

**Questions and Answers**  
**Apache Leap Special Management Area Public Workshop**  
**October 20, 2016 Superior High School, Superior, AZ**

**Should you include Pinal County and the State of Arizona in the planning process?**

Pinal County and the State of Arizona are included as part of the guidance outlined in Section 3003 of the National Defense Authorization Act (NDAA) for Fiscal Year 2015. This Act directs that the management plan be prepared in consultation with affected tribes, the Town of Superior in Pinal County, Arizona, Resolution Copper and interested members of the public.

**Who is paying for improvements, facilities, or development in this area?**

Currently the Tonto National Forest (TNF) has authority for managing an existing 697-acre area of Apache Leap. The Forest Service will continue being responsible for the Apache Leap Special Management Area following the transfer of an adjacent area of 110 acres -- currently owned by Resolution Copper -- to form the 807-acre area as directed by the Land Exchange portion of the NDAA.

**Are you going to install any new hiking trails in the area?**

Providing access for public recreation such as hiking is a consideration in the preparation of the new management plan. However, the management plan will be written to satisfy the three purposes set forth in the NDAA: "to preserve the natural character of Apache Leap; to allow for traditional use by Native American people; and to protect and conserve cultural and archaeological resources of the area." Future uses and activities within the special management area will be evaluated for compatibility with these three purposes.

**Is mining an allowable use in the SMA?**

No. As a condition of the land exchange outlined in the NDAA, Resolution Copper shall surrender to the United States, without compensation, all rights held under the mining laws and any other law to commercially extract minerals under Apache Leap.

**Is this meeting (occurring) instead of a scoping meeting for the Environmental Assessment?**

No. The purpose of the October 20 meeting and subsequent November 9 meeting in Superior was to solicit input from the public about how they value the Apache Leap area and what considerations should be included as the plan is developed. An additional meeting in Superior that the public can attend is scheduled for Jan 12, 2017 from 6 to 6:45 p.m. at the Town Hall Auditorium (199 N. Lobb Ave.)

Once a draft version of the management plan is developed, the Forest Service will announce a 30-day scoping period where the public can comment on the proposed plan and related concerns that should be considered during the environmental assessment.

**When is the scoping meeting?**

The Forest Service plans to host a public meeting in Superior sometime in March-April 2017. Several venues will be provided (in person, in writing, electronically, etc.) to collect public comments on the management plan. Check the Apache Leap Web site -- <http://www.apacheleapsma.us/> -- for updates.

**How much noise will the area be subject to from blasting or adjacent roads?**

The Forest Service continues to collect data and analyze information regarding noise levels and traffic flow related to the General Plan of Operations for the proposed copper mine.

**Was this part of the original bill that was mandated by Congress? Who authored the bill and came up with the content?**

Language for the designation of Apache Leap as a Special Management Area as well as the Forest Service's responsibility to prepare a management plan are outlined in Section 3003 of the NDAA for Fiscal Year 2015. Elected officials authored the bill. Sponsors of the Act include U.S. Reps. Paul Gosar, R-Ariz., and Ann Kirkpatrick, D-Ariz., as well as U.S. Senator Jeff Flake, R-Ariz., and U.S. Senator John McCain., R-Ariz.

**You have an accelerated schedule. Why is the objection period so long?**

The objection period for this type of proposed action (creating a new management plan) is defined by regulations at CFR 36 Title Subpart B §219.56. The estimate of five months includes a 45-day period for filing objections and a 90-day period for resolving objections prior to issuing the final plan decision.

**Why did it take so long to get started with this process?**

The Forest Service has finite resources and considered multiple variables, including other compliance requirements outlined in Section 3003 of the NDAA, before allocating resources to this project.

**What authority does the FS have to protect the natural character of this area? What is the point if Rio Tinto is going to destroy it anyway?**

The NDAA – a federal law -- directs the Forest Service to manage the Apache Leap Special Management Area.

Currently there is no evidence that proposed nearby mining operations would impact the natural character of Apache Leap. Additionally, installation of seismic monitoring equipment on the surface and subsurface to protect the resources located within the special management area is authorized.

**The Recreation Users Group is looking at access within and outside the SMA. Will you be working with this group?**

Yes. TNF representatives are scheduled to meet with the group December 7, 2016.

**Do you know where Resolution Copper is building a tunnel? And why are they building a tunnel?**

Resolution Copper is proposing to build a tunnel between the East and West Plant Sites. The tunnel would be used to transport ore. The exact location of the tunnel is to be determined but would be near the northern boundary of the Apache Leap SMA.

**Will Resolution Copper enlarge the “never sweat” tunnel?**

There are no plans to do so at this time.

**How far is the Resolution Copper mine from Apache Leap?**

Mining operations at the East Plant Site could occur approximately 1,000 feet east of the Apache Leap SMA boundary.

**Will you identify what is an unacceptable change related to long-term monitoring?**

The management plan for Apache Leap could include a monitoring strategy to collect data about changing conditions and proactively protect resources.

**How are you going to be able to stop ground movement at Apache Leap?**

The EIS for the proposed mining operation would evaluate the potential for ground movement.

**Will there be penalties placed upon the mining company associated with disturbance to Apache Leap?**

The EIS for the proposed mining operation could identify issues and recommend mitigation measures (the lessening or removal of negative impacts). Resolution Copper still will be required to comply with numerous federal and state environmental laws which address air quality, hazardous waste management, mine safety, mine reclamation, and other aspects of the proposed mine.

**How much veto power does Resolution Copper have over this process?**

Section 3003 of the NDAA establishes the Apache Leap Special Management Area and directs the Forest Service to prepare a management plan for the area.

**How do you conduct an Environmental Assessment on a plan that does not include on the ground site-specific activities?**

The EA evaluates the effects of the proposed action. In this case, the proposed action is to identify the suitable uses and types of activity for the area based on the purposes and other considerations outlined in the NDAA. (A similar example would be identifying various types of zoning within a city). The consequences or tradeoffs of allowing various uses or activities (over time and space) can be compared and disclosed in the environmental assessment. The decision will be to select the combination of uses and activities that best meets the identified purposes for the area for current and future generations considering the consultation advice from affected tribes, the Town of Superior, Resolution Copper and interested members of the public.

**Will you have to do another NEPA process for activities on the ground?**

Yes. The new plan will provide two things: strategic direction for managing the land and resources within the special area boundary; and a framework for guiding future decisions on site specific projects or activities. Any future site-specific projects or activities proposed for the area would be subject to additional review for compliance with the NEPA.

**Is this an appropriate arena to discuss access to other areas like Devil's Canyon?**

No. The management plan will address how to manage the land and resources within the Apache Leap Special Management Area only.

**Does language in the NDAA specifically say that the mining operation cannot impact Apache Leap?**

No and, unfortunately, there are no absolute guarantees. However, an authorized activity for the Apache Leap Special Management Area is the installation of seismic monitoring equipment on the surface and subsurface to protect the resources located within the area.

Additionally, the Forest Service continues its ongoing collection and analysis of data associated with Resolution Copper's proposed General Plan of Operations for the copper mining project.

**What happens if you do not meet the deadline prescribed in the NDAA for the SMA?**

The Forest Service is directed by law to meet the deadline and currently is on track to comply with the deadline.

**If the mine and land exchange does not go through will you still have this?**

We cannot speculate on future scenarios, but the Forest Service would be obligated to follow any applicable future laws.

**If the NDAA is repealed does the SMA go away?**

We cannot speculate on future laws and how they may modify or repeal the NDAA, but the Forest Service would be obligated to follow any applicable future laws.