



Responses to Rep. Gosar from Mila Besich, Mayor of the Town of Superior

1. How long has the NEPA process taken?

The NEPA process to open a mine in America begins the day an extraction company determines it will need to access federal lands to construct its operations in order to mine the ore deposit. These extraction companies conduct years of study, data gathering and analysis before determining if it is feasible to begin the federal permitting process. That initial data is often used as a baseline for the NEPA requirements.

Environmental Impact Statements (EIS) can vary in length depending on the magnitude of the project. For the Resolution Copper project, discussions on the permits required for the construction of the project on their property and the federal lands have been taking place for well over 20 years. The timeline for the actual EIS development began when Resolution Copper submitted its official mine plan of operations in 2013. During this ensuing eight-year period, there have been countless public meetings and comment periods.

2. How many different changes has the mine project undergone--to both the scope and because of tribal and public input?

During the 26-year history of the development timeline of the Resolution Copper Mine, there have been numerous changes. For instance, the location of the tailings sites has changed at least three times. As further study had been completed, there have been changes to where Resolution Copper will place the filtration plant and concentrator.

As for public input, the project has evolved over the years to allow for access to Oak Flats for as long as possible. Early on, it was proposed that as soon as the lands were exchanged, the public would lose access to the Oak Flats Campground. At this point, it is planned that the public will have access to the Oak Flats Campground as long as it is determined to be safe.

The tailings location is another example of public participation affecting the location of this one aspect of their footprint. When Resolution Copper no longer had the opportunity to pipe tailings to the then-shuttered Pinto Valley mine, they returned to the drawing board to find a different tailings location. The company studied its options and presented them to the Community Working Group (CWG). The CWG is comprised of local stakeholders that have worked together for years to study critical impacts of the mine, and then communicate their findings to the public as well as to the company. Resolution Copper funds a contracted facilitator to work with the

CWG, and this has been very helpful given the complexity of the issues associated with a mining operation on the scale of this proposed mine.

3. Could you talk about some of the concessions made throughout the consultation process to mitigate the impacts of the mine?

I can speak specifically for the Town of Superior. When the Draft Final Environmental Impact Statement (DEIS) was released, we quickly learned that the impacts to our Town infrastructure, socioeconomics, police and emergency services by Resolution Copper would cost the Town of Superior upwards of \$1 million annually. The DEIS reported that the Resolution Copper project would only generate \$350,000 in actual revenue to the Town. Clearly, just based solely on this economic data, we understood that the proposed project – without appropriate mitigations – would be a net negative for Superior. We utilized the comment period to address our concerns with the Forest Service and Resolution Copper. As a result of our focused advocacy, we were able to negotiate agreements to put measures into place that would mitigate the adverse impacts to our citizens and the Town’s financial stability.

The issues of water usage for the Resolution Copper Mine are very complex and involve the layered complexity of state and federal law, as well as the entrenched positions of key water rights owners. No water in the Southwest goes unclaimed and the mine will have to purchase most of their water on this open market. The market itself will regulate the availability of the water rights and the market will balance the competing interests. The physical availability of the water is a separate issue, and we and our water provider Arizona Water company have worked with Resolution Copper to develop mitigation measures to assure that groundwater in the desert well field area, that supplies the Town, remains available indefinitely.

The effects of mine dewatering on Queen Creek exacerbate cumulative impacts caused by over 130 years of mining under the creek. Water that would normally flow down the creek seeps through the fractures caused by this mining activity and into old mine workings that eventually lead to the current workings. It is then pumped out to irrigate crops elsewhere, or for mine operations. Resolution Copper has contracted with the Town to study this problem and work to restore the Creek’s natural flow. They have committed to provide baseline flows and to complete a hydrological study to determine how much water is lost to dewatering and to provide replacement water. In addition, they will place a conservation easement through the Town to restore the Creek. While this involves a small fraction of the water the mine will use over its lifespan, this impact is very important to the Town’s survival and ability to maximize tourism as a part of a diversified economy.

4. Could you talk about the community investments that have been made in anticipation of the project?

Resolution Copper has been a key community partner from their early days providing support to our local non-profits and the school district, as well as providing funds for strategic planning that allows the Town of Superior to diversify our local economy. In 2019, the Town of Superior, Superior Unified School District, Rebuild Superior Inc. and the Superior Chamber of Commerce signed multi-year funding agreements. These agreements invested private dollars from Rio Tinto (the parent company of Resolution Copper) into community and economic development programs, the Multi-Generational Center, education infrastructure for our school district and

capacity-building funding for the Superior Chamber of Commerce and Rebuild Superior Inc. The Superior Chamber of Commerce and Rebuild Superior Inc. both provide important programs and services that advance the economic and community development for Superior.

5. As part of the land exchange legislation in 2014, the Town of Superior was authorized to purchase some parcels of land. How would the inability to purchase these lands impact Superior?

When the land exchange was proposed, a provision in the bill allowed the Town of Superior to purchase 546 acres of federal lands adjacent to our Town boundaries, which includes the reversionary rights to the Superior Municipal Airport and the Fairview Cemetery. This would at least double the amount of land available in Superior for possible future development, and some of the property is uniquely suited to the highest and best uses for the future of the community.

The purchase of the reversionary right for our airport will mean that Superior will finally be able to legally subdivide the property and fully develop the airport and the airport contiguous properties. Superior desperately needs this land to be able to increase available lands for economic development and housing. Without the ability to purchase these lands, Superior will not be able to increase housing availability, create economic development and job opportunities, expand our industrial park or develop our airport.

We are also under a tight time frame. At this time, we have less than 18 months left in our agreement with the Department of Interior to purchase these lands before another mining company could start developing additional drill sites to explore for copper in this area. This proposed drilling plan is not in the best interest of the Town of Superior or the Boyce Thompson Arboretum. In fact, this other mining company will most likely begin its drilling for copper ore along the scenic and beautiful US60, creating great harm to our budding visitor/tourism industry.

6. In your testimony you mention the Town of Superior is seeking to expand its recreational economy. Can you talk a bit about how Resolution Copper and recreational users interact now? Do you believe mining and recreation can co-exist into the future?

I absolutely believe that mining and recreation can co-exist and in a mutually beneficial manner. Over the past decade, Resolution Copper has helped to support key projects such as the development of the Legends of Superior Trails (LOST), which is the first gateway community connector trail to be constructed along the Arizona National Scenic Trail. We are proud of this accomplishment. Specifically, the Queen Creek Canyon segment of the LOST trail is located on Resolution Copper property. Access and use agreements have allowed residents and visitors to access this segment of trail and most recently it has become an important attraction to our downtown due to the proximity of the trail head to the heart of Superior.

Resolution Copper has also developed additional agreements with the Queen Creek Climbers Coalition and REI to allow for bouldering and rock climbing on their property. The rock climbing in our region is world renowned and I am pleased the Resolution Copper has remained committed to allowing access. Their predecessor, Magma Copper, never tried to restrict access

to these climbing locations or the Queen Creek trail, so there is precedence that these are important recreation areas.

To help further develop our recreation economy, Resolution Copper has funded facilitation of many outdoor recreation groups that recreate in and around Superior on the Tonto National Forest. This group has been named the Recreation Users Group (RUG) and they have been meeting for the past eight years to develop a planned system of trails within the Tonto National Forest that also connect into the local Superior LOST trail system. The RUG plan was approved by the multi-member group and submitted into the EIS. The plan would help to build upon the existing trails and roads and improve recreation access for both residents and visitors to the area.

Furthermore, Resolution Copper has committed to replacing the Oak Flats Campground with a new modern campground with facilities at the Castleberry Ranch which is actually located in our Town's municipal boundaries. Resolution has committed to funding the construction of this campground, within six months of the Record of Decision being signed, as per our mitigation agreements. We urgently need this campground sooner rather than later. Recreational demand continues to grow in our area. In 2014, the Apache Stronghold organization was allowed to permanently set up their encampment at Oak Flats making it often difficult for those not associated with their organization to enjoy Oak Flats. Any further delay in settling this FEIS is affecting our ability to improve and increase outdoor recreation amenities to our community.

7. Have you or your staff had an opportunity to review the Final Environmental Impact Statement in detail, yes or no? Do you believe the outcome is thorough and should proceed? Have you been able to work with Resolution Copper to find solutions for issues outside of the EIS scope?

Superior's Town Manager Todd Pryor read the Draft EIS in its entirety – all 1400 pages – twice. After his study period, he prepared "homework" for our Town Council to reference the pages in the document where it was essential that our elected officials needed to review, provide input and fully understand the policy, economic and societal implications of the proposed operations. Working with our Town Manager and others, the Town Council not only developed positions and policies on the proposed mining operations and its impacts, we also hosted our own public meeting regarding our findings within the EIS seeking more public input. Through this study session, we then finalized our comment letter. We used this study session and comment letter to inform our local residents of the mitigations we were seeking to ameliorate or neutralize the adverse impacts of the proposed mine.

We have read through the Final EIS to ensure our requests for mitigations were included and we have not found any discrepancy. The Town has not filed any objections to the FEIS. However, the Recreation Users Group and the Legends of Superior Trails Inc. did submit an objection that the miles of trails that would be constructed by Resolution Copper as mandated by the FEIS were significantly less than were proposed in the DEIS.

8. In your opinion what would it mean to your community and surrounding region if the Land Exchange were to be repealed, or if the FEIS is not re-published.

If the Land Exchange were to be repealed or the FEIS not be re-published, it would be devastating for our community. Superior and its residents have been waiting for well over a decade for the opportunity to purchase this land in order to expand opportunities for housing, economic development and jobs, which at present are severely limited. Our mitigation agreements with Resolution Copper are staged to go into force at various points in time. For instance, when the Record of Decision is signed, Resolution Copper will fund the construction of the new Castleberry Campground and new trail system, which are vitally important community amenities. Further delays will create more hardship for the Town and for outdoor enthusiasts from Arizona and beyond who want to avail themselves of these facilities.

If we cannot purchase our land exchange parcels, prior to our agreement with the Department of Interior, expiring, there is a chance we will never be able to purchase these lands and Superior will be forced to have significant mining operations on our western boundary. Those operations will create far more damage to our community and aquifers, as those operations will likely need to be open pit mines. This is not in the best interests of Superior.

Our Town leadership has been participating in this arduous and extensive process and if we were forced to start over, it would be a significant financial burden to the town. Our administrative staff consists of a Town Manager, Town Clerk, Finance Clerk and an Administrative Assistant. Actively participating in these permitting processes is part of our accountability to our residents; however, these protracted multi-year processes require an inordinate amount of time, resources and effort to effectively navigate through their complexities.