

# Rosemont Copper Project EIS

## Cooperating Agency Coordination Meeting

6/18/2009  
9:30 AM to 12:00 PM  
Federal Building  
300 West Congress  
Tucson, Arizona  
Conference Room 4B

Meeting Called by: Jeanine Derby, Forest Supervisor  
Facilitator: Teresa Ann Ciapusci, Cooperating Agency Liaison  
Type of Meeting: Information Sharing

## Agenda

09:30 – 09:45	Welcome	Reta Laford, Deputy Forest Supervisor
09:45 – 10:45	Project Website	John Able, Project Webmaster
10:45 – 11:15	Update	Reta Laford, Deputy Forest Supervisor
11:15 – 12:00	Open Discussion	Teresa Ann Ciapusci, Cooperating Agency Liaison

Invited Attendees:

- Cooperating Tribes  
Tohono O’odham Nation
  
- Cooperating Federal Agencies  
Air Force, 162d Fighter Airwing  
Army Corps of Engineers  
USDI Bureau of Land Management
  
- Cooperating State Agencies  
Arizona Department of Environmental Quality  
Arizona Department of Mines and Mineral Resources  
Arizona Department of Water Resources  
Arizona Game and Fish Department  
Arizona Geological Survey  
Arizona State Land Department  
Arizona State Mine Inspector  
Arizona State Parks
  
- Cooperating Local Governments  
City of Tucson  
Pima County  
Town of Sahuarita

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## Cooperating Agency

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## Meeting Notes

Attendees:

### Cooperating Tribes

- Tohono O'odham Nation

Note:

Checked box () indicates agency representative in attendance

### Cooperating Federal Agencies

- Air Force, 162d Fighter Airwing
- Army Corps of Engineers, Los Angeles District, Regulatory Division
- USDA Forest Service, Coronado National Forest
- USDI Bureau of Land Management

### Cooperating State Agencies

- Arizona Department of Environmental Quality
- Arizona Department of Mines and Mineral Resources
- Arizona Department of Water Resources
- Arizona Game and Fish Department
- Arizona Geological Survey
- Arizona State Land Department
- Arizona State Mine Inspector
- Arizona State Parks

### Cooperating Local Governments

- Pima County
- City of Tucson
- Town of Sahuarita

<b>Project Website</b>	<b>John Able</b>
<b>Discussion:</b>	
⇒ Discussion: Website developed to serve 3 audiences (interdisciplinary team, cooperating agencies, and public)	
⇒ Demonstration of β-test version of <a href="http://www.RosemontEIS.us">www.RosemontEIS.us</a> website navigation, functions, and demonstration content	
⇒ Demonstration of β-test version of searchable comments database navigation, functions, and demonstration content	
⇒ Discussion of web-based social media considerations and opportunities	
⇒ Cooperating agencies requested inclusion of a blog forum that would be for the exclusive use of cooperating agencies	
⇒ Cooperating agencies requested the Reclamation Plan be posted to the website with a cross reference to/from the “Technical Reports” sub-tab	
<b>Action items:</b>	
1. Requested cooperating agencies access and test functionality of website and searchable comments database and report findings (positive and negative), desired changes and modifications, additions, deletions, and any other comments to the webmasters (John Able and Barbara Schneider) via “ <i>John Able’s Blog</i> ” on the home page of the website	
2. Requested cooperating agencies not share access to the website with other members of their agencies or the public before the Forest Service releases the website to public access in July 2009	
3. Requested cooperating agencies that need additional access accounts for the website notify the Forest Service Cooperating Agency Liaison with the name and e-mail address for each additional account	
<b>EIS Status</b>	<b>Teresa Ann Ciapusci</b>
<b>Discussion:</b>	
⇒ Overview of interdisciplinary team progress to date	
⇒ Reminder that schedule for milestones remains unchanged	
<b>Open Discussion</b>	<b>Teresa Ann Ciapusci</b>
<b>Discussion:</b>	
⇒ Suggested topics for future Coordination Meetings:	
1. Field trip to view examples of successful reclamation efforts	
2. Alternative routes for utility corridors, particularly electrical transmission routes	
3. Discussion of lessons learned in previous large-scale mining proposals that could improve efficiency	
4. Share permitting and other regulatory roles of cooperating agencies to further mutual understanding of decision space and roles of the various agencies	
5. Training for cooperating agencies on the NEPA process	
6. Discussion of the assumptions used in determining the types of technical studies that underlay the environmental analysis and how those assumptions are documented in the Administrative Record	

Attendance Record

Agency	Participant(s) Please Print Legibly
Tohono O'odham Nation	
Air Force, 162d Fighter Airwing	
Army Corps of Engineers	
USDI BLM	Linda Hughes
AZ Dept of Mines and Mineral Resources	MADAN M. SINGH
AZ Dept of Environmental Quality	DENNIS TURNER
AZ Geological Survey	JON SPENCER
AZ State Land Dept	David Jacobs
AZ Dept of Water Resources	Laura Grignano

**Rosemont Copper Project  
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Agency	Participant(s) Please Print Legibly
AZ State Mine Inspector	
AZ State Parks	Robert Casavant
ADOT	
Pima County	Nikki Fyffe
Town of Sahuarita	Orlanthia Henderson / JOE MARQUES
City of Tucson	Nicole Urban-Lopez

Arizona Game + Fish Dept. John Windes

**Rosemont Copper Project  
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June 18, 2009**

**Attendance Record**

Agency	Participant(s) Please Print Legibly
Tohono O'odham Nation	
Air Force, 162d Fighter Airwing	
Army Corps of Engineers	
USDI BLM	Linda Hughes
AZ Dept of Mines and Mineral Resources	Madan M. Singh
AZ Dept of Environmental Quality	Dennis Turner
AZ Game and Fish Dept	John Windes
AZ Geological Survey	Jon Spencer
AZ State Land Dept	David Jacobs
AZ Dept of Water Resources	Laura Grignano
AZ State Mine Inspector	
AZ State Parks	Robert Casavant
AZ Dept of Transportation	
Pima County	Nicole Fyffe Julia Fonseca
Town of Sahuarita	Orlanthia Henderson Joe Marques
City of Tucson	Nicole Urban-Lopez

## ROSEMONT COPPER PROJECT EIS COOPERATING AGENCY STATUS (6/18/09)

### INITIAL INVITATIONS

(Summary: 12 invitations, 1 decline, 5 in review, 6 formal agreements)

TRIBAL GOVERNMENTS	INVITATION DATE	MOU STATUS
TOHONO O'DHAM NATION (including Tribal Liaison Coordination)	07/10/08	In Review
FEDERAL AGENCIES	INVITATION DATE	RESPONSE
DEPT. OF THE AIR FORCE, 162D FIGHTER AIRWING	07/10/08	MOU 3/27/09
DEPT. OF ARMY, CORPS OF ENGINEERS, LOS ANGELES DISTRICT	07/10/08	Letter 8/21/08 <sup>1</sup>
ENVIRONMENTAL PROTECTION AGENCY	07/10/08	Declined 10/14/08
USDI BUREAU OF LAND MANAGEMENT, TUCSON FIELD OFFICE	07/10/08	In Review
ARIZONA STATE AGENCIES	INVITATION DATE	RESPONSE
ARIZONA DEPT. OF ENVIRONMENTAL QUALITY	07/18/08	MOU 5/19/09
ARIZONA DEPT. OF MINES AND MINERAL RESOURCES	07/18/08	MOU 4/14/09
ARIZONA DEPT. OF TRANSPORTATION	07/18/08	In Review
ARIZONA GAME AND FISH DEPARTMENT	07/18/08	In Review
ARIZONA STATE LAND DEPT.	07/18/08	MOU 5/28/09
LOCAL GOVERNMENTS	INVITATION DATE	RESPONSE
PIMA COUNTY	07/18/08	MOU 6/9/09
TOWN OF SAHUARITA	10/09/08	In Review

<sup>1</sup>Corps of Engineer policy prohibits signing MOUs. They sent a letter of cooperation parameters.

### INITIAL INQUIRIES

(Summary: 20 inquiries, 13 declines, 2 unknown, 4 in review, 1 formal agreement)

FEDERAL AGENCIES	INQUIRY DATE	MOU STATUS
DEPT. OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, ARIZONA DIVISION	07/22/08	Declined 8/26/08
DEPT. OF ENERGY, WESTERN AREA POWER ADMINISTRATION	07/18/08	Declined 7/31/08
USDI BUREAU OF RECLAMATION	07/10/08	Declined 9/12/08
USDI U.S. GEOLOGICAL SURVEY	07/18/08	Declined 8/14/08
DEPT. OF LABOR, MINE SAFETY AND HEALTH ADMINISTRATION	07/18/08	Declined 8/06/08
USDI BUREAU OF INDIAN AFFAIRS, OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS	07/15/08	Declined 9/04/08 <sup>2</sup>
DEPARTMENT OF TRANSPORTATION, FEDERAL RAILROAD ADMINISTRATION	07/16/08	Unknown
USDI FISH AND WILDLIFE SERVICE	07/18/08	Unknown
OFFICE OF SURFACE MINING RECLAMATION	07/14/08	Declined 5/11/09
ARIZONA STATE AGENCIES	INQUIRY DATE	RESPONSE
ARIZONA DEPT. OF ADMINISTRATION, RISK MANAGEMENT	07/18/08	Declined 5/18/09
ARIZONA DEPT. OF PUBLIC SAFETY	07/18/08	Declined 8/15/08
ARIZONA DEPT. OF WATER RESOURCES	07/18/08	In Review
ARIZONA GEOLOGICAL SURVEY	07/18/08	MOU 4/20/09
ARIZONA STATE HISTORIC PRESERVATION OFFICE	07/22/08	Declined 7/31/08
ARIZONA STATE MINE INSPECTOR	07/18/08	In Review
ARIZONA STATE PARKS	07/18/08	In Review
ARIZONA WATER BANKING AUTHORITY	07/22/08	Declined 5/11/09
LOCAL GOVERNMENTS	INQUIRY DATE	RESPONSE
CITY OF TUCSON	07/21/08	In Review
COCHISE COUNTY	07/21/08	Declined 6/08/09
SANTA CRUZ COUNTY	07/18/08	Declined 8/29/08

<sup>2</sup>Office of the Special Trustee for American Indians declined, but forwarded inquiry on to Bureau of Indian Affairs.

**Rights of Mining Claimants  
Coronado National Forest  
June 2009**

The General Mining Act of 1872 confers a statutory right to enter upon public lands open to location in pursuit of locatable mineral, and under valid existing mining claims to conduct mining activities, in compliance with federal and state statutes and regulations. The Multiple-Use Mining Act of 1955 confirms the ability to conduct mining activities on public lands, locate necessary facilities, and conduct reasonable and incidental uses to mining on public lands, including National Forest System lands. Forest Service mining regulations at 36 C.F.R. Part 228 subpart A, correspondingly recognizes the rights of mining claimants.

The National Environmental Policy Act of 1969 (NEPA) requires Federal agencies to prepare an environmental impact statement prior to undertaking a major Federal action significantly affecting the quality of the human environment. NEPA also requires Federal agencies to study, develop, and describe appropriate alternatives to any proposal which involves unresolved conflicts concerning alternate uses of available resources.

A proposed mine plan of operations is a starting point in the environmental impact statement process and is one of the alternatives considered. Forest Service mining regulations and policies establish a process to approve a plan of operations for mining activities on National Forest System lands and to ensure such plans minimize adverse environmental impact. Feasible alternatives which allow the claimant to reasonably exercise their statutory rights and vested property rights in minerals, while seeking to minimize adverse environmental impacts on National Forest surface resources, are also included in the statement.

The regulations implementing NEPA also require that a no-action alternative be included in an environmental impact statement. Forest Service Handbook 1909.15 Chapter 14.2 clarifies that the no-action alternative provides a baseline for estimating the effects of other alternatives. The no-action alternative presents that no action or activity would take place from the planning effort, thus the mine plan of operations would not be approved.

Although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion when reviewing and approving a mining plan of operations. The Forest Service cannot categorically prohibit mining activity or deny reasonable mineral operations under the mining laws. Selection of a no-action alternative is outside the discretion of the Responsible Official.

In practice, the Forest Service works with the mining applicant to develop an acceptable legally-compliant plan of operations as an alternative to be considered in during the NEPA process, thereby precluding selection of the no-action alternative.