

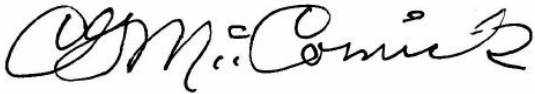
To: Cal Joyner,
Regional Forester,
Southwestern Region, US Forest Service

Re: Formal Objection to the Proposed Action for the Apache Leap Special Management Area
Management Plan

1. Objector name and address and telephone number:

Name: Carroll Gene McCormick
Address: 7473 N. Paseo Ronceval, Tucson, AZ 85704
Telephone Number: 520 – 297 - 9498
Email Address: genemick@comcast.net

2. Scanned Signature



3.1 The name of the plan:

Apache Leap Special Management Area (ALSMA) Management Plan and associated Draft Decision Notice (DDN)

3.2 The name and title of the responsible official:

Neil Bosworth, Forest Supervisor, Tonto National Forest

4. Statement of the issues and/or the parts of the plan to which the objection applies:

The principal issue of this objection is protection of the ALSMA from subsidence caused by nearby mining operations, specifically:

4.1 DDN “Proposed Resolution Copper Mine and Land Exchange”, page 8, paragraph 3.

4.2 ALSMA Management Plan, Section 3.1.4 “Management Approaches”

5. Statement explaining the objection and suggesting how the proposed plan decision may be improved

5.1 The DDN in page 8, paragraph 3 states “Adjacent mining cannot be limited through management actions in the Apache Leap SMA”. The term “management actions” is undefined at this point. To avoid interpretation in a way that might result in unduly lower protection of the ALSMA, this paragraph should focus on the contents of the ALSMA Management Plan rather than management actions.

To improve the Decision Notice, I recommend rewording page 8, paragraph 3 as follows:

<start reword<

Congress specified in Section 3003(g)(6) of the NDAA that “the provisions of this subsection shall not impose additional restrictions on mining activities carried out by Resolution Copper adjacent to, or outside of, the Apache Leap area beyond those otherwise applicable to mining activities on privately owned land under Federal, State, and local laws, rules, and regulations.” This means that the ALSMA Management Plan itself cannot specify or restrict methods and procedures for conducting adjacent mining activities. However, the ALSMA Management Plan can require that the Resolution

Copper Project and Land Exchange proposed “General Plan of Operations” and associated Environmental Impact Statement define methods and procedures that protect the ALSMA. This means that the ALSMA Management Plan should be completed prior to issuance of the Environmental Impact Statement for the Resolution Copper Project.

>end reword>

5.2 The ALSMA Management Plan, Section 3.1.4 begins with “If Resolution Copper’s proposed “General Plan of Operations” is approved, develop a seismic monitoring strategy in consultation with Resolution Copper mining engineers and geologists to provide a means to monitor, estimate, and anticipate the effects of future proposed mining adjacent to the special management area in order to preserve the natural character, cultural, and historic resources of the Apache Leap SMA as much as practicable.”

First, the word “strategy” should not be used in this context. One purpose of the ALSMA Management Plan is to present a strategy. This wording implies that the strategy is to develop a strategy. It would be better to use the phrase “functional requirements for a seismic monitoring system”.

Second, the development of requirements for the seismic monitoring system should not depend on prior approval of the “General Plan of Operations” (GPO). The approved GPO should include a definition of the seismic monitoring system. Furthermore the GPO should undergo continuous modification as part of the NEPA process associated with development of the draft and final Environmental Impact Statements.

Third, the term “consultation” does not adequately describe the relation of the Forest Service and Resolution Copper in defining the seismic monitoring system.

Fourth, the phrase “as much as practicable” allows too much breadth of interpretation.

Fifth, Section 3.1.4 should clearly account for the implications of Section 3003(g)(6) of the NDAA that “the provisions of this subsection shall not impose additional restrictions on mining activities carried out by Resolution Copper adjacent to, or outside of, the Apache Leap area - - - - “. This means that the ALSMA Management Plan should define functional requirements, but not methods of procedural implementation.

To improve the plan, I recommend rewording Section 3.1.4 of the ALSMA Management Plan as follows:

<start reword<

Develop the functional requirements for a seismic monitoring system that provides a means to monitor, estimate, and anticipate the effects of future proposed mining adjacent to the Apache Leap Special Management Area (ALSMA) in order to preserve the natural character, cultural, and historic resources of the ALSMA. The monitoring system should include seismic monitoring equipment on the surface and subsurface, and the means for updating the predicted subsidence extent on the basis of seismic observations.

The monitoring system should also include solutions to remediate and mitigate surface conditions that could threaten the integrity of the Apache Leap SMA. However, Congress specified in Section 3003(g)(6) of the NDAA that “the provisions of this subsection shall not impose additional restrictions on mining activities carried out by Resolution Copper adjacent to, or outside of, the Apache Leap area beyond those otherwise applicable to mining activities on privately owned land under Federal, State, and local laws, rules, and regulations.” Therefore, the functional requirements will not define specific remediation and mitigation procedures. Equipment and procedures of the seismic monitoring system

must be specified in or referenced by the Resolution Copper Project and Land Exchange proposed “General Plan of Operations” and associated Environmental Impact Statement.

The functional requirements should establish processes for management of the seismic monitoring system, with the following objectives:

- a. Implementation of the seismic monitoring system should occur as soon as practicable, and before the commencement of any mine-related activities that may be authorized under the proposed “General Plan of Operations” and related documents.
 - b. Provide for an adequate period before mine construction and development in which to conduct a baseline survey using state-of-the-art methods, such as LIDAR, to establish pre-mine conditions against which future surveys could be compared
 - c. Ensure that the Forest Service is integrally involved in the design of the monitoring plan.
 - d. The monitoring system operating within the ALSMA should be a part of and fully integrated with a seismic monitoring system encompassing all seismic monitoring and evaluation, both within the ALSMA and within the boundaries of the adjacent mine, at the East Plant Site (EPS).
 - e. Ensure that monitoring information is adequately reported and independently assessed by the Forest Service, including any monitoring information collected and made available to the Forest Service from areas outside the Apache Leap SMA. Further detail should be provided in the Monitoring and Evaluation Plan for the Resolution Copper Project and Land Exchange and the Environmental Impact Statement.
 - f. Ensure that legally binding agreements be established between the Forest Service and RCM requiring mitigation and remediation by RCM in response to evaluation of monitored information.
- >end reword>

6. A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection.

Following are some excerpts from my comments submitted to Tonto National Forest on July 25, 2017.

A. Introduction

Following are my comments submitted in response to the request by Tonto National Forest for public comments on components and other issues of the Apache Leap Special Management Area (Apache Leap SMA) Management Plan – Modified, June 2017. These comments focus on protection of the Apache Leap SMA from the effects of subsidence associated with the adjacent mine proposed by Resolution Copper Company (RCM). The management direction in the plan is designed to protect the values for which the area was designated, and to guide limited uses compatible with the area’s primary purpose. Thus the Apache Leap SMA Management Plan is intended to deal with actions internal to the Apache Leap SMA, and not with the nearby mining operation. Nevertheless, some actions internal to Apache Leap SMA may be necessary to protect the values of Apache Leap SMA from external influences such as the proposed mine.

B. - - - -

C. - - - -

D. Management Approaches

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The SMA Management Plan, in describing Management Approaches related to subsidence, should state that because of the proximity and uncertainties in the predicted subsidence, there is a significant risk that adjacent mining activities could cause adverse impacts to the various resources of the Apache Leap SMA. It should then state that this leads to a need for installation and operation of a seismic monitoring system that will prevent such impacts.

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To assure credibility and avoid tangible or perceived conflict of interest, the Management Approaches relating to subsidence should direct that the seismic monitoring system be specified by the Forest Service or by contractors under direct supervision of the Forest Service. The current reference to consultation with Resolution Copper in Section 3.1.4 should be modified or eliminated, to avoid interpretation that RCM could have a major role in specification of a system intended to protect the SMA from impacts caused by RCM's operations. The Management Approaches should state that the development of the monitoring system will use consultation with RCM only to provide supplemental information or to insure effective integration of the monitoring performed within the SMA and within the boundaries of the mine.

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The Management Approaches related to subsidence should state as an objective that the seismic monitoring system be developed and operated as an integrated system encompassing all seismic monitoring and evaluation, both within the Apache Leap SMA and within the boundaries of the adjacent mine, at the East Plant Site (EPS).

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The Management Approaches related to subsidence should require preparation of documentation specifying objectives and requirements for the equipment and procedures of the seismic monitoring system. To allow timely public review and comment, the Apache Leap SMA Management Plan should require this documentation to be available to the public well before the publication of the Resolution Copper Project and Land exchange Final Environmental Impact Statement, and preferably referenced by the Draft Environmental Impact Statement.