



TOWN OF SUPERIOR

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October 10, 2019

Mr. Neil Bosworth, Supervisor
Tonto National Forest
2324 E. McDowell Rd.
Phoenix, Arizona 85006

RE: Comments on the Draft EIS

Dear Supervisor Bosworth,

The Town of Superior has completed its review of the Draft Environmental Impact Statement (DEIS). We would like to commend you on a very thorough and considered document. This is a significant milestone for our community, Resolution Copper, our state, and region. As a key stakeholder, the Town would like to comment on several areas where we would like to support the document's conclusions or where we feel the document can be improved or clarified.

The Town of Superior appreciates the initial investments of Resolution Copper into our community and supports the mining industry and the jobs that they bring. The Town of Superior supports the Resolution Copper project so long as our mitigation requests are well funded and included in the final record of decision.

Tailings

The DEIS suggested alternative for the tailings location at Skunk Camp is also the Town of Superior's preferred alternative. Earlier recommendations that placed the tailings sites closer to Superior and Queen Valley would have had significantly greater impacts on water, recreation, socioeconomics, and other issues. The new recommended Skunk Camp location is not in the view-shed of Superior or Queen Valley. After years of discussion and concern, this new location is a positive change that will be a much safer alternative to the original choices near Superior.

Water

Data in the DEIS indicates that there will be a possible 18 percent drop in the amount of water flowing through Queen Creek, a drop in water wells in town limits by 10 to 30 feet, and impacts to a number of springs and seeps around the community over the next 56 years. Resolution Copper Mining has committed to making sure that any decrease in water will be replaced. The Town feels strongly that this commitment should be memorialized into any final Record of Decision and as a mitigation in the 404 permit, with appropriate funding and/or bonding attached.

The Town of Superior proposes several steps to augment the mitigation plan, with a focus on prevention rather than only mitigating the loss. The Town has been studying the 1999 Restoration and Management Plan for Queen Creek, and there are many projects within that plan that could be funded through the mitigations that would prevent the water loss and help to restore the Queen Creek watershed. The Town has been working to refine this study into action plans through a National Park Service grant. An executive summary is attached. Many of these plans have been reviewed through an Environmental Assessment and could be implemented immediately. Proposals include:

- Return Freshwater Mine Inflow Directly into Queen Creek above Magma Bridge, restoring some of the natural flow in Queen Creek by collecting streamflow that has seeped into the mine and discharging it back into the creek. (RMP Action 2)
- Discharge Treated Mine Dewatering Discharge into the Creek above Magma Bridge to augment the natural flow. (RMP Action 4)
- Implement a Program to Remove Exotic Vegetation and Manage Floodway Vegetation in Queen Creek. (RMP Action 9 and 11)
- Construct water retention structures in Queen Creek to improve aquifer recharge (SWT ES)
- The addition of aquifer recharge strategies to the mitigation plans for the Springs and Seeps in the current mitigation plans.

These items are all very cost-effective steps to mitigate the direct impact on Queen Creek, and additional items that should be considered include:

- An alternative water supply should be provided for the Boyce Thompson Arboretum to avoid interruption of the water supply to the gardens due to decreased surface and groundwater availability.
- Construct an Off-Channel Stormwater Lake on BHP property in Queen Creek. (RMP Action 6)
- Discharge reclaimed water into Queen Creek at the US 60 Park (RMP Action 2)
- Install a well below the effluent discharge to supply water to the stormwater lake. (RMP Action 5 and 6)

Environmental Justice

Superior is identified as the only environmental justice community in this report, as this project will forever change the scenic resources of the community and the dark skies so valued in the community would be lost. According to the DEIS, sky brightness will increase by 40% to 160%. The report does not have any mitigation plans listed for environmental justice, despite saying that Superior will suffer “disproportionately high and adverse” impacts. The Town requests that more information on this impact be included in the FEIS, with a mitigation plan including dark sky compliant lighting.

Socioeconomic

The DEIS states that though the Town of Superior is the closest municipality to the mine, it will receive few of the tax revenues. In most scenarios, the increased cost of services the Town will be required to maintain due to the mine’s impacts will exceed the revenue gain. This is especially true when factors such as maintenance issues for traffic and public safety are either not quantified or under calculated. We respectfully ask that you work with the Town to quantify these actual costs.

Housing

The DEIS projects 25% of the workforce for Resolution Copper will live in the Town of Superior, requiring 455 new residential living units. It also notes a vacant building average of 319 residences, many of which are not up to current standards.

The Town of Superior proposes that BHP transfer to the Town the developable land they own within Town limits to make it available for the construction of temporary and long-term workforce housing. This transfer should be completed within two years, so that development may coincide with demand.

Public Safety

The report states that the cost of public safety will increase by 50% at full mine operations, or \$375,000. The correct amount of a 50% increase based on the FY 2020 budgeted expenditures is \$802,627, which is more than twice the projected tax increase. The existing contract for public safety will fall hundreds of thousands of dollars short per year bridging this gap, and the contract is on a five-year cycle with no guarantee of renewal. We request that the USFS work with the Town and RCM to develop more accurate projections to determine the actual costs and include in the FEIS a strategy to fund this critical impact long term.

Traffic

The DEIS has indicated that the development and operations of the Resolution Copper mine will add significant stress to our streets and some intersections may exceed ADOT standards. These impacts are projected to be greatest during the construction period, as this is when the largest number of employees will be on-site. The DEIS does not list any mitigations to this projected problem, and we ask that this is addressed in the FEIS.

The Town of Superior proposes that mitigations should include traffic monitoring at these intersections, and implementation of proper traffic management measures as necessary. In addition, contributions to the maintenance of the affected roads are warranted.

Recreation

The Town of Superior wishes to support the inclusion of the proposed multi-use trail plan as mitigation in the Environmental Impact Statement (EIS) for the Resolution Copper Project and Land Exchange. To some extent, this plan will serve to replace recreational resources lost as a result of the federal land exchange and development activities at Resolution Copper Company's proposed mine site. It will also enhance outdoor recreational opportunities for the Town of Superior, the Copper Corridor region, and well beyond.

The Town feels that the current language does not sufficiently address the funding for this project. It states that a local non-profit will fund the project, and only lists RCM as a possible funding source for that non-profit. A cost estimate for the project needs to be developed with funding placed in an endowment sufficient to ensure its construction and maintenance. Firm timelines for implementation also need to be included in the plan.

Bronco Creek

The proposed Bronco Creek project would drill up to 25 holes in the same area as the recreation plan. As this drilling project is funded, but not owned by Rio Tinto, this is a direct contradiction of promises made to the Town by the company. They have also applied for a permit to drill on claims they have filed on the land exchange

properties. This project makes it impossible to develop these properties and undermines the intent of the legislation. We respectfully request that you add language to the FEIS that expressly prohibits drilling on the Town's proposed recreational area that is critical to its growth and sustainability.

Funding Assurances

The existing contracts will improve the community's quality of life and increase economic development, but they would not mitigate the increased cost for basic infrastructure in any way. A payment in lieu of tax needs to be implemented to avoid the town facing catastrophic financial failure as a direct result of mine impacts. This can be addressed by the formation of a foundation funded by an endowment sufficient to fund the mitigations not addressed by bonding.

Filter Plant

The Town of Superior respectfully requests that the Filter Plant be located adjacent to or within the Town of Superior. This will provide additional jobs and potential economic development, as it would require re-activation of the Marco Rail line and provide a potential stimulus for other industrial users to relocate to town. A commitment from RCM to make the line available for secondary industrial and recreational uses would be a necessary component to offset the environmental justice impacts that would go with this relocation.

Land Exchange

The three properties that the law grants the town right to purchase have been made valueless by vagueness in the legislation itself. The language grants the mineral rights to one of the three parcels but is not specific about the other two. The town needs clarification from the federal government to determine if the purchase includes mineral rights on the unspecified properties, and to seek a legislative remedy if it is found not to.

We are most grateful for your consideration of the impacts of the Resolution Copper Project, and for including them in the EIS so that others are able to review and comment on them. We look forward to continuing this productive dialogue with you and your staff as this plan unfolds. Please contact our Town Manager, Todd Pryor at 520-689-5752 or manager@superioraz.gov, if you have questions or would like additional information.

Thank you for your attention to this matter of critical importance to the Town of Superior. In the meantime, please accept my best regards.

Sincerely,



Todd Pryor
Town Manager
Town of Superior