



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

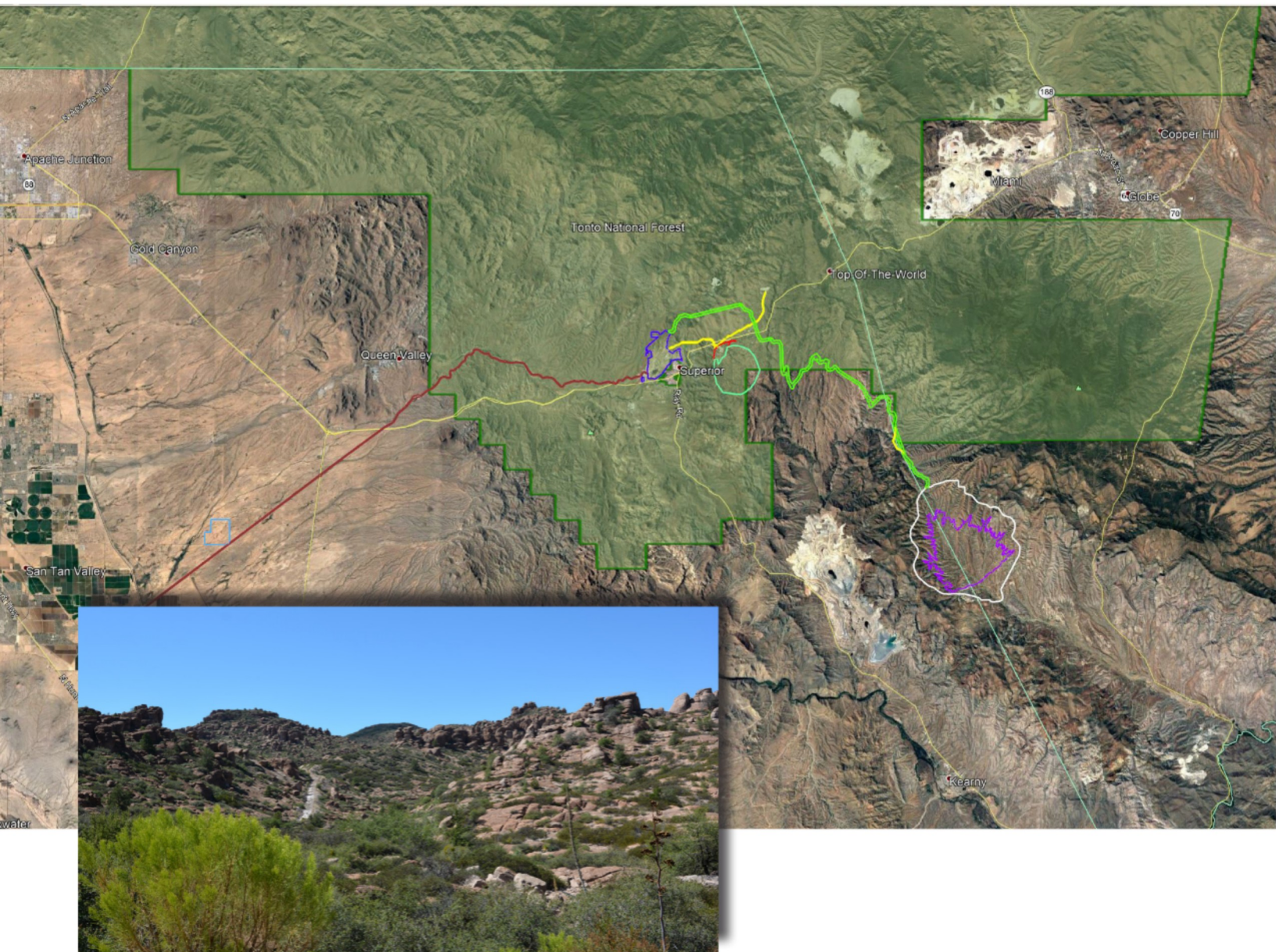
Tonto National Forest

MB-R3-12-10

June 2025

FINAL Environmental Impact Statement Resolution Copper Project and Land Exchange

Coconino, Gila, Maricopa, Pinal, Santa Cruz, and Yavapai Counties, Arizona



Volume 1

be through recovery of those banked water credits, or groundwater use authorized by the State of Arizona under a mineral extraction withdrawal permit.

While all mining would be conducted underground, removing the ore would cause the ground surface to collapse, creating a subsidence area at the Oak Flat Federal Parcel. The crater would start to appear in year 6 of active mining. The crater ultimately would be between 800 and 1,115 feet deep and roughly 1.8 miles across. The Forest Service assessed alternative mining techniques in an effort to prevent subsidence, but alternative methods were considered unreasonable.

The workforce during construction/ramp-up is expected to peak at 1,600 personnel in Pinal County and another 1,600 in other areas. During operations, the project would employ an average of approximately 2,100 people annually in Pinal County and another 1,700 in other areas. During the reclamation phase, employment is projected to be 600 in Pinal County and 600 in other areas.

ES-1.3 Areas of Controversy

The Resolution Copper Project and Land Exchange is controversial for several reasons.

Foremost among them are the expected significant environmental impacts and loss of the Oak Flat area, historically used by Native Americans, who hold the land as sacred and use the area for spiritual and traditional uses. Additionally, in March 2016, the Oak Flat area was listed in the National Register of Historic Places (NRHP) as a traditional cultural place (TCP).

Measures to resolve adverse effects on known historic properties, including but not limited to data recovery, have been developed through consultation with the State Historic Preservation Office, Tribes, and others. However, there is the potential for some portion of existing yet currently unidentified prehistoric and historic artifacts and resources to be disturbed or destroyed, especially within the Oak Flat subsidence area and the footprint of the tailings storage area. These losses could include human burials within these areas.

Water use is a major concern among the public, other government agencies, and interested parties. Recycling and reuse would happen extensively throughout the mine operations, but as previously mentioned, additional external water is needed for processing.

There are concerns regarding how public safety may be affected by the project. This includes the physical safety of persons in areas of subsidence and adjacent communities, as well as increased traffic and effects on air and water quality.

There is public apprehension over the creation, and type, of a tailings embankment for the tailings storage facility. The catastrophic collapse of the Brumadinho tailings dam in Brazil in January 2019, resulting in 259 confirmed fatalities with 11 people still missing (Nogueira and Plumb 2020), has heightened concerns.

In January 2019, Representative Raul Grijalva, a Democrat who serves as the U.S. Representative for Arizona's 3rd congressional district (which includes the western third of Tucson), and Senator Bernie Sanders, an Independent from Vermont, introduced legislation that would overturn the land exchange described in Section 3003 of PL 113-291. Congressman Grijalva cited the need to protect Oak Flat and restore some balance to the country's natural resource policies. In November 2020, Congressman Grijalva released an opinion article admonishing Rio Tinto for its role in destroying a centuries-old Aboriginal heritage site in Australia and subsequently tying the global mining company's trustworthiness to the Resolution Copper Project.

In January 2021, three lawsuits were filed seeking to halt the land exchange. The consolidated cases were stayed in May 2021 due to the rescinding of the January 2021 FEIS by the Forest Service. The District Court ruling in one of those cases (*Apache Stronghold v. U.S.*) denied an injunction. That District Court ruling was appealed to the Ninth Circuit, and the District Court ruling was upheld. The Apache Stronghold case is based on arguments involving religious freedom and treaty obligations. In November 2022, the Ninth Circuit vacated that ruling and ordered the appeal to be heard en banc. The en banc hearing occurred in March 2023, and a ruling was issued in May 2024 in which the en banc court affirmed the District Court ruling denying an injunction.

ES-1.4 Lead and Cooperating Agency Roles

In compliance with the National Environmental Policy Act (NEPA), the Forest Service is the lead agency preparing this FEIS. The Forest Supervisor, Tonto National Forest, is the primary deciding official for the proposed GPO submitted by Resolution Copper.

The Forest Service's role as lead agency includes the following:

- Analyzing and disclosing environmental effects of the proposed mine and the land exchange on private, State, and NFS lands or other Federal lands
- Conducting government-to-government consultations with potentially affected Tribes
- Developing mitigations to protect surface resources of the Tonto National Forest and recommending mitigations for lands not under Forest Service jurisdiction

Authorization of more than 25 permits and plans from various jurisdictions are required for this mine project. Representatives from Federal, State of Arizona, and county governments are serving as cooperating agencies with the Forest Service in developing this EIS. Cooperating agencies have jurisdiction over some part of the project by law or have special expertise in the environmental effects that are addressed in the EIS. Monthly calls and meetings between the lead and cooperating agencies have occurred since November 2017. The nine cooperating agencies are as follows:

- U.S. Army Corps of Engineers (USACE)
- U.S. Department of the Interior Bureau of Land Management (BLM)
- U.S. Environmental Protection Agency
- Arizona State Land Department
- Arizona Department of Environmental Quality
- Arizona Department of Water Resources
- Arizona Game and Fish Department
- Arizona State Mine Inspector
- Pinal County Air Quality Control District

Pursuant to Section 404 of the Clean Water Act, Resolution Copper has asked for authorization to discharge fill material into waters of the U.S. for the construction of a tailings storage facility at certain proposed locations. Because Congress directed that a single EIS is to support all Federal decisions related to the proposed mine, the USACE is relying on this EIS to support a decision for issuance of a Section 404 permit.