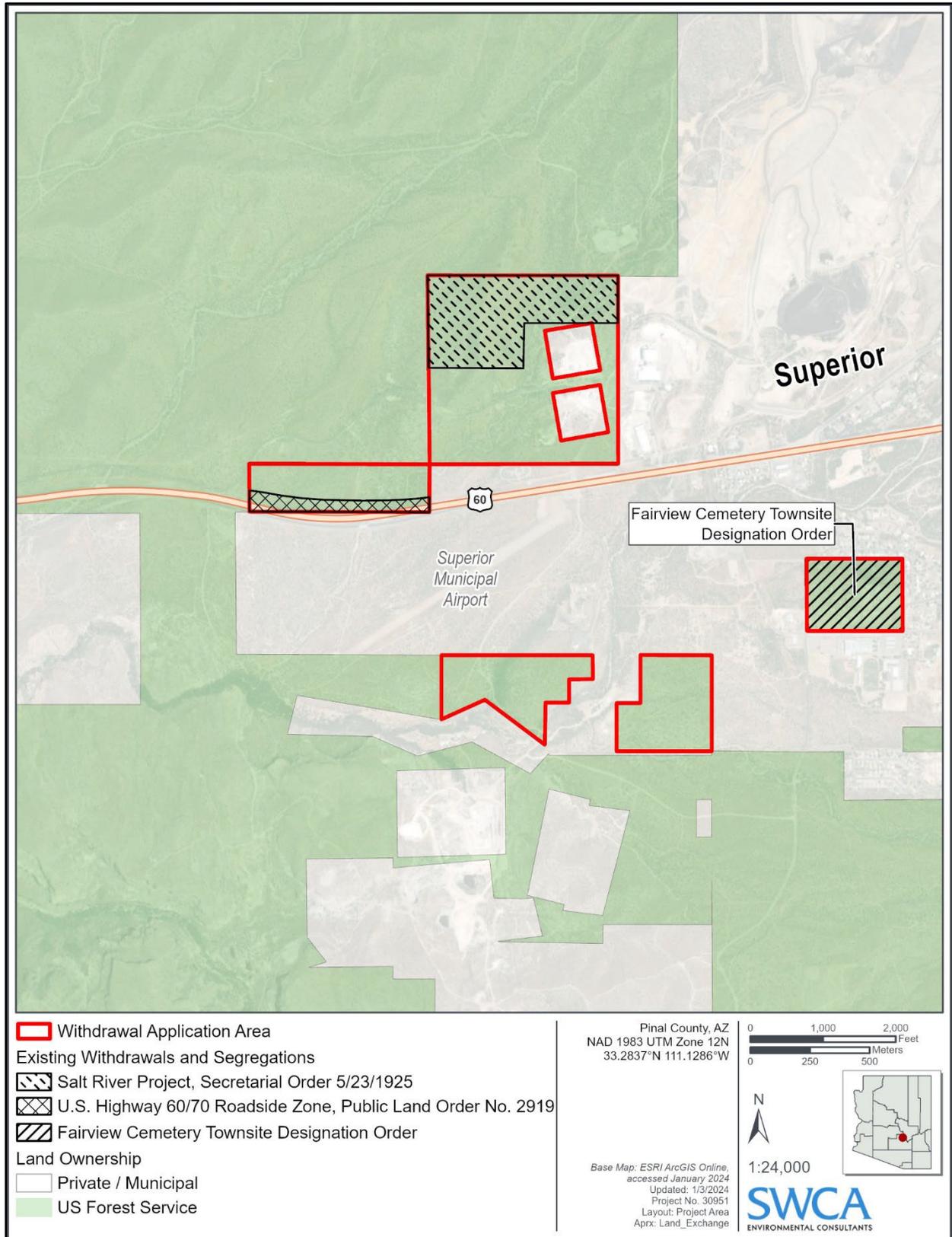


Figure 2. Withdrawal application area.

## 1.2 Purpose and Need

The purpose and the need for action are to protect the subject parcels from uses that may conflict with the Town's future use of the land pending conveyance as directed by Congress. Uses most likely to conflict with the Town's future use of the land are mineral development activities that might occur under U.S. mining laws or federal surface management regulations.

## 1.3 Decision to be Made

The Secretary of the Interior will decide whether to withdraw all or some of the land as requested. The Secretary of the Interior's decision will be made based on the case file submitted to the Secretary of the Interior by the BLM, which will include this EA and other supporting documentation as required by 43 CFR 2310.3-2(b).

Pursuant to 43 CFR 2310.3-2(a), the applicant (i.e., the Forest Service) is responsible for providing all required documentation for the case file. Thus, while the Forest Service is preparing this EA and other supporting documentation for the case file, it does not have a decision to make. Therefore, this decision is not subject to the pre-decisional administrative review process outlined in subparts A and B of 36 CFR 218.

## 1.4 Cooperating Agencies

The BLM is participating in the development of this EA as a cooperating agency as required under 43 CFR 2310.3-2(b).

## 1.5 Public Involvement

The July 20, 2022, *Federal Register* notice (BLM 2022a) initiated a 90-day public comment period and provided the public with an opportunity to request a public meeting on the withdrawal application. In addition to this *Federal Register* notice, the BLM Arizona State Office issued a news release, and a notice was published in a local newspaper, the *Superior Sun*. No comments or requests for a public meeting were received during the comment period. See section 4.2.2 for information on Government-to-Government Consultation.

## 2 PROPOSED ACTION AND ALTERNATIVES

Two alternatives are analyzed in detail in this EA: the No Action Alternative (see Section 2.1) and the Proposed Action (see Section 2.2). Alternatives considered but dismissed from detailed analysis are described in Section 2.3.

### 2.1 No Action Alternative

Under the No Action Alternative, the Secretary of the Interior would not withdraw the land as requested by the Forest Service. Upon the Secretary of the Interior's decision or July 20, 2024, whichever comes first, the temporary segregation of the WAA would terminate, and the subsurface mineral estate managed by the BLM would be open to location and entry of new mining claims by private individuals or companies. Notice of a denial and termination of the temporary segregation (if necessary) would be published in the *Federal Register* within 30 days of a decision by the Secretary of the Interior to deny the

application. This would have the effect of restoring 177 acres of NFS lands within the WAA to location and entry under U.S. mining laws. The 99 acres of overlapping withdrawals and segregations within the WAA (see Section 1.1) would remain in effect, and these areas would continue to be unavailable for location and entry under U.S. mining laws.

Selecting the No Action Alternative would be inconsistent with existing law and policy, specifically with Section 3003 of the 2015 NDAA. Selection of the No Action Alternative could lead to new encumbrances or surface uses that may interfere with the conveyance of the WAA parcels to the Town upon request by the Town, as directed in this legislation. The Town requested the conveyance on October 15, 2021 (Town of Superior 2021). The No Action Alternative is presented in this EA for purposes of comparison as required by 40 CFR 1502.14(c).

## **2.2 Proposed Action**

Under the Proposed Action, 276 acres of NFS lands would be withdrawn from location and entry under U.S. mining laws for a 20-year term, subject to valid existing rights. The subject parcels would remain open to such uses as may be made on NFS lands and to leasing under the mineral and geothermal leasing laws (BLM 2022a). The Proposed Action would have no effect on any valid existing rights on the subject parcels. There are 12 existing mining claims within the WAA (see Section 3.4 additional details); however, the validity of these claims has not been formally examined. No additional water rights are needed to fulfill the purpose of the requested withdrawal, and there would be no effect on existing water rights. Should the Secretary of the Interior approve the Forest Service's withdrawal application, a public land order to that effect would be promptly published in the *Federal Register*. The Forest Service would retain administrative jurisdiction of the WAA and would continue to manage the land in accordance with the *Tonto National Forest Land Management Plan* (Forest Plan) (Forest Service 2023).

## **2.3 Alternatives Considered but Dismissed from Detailed Analysis**

The use of a right-of-way, interagency agreement, or cooperative agreement were considered but dismissed from further analysis because these instruments would not provide adequate protection for the WAA from location and entry under U.S. mining laws.

There are no suitable alternative sites for the withdrawal because the WAA is the potential conveyance area specified by Congress in Section 3003 of the NDAA.

## **3 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES**

This section describes the existing conditions of the resources that have the potential to be affected by the requested withdrawal and the potential effects of such withdrawal on those resources. This section also includes a description of the reasonably foreseeable environmental trends and planned actions in the WAA, which would be expected to continue under the No Action Alternative. The following resources were determined to be present and potentially affected by the Proposed Action and are described and analyzed in this section: biological resources, water resources, cultural resources, mineral resources, land use, and socioeconomics.

The following resources were determined to either be not present, present but not affected, or would experience only negligible effects as result of the Proposed Action and are not analyzed further in this EA: air quality, soils, recreation, transportation, aesthetics and scenery resources, wilderness and wilderness study areas, and Indian Trust Assets.

Any future minerals exploration or extraction activities within the WAA—whether they are related to the existing claims or, should the No Action Alternative be selected, the result of new mining claims—would be subject to a decision by the Forest Service and would require additional site-specific NEPA analysis prior to authorization. Therefore, the analysis in this EA does not address specific future surface uses that could occur within the WAA under each alternative. However, since the purpose of the requested withdrawal is to protect the subject parcels from potential encumbrances that could affect the Town’s ability to use the lands once conveyed, the description of the No Action Alternative generally considers the potential effects to the resources within the WAA should new mining claims be established and explored or developed before the parcels are conveyed to the Town.

This EA considers the direct, indirect, and cumulative effects on potentially affected resources within the WAA. These impact types are defined as follows:

- Direct effects – effects that are caused by the action and occur at the same time and place.
- Indirect effects – effects that are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.
- Cumulative impacts – result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.

### 3.1 Biological Resources

The WAA is located within the Superior Basin which is formed by a large east-tilting block bounded by the Elephant Butte fault to the west and the Concentrator fault to the east. Elevation within the WAA ranges from approximately 2,680 to 3,400 feet above mean sea level (Resolution Copper Mining 2015). The WAA parcels are generally situated in the alluvial plain along Queen Creek and have much gentler terrain than the surrounding foothills and mountains. A number of small ephemeral surface water features are present within the Superior Airport Contiguous Parcels, but no perennial surface water is present (see Section 3.2 for additional details).

The WAA falls within the Arizona Upland Subdivision of the Sonoran Desertscrub biotic community (Brown and Lowe 1994). This community is characterized by scrublands or woodlands dominated by blue palo verde (*Cercidium floridum*), ironwood (*Olneya tesota*), mesquites (*Prosopis* spp.), and catclaw acacia (*Acacia greggii*) with succulents and cacti dominating the understory and open spaces. According to the Southwest Regional Gap Analysis Project (U.S. Geological Survey 2016), approximately 18 percent of the WAA (49 acres) is developed; vegetation in the WAA consists primarily of Sonoran Paloverde-Mixed Cacti Desertscrub (221 acres or 80 percent of the WAA).

Common wildlife species associated with the Sonoran Desertscrub biotic community include rock squirrel (*Otospermophilus variegatus*), cottontail (*Sylvilagus* spp.), coyote (*Canis latrans*), common raven (*Corvus corax*), cactus wren (*Campylorhynchus brunneicapillus*), Sonoran Desert tortoise (*Gopherus morafkai*), tiger rattlesnake (*Crotalus tigris*), and collared lizard (*Crotaphytus collaris*) (Brown and Lowe 1994).

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation system and Arizona Environmental Online Review Tool (Arizona Game and Fish Department [AGFD] 2023a) were queried to obtain information about species listed under the Endangered Species Act (ESA) and Tonto National Forest species of conservation concern that have the potential to occur within the WAA. The official species list generated by the Information for Planning and Consultation system (USFWS 2023) identified five species listed as threatened, endangered, or non-essential experimental population (EXPN) and one candidate for ESA listing that have the potential to occur in the WAA. The Tonto National Forest Biologist identified four other species of concern that may occur in the WAA. These 10 species and their potential to occur in the project area are listed in Table 1.

**Table 1. Special-Status Species with the Potential to Occur Within the WAA**

Common Name ( <i>Scientific Name</i> )	Status	Occurrence Potential
Acuna cactus ( <i>Echinomastus erectocentrus</i> var. <i>acunensis</i> )	LE	Unlikely to occur. There are no records of this species within 5 miles. Critical habitat for this species does not occur within the WAA.
Bezy's night lizard ( <i>Xantusia bezyi</i> )	SCC	May occur. Habitat for the species is present within the WAA, and the species has been recorded within 5 miles of the WAA.
Fringed myotis ( <i>Myotis thysanodes</i> )	SCC	May occur. Habitat for the species is present within the WAA, and the species has been recorded within 5 miles of the WAA.
Gila chub ( <i>Gila intermedia</i> )	LE	Unlikely to occur. There are no perennial aquatic habitats in the WAA, and the species has not been recorded within 5 miles of the WAA. Critical habitat for this species does not occur within the WAA.
Gilded flicker ( <i>Colaptes chrysoides</i> )	SCC	Known to occur. The species has been recorded within the WAA (eBird 2023).
Lowland leopard frog ( <i>Lithobates yavapaiensis</i> )	SCC	May occur. Habitat for the species is present within the WAA, and the species has been recorded within 5 miles of the WAA.
Mexican wolf ( <i>Canis lupus baileyi</i> )	EXPN	Unlikely to occur. The WAA is outside the currently occupied range for the species, and the high degree of development and human presence in the vicinity of the WAA precludes use by wolves.
Monarch butterfly ( <i>Danaus plexippus</i> )	CA, SCC	May occur. Habitat for the species is present within the WAA, and the species has been recorded within 5 miles of the WAA.
Ocelot ( <i>Leopardus pardalis</i> )	LE	Unlikely to occur. Habitat for the species is present within the WAA but it is outside the currently occupied range for the species. Critical habitat has not been designated for this species.
Yellow-billed cuckoo ( <i>Coccyzus americanus</i> )	LT	May occur. Limited habitat for the species is present within the WAA, and the species has been recorded within 5 miles of the WAA. Critical habitat for this species does not occur within the WAA.

Status definitions: CA = ESA candidate; EXPN = non-essential experimental population; LE = listed endangered; LT = listed threatened; SCC = Tonto National Forest species of conservation concern

Sources: AGFD (2023a, 2023b); USFWS (2023). Records within 5 miles of the WAA are from AGFD (2023a) unless otherwise noted.

Under the No Action Alternative, the WAA would be open to location and entry under U.S. mining laws which would increase the potential for future mineral exploration or extraction activities. Any mining-related activities would cause surface disturbance which would directly impact vegetation within the WAA. Vegetation could also be indirectly impacted by fugitive dust, the introduction or spread of invasive plant species and noxious weeds, and altered surface hydrology. Vegetation loss and alteration would adversely impact habitat for wildlife in the WAA, including habitat for special status species. Wildlife could be crushed by or collide with vehicles and equipment associated with mining activities, resulting in injury or mortality. Increased noise and human disturbance associated with mining activities could disturb wildlife and displace individuals from within the WAA. The magnitude of the impact to

vegetation and wildlife, including special status species, would depend on the type and duration of mining activity that occurs.

Under the Proposed Action, the potential for impacts to biological resources, including special status species, within the WAA would be reduced (but not eliminated) because the withdrawal would prevent new mining claims from being established. The WAA would continue to be managed in accordance with the Forest Plan (Forest Service 2023) until the parcels are conveyed to the Town. The withdrawal would not directly affect any ESA-listed or other special status species, though there could be beneficial effects to these species because the potential for these species to be impacted by future mining-related activities within the WAA would be reduced. Therefore, the Forest Service has determined the Proposed Action would have no effect on any threatened and endangered species or Forest Service species of conservation concern (see Section 4.2.1).

## **3.2 Water Resources**

Surface water features in the WAA generally consist of unnamed ephemeral washes that fall within the Upper Queen Creek watershed of the Gila River Basin. In addition, the Superior Airport Contiguous Parcels include a very small ephemeral reach of Queen Creek itself, as well as what is likely an effluent-dependent intermittent reach supported by discharges from the Superior Wastewater Treatment Plant. Queen Creek from its headwaters to the Superior Wastewater Treatment Plant is impaired for copper and lead; total maximum daily loads have not been developed for either pollutant (Arizona Department of Environmental Quality 2022). The National Wetlands Inventory identifies approximately 3.5 acres of wetlands classified as temporarily flooded within the WAA that are associated with the effluent-dependent drainage downstream of the Superior Wastewater Treatment Plant (Resolution Copper Mining 2015). No existing surface water rights are in the WAA.

Groundwater west of the Concentrator fault in the Superior Basin occurs primarily in floodplain alluvium along Queen Creek, but also in the poorly permeable basin-fill sediments and deeper geologic units in the vicinity of the Town. The Concentrator fault to the east acts as a barrier to groundwater movement between the shallow and intermediate-depth groundwater systems. Depth to groundwater in the alluvium is approximately 10 feet (Resolution Copper Mining 2015). There are no groundwater wells or groundwater rights within the WAA (Arizona Department of Water Resources 2023a, 2023b).

The majority of the Superior Airport Contiguous Parcels are mapped by the Federal Emergency Management Agency (FEMA) as Zone D, which denotes areas where FEMA has not conducted a flood hazard analysis, and the potential flood hazard has not been determined. The remainder of the Superior Airport Contiguous Parcels and the entirety of the Fairview Cemetery parcel are mapped by FEMA as Zone X, which denotes areas of minimal flood hazard (Resolution Copper Mining 2015).

Under the No Action Alternative, the WAA would be open to location and entry under U.S. mining laws which would increase the potential for future mineral exploration or extraction activities. Ground disturbance from any mining-related activities could lead to increased sedimentation. Improper management of mining process facilities, tailings, or waste rock could lead to releases of harmful chemicals or leaching of metals such as copper, lead, mercury, and arsenic. This could lead to contamination of surface water and groundwater and could contribute to the impaired condition of Queen Creek. Mining activities may rely on local groundwater and could deplete this important resource and lead to the drawdown of aquifers. Adverse impacts to water resources from mining-related activities could impair the Town's ability to use the parcels once they are conveyed.

Under the Proposed Action, the potential for future mineral exploration or extraction activities within the WAA would be reduced (but not eliminated) because the withdrawal would prevent new mining claims

from being established. This would minimize the potential for impacts to water resources that could interfere with the Town's ability to use the parcels once they are conveyed. No additional water rights would be needed to fulfill the purpose of the requested withdrawal.

### **3.3 Cultural Resources**

Of the many laws and regulations pertaining to cultural resources, the most pertinent is Section 106 of the National Historic Preservation Act (NHPA) which requires federal agencies to consider the effects of an undertaking on historic properties (i.e., districts, sites, buildings, structures, or objects that are listed in or eligible for listing in the National Register of Historic Places [NRHP]). The WAA has been surveyed for cultural resources (Brown and Buckles 2019; King 2019). These surveys have recorded 37 historic or prehistoric sites within the WAA. Of the 37 sites, 31 are eligible for the NRHP and one site remains unevaluated. Forest Service policy is to treat unevaluated sites as eligible until proven otherwise; therefore, the 31 eligible sites and the one unevaluated site are considered historic properties. The remaining five sites, including the Fairview Cemetery, are ineligible.

The eligible sites consist of 19 prehistoric, seven historic, and five prehistoric/historic multicomponent sites. The unevaluated site consists of a rock pile and sherd. Prehistoric sites or components are primarily Hohokam and/or Salado fieldhouse or hamlet habitation sites, some with agricultural features. One site also includes an Archaic-period camp site. Historic sites or components consist of habitation sites, railroads, a highway, utilities, and waste or waste dumps. In addition, although the Fairview Cemetery is ineligible for the NRHP, it may still be an important place for the community.

Under the No Action Alternative, the WAA would be open to new claims and entry under U.S. mining laws. If new claims result in minerals exploration or extraction, those portions of the selected parcels would be subjected to ground disturbance which may negatively impact the NRHP-eligibility of sites. Although it is unlikely that all eligible and unevaluated sites would be affected, up to 32 historic properties could be negatively impacted.

Under the Proposed Action, the selected parcels would be withdrawn from new mineral claims for 20 years, but existing valid claims would be unaffected. No changes to the existing conditions would occur, and no new ground disturbance would be authorized, under this proposed action. Because existing conditions would be the same (potential for development of valid mining claims) the Proposed Action will not impact historic properties. Any future mining development proposals for valid mining claims would be reviewed under the NEPA and NHPA.

### **3.4 Mineral Resources**

According to the mineral potential report for the WAA (Forest Service 2021), 12 active mining claims are within the WAA, all active claims are within the Superior Airport Contiguous Parcels, and no active claims are within the Fairview Cemetery parcel. The claims consist of nine lode claims held by Bronco Creek Exploration and three millsite claims held by Imerys Harborlite (Morissette 2019). Although the WAA is in a region with significant mining history and active claims are present within the WAA, there are currently no mineral-related activities on any of the NFS lands proposed for withdrawal, nor is there any evidence of past mining activity within the WAA. The validity of the 12 active mining claims within the WAA have not been formally examined. If mining activities associated with these existing claims were proposed, the Forest Service would have to assess the status of the claims at that time. Obsidian perlite, an industrial mineral, is mined by Imerys Harborlite on private land adjacent to the Superior Airport Contiguous Parcel. There is no indication that the industrial mineral in its valuable form has been found in the WAA (Forest Service 2021). The mineral potential report indicates there is no potential for

oil, gas, coal, potassium, and sulfur deposits; low potential for sand or gravel deposits and geothermal resources; and moderate potential for locatable minerals including copper, silver, and perlite. The lack of mineral development in the WAA, despite the long history of prospecting and mining in the region, indicates that locatable minerals are unlikely to be present within the WAA. However, the possibility that these minerals could be present at depth could not be ruled out given the proximity of the WAA to the former Magma Mine which produced large quantities of copper and other locatable minerals during its 71-year lifespan (Forest Service 2021).

Under the No Action Alternative, the WAA would be open to new claims and entry under U.S. mining laws. Whether or not this results in future mineral exploration or extraction, any new mining claims submitted before conveyance of the parcels to the Town would create encumbrances that would complicate the transfer from federal to municipal ownership. The Town's ability to use the lands once the subject parcels are conveyed could be further diminished if exploration or development of new claims occurs. Until the parcels are conveyed to the Town, any exploration or mining activities would be subject to a decision by the Forest Service, and therefore, would be subject to additional NEPA review.

Under the Proposed Action, new mining claims would not be allowed within the WAA, and there would be no potential for new encumbrances or surface uses that would interfere with the conveyance of the parcels to the Town. While this would limit the potential for any locatable or salable mineral resources within the WAA to be developed in the future, these resources could still be developed by existing holders of valid claims. The WAA would remain open to mineral and geothermal leasing, though these resources are unlikely to be present. As with the No Action Alternative, any exploration or mining activities would be subject to a Forest Service decision and additional NEPA review until the parcels are conveyed to the town.

### **3.5 Land Use**

The WAA consists entirely of NFS lands managed by the Tonto National Forest, and the surface is managed in accordance with the Forest Plan (Forest Service 2023). The 30-acre Fairview Cemetery parcel is occupied entirely by the cemetery. The 246-acre Superior Airport Contiguous Parcels consist of undeveloped lands abutting the Superior Municipal Airport on the western side of the Town (see Figure 2). All 276 acres within the WAA were annexed into the Town boundaries in January 2021 in anticipation of their conveyance (Town of Superior 2021).

U.S. 60 is a paved, four-lane, divided highway that runs generally east-west between the WAA parcels (see Figure 2). The Superior Airport Contiguous Parcels north of U.S. 60 can be accessed from Silver King Mine Road, and the parcels south of U.S. 60 can be accessed from Apache Tear Road; both are maintained gravel roads that provide access to active mining operations near the WAA. Several unmaintained two-track roads are also present on the Superior Airport Contiguous Parcels. The Magma Arizona Railroad runs east-west through the northernmost Superior Airport Contiguous Parcels. The railroad ceased operations in 1997, but the right-of-way is currently being used by Resolution Copper to pipe water from the West Plant site to the New Magma Irrigation and Drainage District. The WAA does not contain any roadless areas having wilderness characteristics. The existing Reclamation withdrawal for the Salt River Project overlapping the WAA (see Figure 2) is associated with two transmission line ROWs that cross through the northernmost WAA parcels. A 230-kilovolt (kV) transmission line operated by the Salt River Project is located within one of these rights-of-way.

The entirety of the Fairview Cemetery parcel and a small portion of the Superior Airport Contiguous Parcel are excluded from grazing; the remainder the of the Superior Airport Contiguous Parcels are part of the Superior grazing allotment (Resolution Copper Mining 2015). There are two existing utility ROWs

that cross through the Fairview Cemetery parcel, one for an overhead 12-kV transmission line and one for an underground 12-kV transmission line.

No developed recreational facilities are within the WAA, and opportunities for dispersed recreational activities are limited given the proximity of the parcels to the Town and the relative lack of roads and trails. The WAA falls within Game Management Units 24B and 37B, the boundaries of which follow U.S. 60 (AGFD 2023c). These Game Management Units support a variety of large and small game animals, but hunting does not occur on the Fairview Cemetery parcel and hunting opportunities are limited on the Superior Airport Contiguous Parcels due to their proximity to the airport, active mining operations, a waste transfer station, and U.S. 60.

Under the No Action Alternative there would be no change in surface management within the WAA, but the subsurface would be open to new mining claims which would increase the potential for future surface disturbances due to mineral exploration or extraction. This could interfere with the Town's ability to use these parcels in the future and would also conflict with existing land uses such as grazing and recreation (however limited).

Under the Proposed Action, withdrawing the lands from location and entry under U.S mining laws would reduce (but not eliminate) the potential for future surface disturbances due to mineral exploration or extraction. Therefore, the Proposed Action would be less likely to interfere with the existing land uses in the WAA (primarily grazing) or the ability of the Town to use the parcels once conveyed. The withdrawal would have no effect on existing rights-of-way in the WAA.

### **3.6 Socioeconomics**

The WAA is in the Town which has a population of 2,407. The median household income in 2022 was \$39,600 (compared to \$74,568 for the State of Arizona), and the unemployment rate was 6.9 percent (compared to 5.4 percent for the State of Arizona). Approximately 17.3 percent of residents have incomes below the poverty line (compared to 12.5 percent for the State of Arizona) (U.S. Census Bureau 2022). Although mining has historically formed the backbone of employment and industry in the Town, mining employment has varied over the years as old mines close and new mines open. The trade and services employment sectors have grown in recent years as tourism increases (Town of Superior 2022). As of 2022, the primary industries in the Town were educational services, health care, and social assistance (20.5 percent of jobs), and public administration (19.3 percent). The agriculture, forestry, and mining industries accounted for only 5.7 percent of employment in the Town in 2022 (U.S. Census Bureau 2022), though this number is expected to increase in 2025 when Resolution Copper launches the opening phase of its new mine (Town of Superior 2022).

Under the No Action Alternative, mining-related activities initiated based on new mining claims could occur in the WAA. The Forest Service recognizes the importance of the mining industry in Arizona and recognizes that restricting the location of new mining claims under a withdrawal could have potential impacts to the local economy and employment in the Town, and that absent such a withdrawal, no restrictions would occur. Any impacts to socioeconomics from mining-related activities would depend on the size and duration of such mining-related activities. Given the low to moderate mineral potential within the WAA (Forest Service 2021), it is unlikely that mining-related activities within the WAA would be an economic driver in the Town, were such activities to occur. The Town's general plan (Town of Superior 2022) designates several different future land uses within the WAA—including medium-density residential, employment center, industrial, institutional, parks, and designated open space—and also designates a portion of the Superior Airport Contiguous Parcels as a future development area. None of the WAA is designated for mining-related uses. Thus, mining-related activities within the WAA would be

inconsistent with the Town’s general plan and could have negative socioeconomic impacts by interfering with the intended use of the parcels (i.e., residential, commercial, and industrial development).

Under the Proposed Action, there could be adverse impacts to employment and income in the Town because the withdrawal would prevent new mining claims from being established in the WAA, which would reduce the area available for new mining operations. The withdrawal would have no effect on the existing mining claims within the WAA, and thus, would not impact the ability of Imerys Harborlite to develop mill sites adjacent to their existing operations or the ability of Bronco Creek Exploration to develop their lode claims (subject to Forest Service verification of the status of these claims and additional NEPA compliance). The Proposed Action would also have positive socioeconomic effects because it would reduce the potential for future mining activities to interfere with the permitted use of the Superior grazing allotment. Although the Proposed Action would not directly benefit the local economy, it would help ensure that the parcels in the WAA could be developed to the Town’s benefit once conveyed. This would facilitate future development and expansion of the Superior Municipal Airport as well as new housing, both of which are needed to meet the demands of the growing population in the Town and support the opening of the Resolution Copper Mine (Town of Superior 2022). As such, the economic benefits of withdrawing the parcels in the WAA are expected to outweigh any adverse impacts to the economy from reducing the area available for new mining operations.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high or adverse human health or environmental effects of their programs and policies on minorities and low-income populations and communities.

The Forest Service has not identified any potential high and adverse environmental or human health impacts from this Proposed Action or any of the alternatives. Minority or low-income communities would not be disproportionately affected by any impacts from either of the alternatives.

### **3.7 Cumulative Impacts**

Regardless of the alternative selected, the subject parcels will eventually be conveyed to the Town, as required by Section 3003 of the NDAA. Once conveyed to the Town, the subject parcels will no longer be part of the Tonto National Forest and will be owned and managed by the Town rather than the Forest Service. While the Town anticipates that a portion of the parcels will be developed in the future—whether for municipal, commercial, or private uses—there are no specific developments or projects planned at this time. Some of the airport contiguous parcels have been designated as parks and open space and are unlikely to be developed by the Town.

Two existing withdrawals and one existing segregation overlap with approximately 99 acres of the WAA (see Section 1.1 and Figure 2); these would remain in place regardless of the alternative selected. No other withdrawals have been proposed or requested within the WAA. Section 3003 of the NDAA also requires the exchange of several other parcels as part of the Resolution Copper Mine project. Resolution Copper will receive 2,422 acres of NFS lands in the Oak Flat area and, in exchange, will convey 5,344 acres of private land to the U.S. government. Most of the parcels are distant from the WAA, except for Oak Flat, which is approximately 3 miles to the east, and Apache Leap South End, which is approximately 1.5 miles to the east.

The exchange will terminate the withdrawal of the 760 acres associated with Oak Flat (including the 50-acre Oak Flat campground site) and transfer those lands to Resolution Copper, allowing the subsurface minerals at that location to be extracted. The 110-acre Apache Leap South End parcel would be transferred to the U.S. government. This parcel, along with 697 acres of land currently held by the Forest

Service would be designated as the Apache Leap Special Management Area (SMA). All 807 acres of the Apache Leap SMA would be withdrawn from location and entry under U.S. mining laws, and Resolution Copper would surrender their existing mining claims on these lands. These land status changes would result in a net loss of 47 acres of lands available for new mining claims in the vicinity of the WAA.

Under the Proposed Action an additional 276 acres would be withdrawn from location and entry, 99 acres of which are already withdrawn or segregated, which would result in a 177-acre decrease in lands available for new mining claims in the WAA. Cumulatively, the Proposed Action in combination with the reasonably foreseeable future actions described above, would result in a 224-acre net decrease in lands available to new mining claims in the WAA and vicinity.

Although reducing the area available to mining in the WAA and Apache Leap SMA could have adverse impacts to local employment and income, these effects would be offset by the economic benefits gained from making the Oak Flat withdrawal area available to Resolution Copper for mining. The potential beneficial and adverse effects to land use and biological, water, and cultural resources from the Southeast Arizona Land Exchange are being analyzed in an environmental impact statement for the exchange.

## 4 CONSULTATION AND COORDINATION

### 4.1 List of Preparers

Members of the Forest Service, BLM, and SWCA Environmental Consultants teams that contributed to the preparation of this EA are listed in Table 2.

**Table 2. List of Preparers**

<b>Name</b>	<b>Position / Role</b>
<b>Forest Service Team</b>	
Devin Quintana	Public Services Staff Officer, Tonto National Forest
Travis Bone	Forest Archaeologist/Heritage Program Manager, Tonto National Forest
Margaret Hangan	Project Archaeologist, Tonto National Forest
Richard Adkins	Tribal Relations Program Manager, Tonto National Forest
Mark McEntarffer	Realty Specialist, Special Uses Program Manager, Tonto National Forest
Anne Thomas	Forest NEPA Coordinator, Tonto National Forest
Drew Ullberg	Forest Biologist, Tonto National Forest
Kelly Mott Lacroix	Forest Hydrologist/Watershed Program Manager, Tonto National Forest
<b>BLM Team</b>	
Chris Bowman-Prideaux	Rangeland Management Specialist
Dale Ohnmeiss	Planning and Environmental Coordinator, Phoenix District Office
Michael Ouellett	Arizona State Office Withdrawal Program Lead
Amber Redger	Archaeologist, Phoenix District Office
Laura Howland	Wildlife Biologist, Phoenix District Office
<b>SWCA Environmental Consultants Team</b>	
Chris Garrett	Subject Matter Expert

<b>Name</b>	<b>Position / Role</b>
Jill Grams	Project Manager / Subject Matter Expert
Nicholas Brasier	Environmental Planner / Lead Author
Adrienne Tremblay	Archaeologist
Victoria Boyne	Administrative Record Specialist

## **4.2 Consultations**

### **4.2.1 Compliance with Section 7 of the Endangered Species Act**

Under Section 7 of the ESA, action agencies (here, the Secretary of the Interior) must ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any listed threatened or endangered species or result in the destruction or adverse modification of critical habitat (16 United States Code 1536). Threatened and endangered species along with other species given special federal conservation status are analyzed in Section 3.1 of this EA. The Proposed Action, a withdrawal, does not cause surface disturbance; therefore, it would have no effect on listed species or their critical habitat. Consultation with USFWS is not required for no effect determinations. The Forest Service contacted the USFWS Arizona Ecological Services Office by email on January 3, 2024, to communicate that no consultation is required.

### **4.2.2 Compliance with Section 106 of the National Historic Preservation Act**

In addition to NEPA compliance, the requested 276-acre withdrawal is subject to Section 106 of the NHPA. The requested withdrawal would be an administrative action, and no ground disturbance would be authorized or implemented as a result. Since the requested withdrawal will maintain the current conditions, the Forest Service finds that the requested withdrawal has no potential to cause effects to historic properties, assuming such historic properties were present; therefore, the agency official has no further obligations under Section 106. Any potential future conveyance of the land to the Town would be a separate undertaking and subject to separate NHPA compliance, including additional tribal consultation.

### **4.2.3 Government-to-Government Consultation**

The Tonto National Forest Supervisor sent a letter on December 1, 2023, advising the leadership of the Tribes listed below of the Proposed Action and inviting comment on the withdrawal application and this EA. The following Tribes were notified: White Mountain Apache Tribe, San Carlos Apache Tribe, Mescalero Apache Tribe, Fort McDowell Yavapai Nation, Tonto Apache Tribe, Yavapai-Apache Nation, Yavapai-Prescott Indian Tribe, Salt River Pima-Maricopa Indian Community, Gila River Indian Community, Ak-Chin Indian Community, Tohono O’odham Nation, Hopi Tribe, and Pueblo of Zuni. Two Tribes, the White Mountain Apache Tribe and the Salt River Pima Maricopa Indian Community responded via email and letter. Neither Tribe expressed concern with the requested administrative withdrawal, however, both Tribes stated that they wish to continue to be engaged on this undertaking and any future actions related to the withdrawn lands would require consultation under Section 106 of the NHPA.

The BLM Arizona State Office has informally corresponded with the Town, via phone and email, during the withdrawal application process. Town staff has expressed support for the requested withdrawal.

The BLM Arizona State Office and the Forest Service Region 3 staff have discussed the requested 276-acre withdrawal with the Reclamation Phoenix Area Office and how the requested withdrawal, if approved, would overlap with a portion of Reclamation's Salt River Project withdrawal. Reclamation staff has indicated that the requested withdrawal from location and entry under U.S. mining laws itself would not have an impact on Reclamation operations for these lands since the affected Reclamation lands are already withdrawn from U.S. mining laws. However, Reclamation staff has expressed concern that the conveyance of these lands to the Town must be subject to Reclamation's two existing transmission line rights-of-way located on the subject property.

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## **APPENDIX A**

### **Withdrawal Application Area Legal Description**

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## LEGAL DESCRIPTION

The withdrawal application area parcels are located on the following land in Pinal County, Arizona: Gila and Salt River Meridian, Arizona (BLM 2022a).

Township 2 South, Range 12 East,

Section 3, N1/2SW1/4SW1/4, N1/2SW1/4SW1/4SW1/4 and N1/2SE1/4SW1/4SW1/4;

Section 4, lots 3 and 4 excepting Lee Mill Site and Penny Mill Site of M.S. No. 4803, S1/2 NW1/4 excepting Harborlite Mill Sites 1A and 2A of M.S. No. 4860 and Lee Mill Site and Penny Mill Site of M.S. No. 4803;

Section 5, N1/2NE1/4SE1/4, NE1/4NW1/4SE1/4, E1/2NW1/4NW1/4SE1/4, E1/2SW1/4NW1/4NW1/4SE1/4, E1/2NW1/4NW1/4NW1/4SE1/4;

Section 9, E1/2NW1/4NE1/4, E1/2NW1/4NW1/4NE1/4, SW1/4NW1/4NE1/4, NW1/4NE1/4NE1/4NW1/4, NW1/4NE1/4NW1/4, W1/2SW1/4NE1/4NW1/4 that portion lying N. of the N. boundary of H.E.S. No. 167, E1/2NW1/4NW1/4 that portion lying N. of the N. boundary of H.E.S. No. 167, E1/2NW1/4NW1/4NW1/4, E1/2NW1/4NW1/4NW1/4NW1/4, E1/2SW1/4NW1/4NW1/4NW1/4, E1/2SW1/4NW1/4NW1/4 that portion lying N. of the N. boundary of H.E.S. No. 167, E1/2NW1/4SW1/4NW1/4NW1/4 that portion lying N. of the N. boundary of H.E.S. No. 167.

The areas described aggregate 276 acres.

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