



February 23, 2021

Mr. Christopher Daniel
Advisory Council on Historic Preservation
401 F Street, NW, Suite 308
Washington, DC 20001-2637
resolutioncopper@achp.gov

RE: Support for ACHP and USFS Finalizing the Programmatic Agreement: Resolution Copper Mining Project and Land Exchange

Dear Mr. Daniel:

Please accept these comments on behalf of the Community Working Group (CWG) in response to the Advisory Council on Historic Preservation's (ACHP) request for public input for the Resolution Copper Mine Project and Land Exchange. The ACHP actions to terminate the Programmatic Agreement at the last minute and decline to sign after years of participation by the public and after ALL other federal and state agencies have signed is unprecedented.

1. Please approve the Programmatic Agreement (PA) for the Resolution Copper Project.

This agreement contains provisions that are vital to historic preservation, cultural integrity, and economic prosperity for everyone in this region, whom our members broadly represent. Of specific importance to the Community Working Group are:

- Establishment of a Copper Triangle Historic Preservation Fund aimed at addressing effects from the project on historic properties and other community infrastructure throughout the Copper Triangle region
- Development and initial funding of a new Castleberry Campground as mitigation for Oak Flat, to include cultural resources interpretive information

The PA also contains provisions that we believe must be valuable to tribal interests, including:

- The Emory Oak Collaborative Tribal Restoration Initiative
- Foundation for Tribal Program Funding
- Tribal Cultural Fund
- Tribal Education Fund
- Archaeological Database Funds

This agreement has been widely vetted with the affected residents, eleven affected tribes, agencies, and varied interests in this region. As we understand it, all of the required and invited

signatories to the PA have signed it, except the ACHP, and the vast majority of Native American Concurring Parties have also agreed to its provisions.

Further, and much broader in scope, the Environmental Impact Statement (EIS) that is dependent on approval of the PA contains agreements and mitigation measures negotiated through seven years of good-faith collaboration among the affected communities, Forest Service, and Resolution Copper Company, without which the effects of this project would be devastating to the human and physical environment and economies of this region.

We believe that the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) processes have been carefully and admirably carried out, as envisioned, for this project, and that the objectives of reducing impacts to a significant extent have been met. Throughout the process, agreements have been forged among the affected parties, local communities, Resolution Copper Company, and the Tonto National Forest that address most of the major issues of concern to this region that were evidenced before the EIS began. The result of these agreements is that the many communities and individuals initially concerned or opposed to the Resolution Copper Project are now supportive of the project, ONLY because, over many years, reasonable balance has been achieved between impacts and meaningful mitigation commitments.

2. Historic resources and cultural history are important, along with prehistoric and Native American cultural resources. *“Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies, in consultation with state and tribal partners **and other stakeholders**, to consider the effects of undertakings, proposed to be carried out by them or subject to their assistance or approval, on historic properties to ensure that historic preservation needs are considered along with project requirements.”*

Mitigation agreements for this project have been designed to ward against the “boom/bust” economic cycles typically experienced by communities in this region for the past 150 years. From a historical perspective, the modern history of this region is intrinsically linked to copper mining. Mining is the historical context of the area, so the important non-Native resources of the region are all associated with mines, mining, and the communities that grew up and thrived around copper mines. To a large extent (nearly 30%), these communities are comprised of people of Hispanic heritage, stamping their culture on the region for generations since the earliest miners hailed from Mexico. This heritage should be respected equally with other cultural concerns. The PA seeks to recognize the importance of all these historic and cultural resources through a commitment to fund wide-ranging preservation efforts.

3. Everyone should have a voice in the Resolution Copper Project outcomes. This Community Working Group was formed in 2013 to provide constructive dialogue between Resolution Copper Company and the multiple stakeholder groups and community leaders in and around Superior. The purposes of our group are to learn independent analysis about the Resolution Copper Project, advise the company on community issues and concerns, and develop suggestions and programs for reducing negative impacts of the project and enhancing its potential benefits. The CWG provides two-way dialogue between Resolution and a broad range of individuals and groups and organizations that span multiple areas across three counties to balance the need for jobs and economic growth with environmental conservation and historical preservation. The CWG includes representatives of the many community groups, interests, and varying perspectives who have come together to preserve and enhance the values and resources of this region from the Phoenix East Valley to the Copper Triangle (Superior, Miami, Globe, Winkelman, Hayden, Kearny). The group has also included representatives of the San Carlos Apache community and multi-generational local families who hold varying historical interpretations of the cultural significance of Oak Flat to those presented to the ACHP by a few special interests.

4. The EIS and PA represent good-faith efforts conducted over several years that have increased public trust in the federal government and Resolution Copper Company. As mentioned above, there was much skepticism before the EIS began about its effectiveness and about the sincerity of those involved to thoroughly study and address impacts. As a result, members of this CWG – as a whole, and as representatives of important community organizations – have participated extensively and in good faith during the coordinated Forest Service’s NEPA and NHPA processes over many years. Members of this group have been instrumental in developing and supporting the array of agreements and mitigation measures included in the PA and in the EIS. These measures are critical to the future survival and prosperity of this region and, individually, to the local governments and civic organizations represented on the CWG. Although these measures may not be important to one group who did not participate in the NEPA/NHPA process, they are important to us and the voice of this group should matter.

The CWG and its members have devoted tens of thousands of volunteer hours over seven years to this effort. If the PA is not advanced and finalized, and if a final Record of Decision can’t be released, this good-faith work to consensus that has spanned years will have been in vain. More importantly, this would represent an extremely bad-faith effort on the part of the Advisory Council on Historic Preservation to change course at the last minute after extensive participation and time spent by the Forest Service, other state and federal agencies, the Town



of Superior, the CWG, and all its member organizations who have participated for years along with Resolution Copper Company. The ACHP's actions send a signal to the whole CWG that our extensive participation and the mitigation measures that are meaningful to us were worthless.

5. Copper is valuable, and Oak Flat will likely be disturbed in future with or without the PA and EIS. Regardless of whether the PA is approved and the EIS completed, the Secretary of Agriculture will grant title of the Oak Flat Federal Parcel to Resolution Copper no more than 60 days after the final EIS is published (January 15) as legislatively-mandated in section 3003 of the National Defense Authorization Act for fiscal year 2015. Once in private hands, Rio Tinto or another mining company in future will be able to extract the copper resource without benefit of the regulatory and mitigation requirements inherent in the PA and EIS. Copper is increasingly one of the world's most valuable resources, even to the point of representing a national security issue, and it's entirely reasonable to assume that the Resolution claim will be mined by someone, some day.

6. The Promise to the Public: The ACHP website (www.achp.gov) states that it takes "*its responsibilities to the American public seriously*" and the ACHP mission is to "***ensure that historic preservation needs are balanced with Federal project requirements.***" The ACHP customer service standards state that the ACHP is "*committed to providing first-class service. When you conduct business with us, we will treat you with courtesy and respect.*"

Our request of the ACHP is that you remember that ALL views of the American public matter. We have had "*meaningful involvement*" and we believe that the Programmatic Agreement and associated measures outlined in the Record of Decision strikes that balance. We ask that you take the time to treat our comments and views, and this entire process and the time spent by many stakeholders, with courtesy and respect and as such move forward to sign the Programmatic Agreement.

We believe that the greater good should prevail here and that the ACHP should sign the PA to ensure vital environmental, social, and cultural mitigation as well as economic benefits that flow from it to this multicultural, historic, active mining region.

Thank you for your consideration,

MEMBERS OF THE SUPERIOR COMMUNITY WORKING GROUP:



Barbara Armitage – Superior Historical Society
Pam Bennett – Queen Valley Homeowners
Joanne Besich – Optimist Club of Superior
Mila Besich – Town of Superior
Jeffrey Bunkelmann – Central Arizona College
Rick Cartier – Superior Chamber of Commerce
Pamela Dalton-Rabago – Superior Chamber of Commerce
Fred Gaudet – Arizona Trail Association
Martina Burman – Town of Kearny
Sylvia Kerlock – Town of Winkelman
Lynne Nemeth – Boyce Thompson Arboretum

Lynn Martin – JI & JF Ranches
Ricardo Provencio – United Superiorites
Todd Pryor – Town of Superior
James Schenck – Rebuild Superior, Inc.
& Legends of Superior Trail
Fernando Shipley – City of Globe
& Cobre Valley Regional Medical Center
Silvia Werre – Top-of-the-World
Bruce Wittig – Queen Valley Fire Department
& Queen Valley Water Improvement District
Arlynn Godínez – Superior Unified School District
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