

**Reta Laford/R3/USDAFS**  
03/10/2009 08:21 AM

To tfurgason@swca.com, ccoyle@swca.com  
cc Kent C Ellett/R3/USDAFS@FSNOTES, Teresa Ann Ciapusci/R3/USDAFS@FSNOTES, John Able/R3/USDAFS@FSNOTES, Reta  
bcc  
Subject Rosemont DEIS Outline, Chpt 3 Outline, Chpt 3 Actions List, Proposed Action MPO Crosswalk and Graphics, Scope of Work Review, Nature of NEPA Process

**Tom/Charles/Kent** - I regret missing last weeks discussions. Below are some important things to note . . .

**1) DEIS Outline -**

I am currently reviewing it. I am somewhat disappointed that it is not more similar to the R3 template provided by letter of 1/6/009. RO supports Chapter 3 combining the affected environment and environmental consequences. I have almost completed my review of it and will be providing replacement version. And, I will share it with SWCA concurrent with a Forest review before asking the RO for informal feedback.

**2) Chapter 3 Outline -**

I am told that the Chapter 3 outline for each resource will be provided to the IDT on March 18th. Note that it is expected that each resource section in Chapter 3 address the legal and regulatory framework for that resource - this includes the relationship to the Forest Service's manuals and handbooks. That means such elements will need to be in the outline. If SWCA staff have not been working with Forest staff, they are strongly encouraged to do so. There is no reason that folks cannot be drafting out Chapter 3.

**3) Chapter 3 Past, Present, Reasonably Foreseeable Actions Listing -**

Note that in the beginning of Chapter 3 (if relatively short) there will need to be a listing of past, present, and reasonably foreseeable actions. If the listing is excessively long, it will go in the appendix. This listing is what all specialists are to use relative to their resource areas. Compilation of this list should get underway. Note that the effects of past and present actions will need to be included in each resources' 'affected environment' subsection. The 'environmental consequences' section will address the direct and direct effects of the proposed action and alternatives. And, the 'cumulative effects' subsection is to address the effects of the proposed and alternatives in combination with the reasonably foreseeable actions.

**4) Proposed Action Review -** When should we expect the cross walk to the MPO from Kathy Arnold? And, the draft graphics?

**5) Scope of Work Review -** Late today I will provide comment on your scope of work with Rosemont. Note that the comments will acknowledge your need for budget planning with Rosemont, but we will not be supporting many of your assumptions, and will disclaim our right to exercise the MOU we have with Rosemont in regards to the support we expect of SWCA.

**6) Nature of NEPA Process -**

**I have heard that some folks may be saying they can 't do anything until the Purpose and Need and Proposed Action is finalized into DEIS wording . That is incorrect. The Purpose and Need in the NOI and the Proposed Action in the NOI , MPO, and SWCA draft are sufficient to get the ball rolling .**

Reta Laford, Deputy Forest Supervisor

USDA Forest Service, Coronado National Forest  
300 W Congress Street, Tucson, AZ 85701

Phone: 520-388-8307 (office), 505-452-7557 (cell)

Fax: 520-388-8305

Email: [rlaford@fs.fed.us](mailto:rlaford@fs.fed.us)

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**Reta Laford/R3/USDAFS**  
08/19/2009 09:37 AM

To "Gordon L. Cheniae " <gcheniae@cox.net>  
cc "Katherine A. Arnold " <karnold@rosemontcopper.com>, "Jamie Sturgess " <jsturgess@augustaresource.com>, Reta Laford/R3/USDAFS@FSNOTES, Teresa Ann  
bcc  
Subject Info as requested -Fw: Rosemont Transmission Line

As requested.

Reta Laford, Deputy Forest Supervisor

USDA Forest Service, Coronado National Forest  
300 W Congress Street, Tucson, AZ 85701

Phone: 520-388-8307 (office), 505-452-7557 (cell)  
Fax: 520-388-8305  
Email: rlaford@fs.fed.us

----- Forwarded by Reta Laford/R3/USDAFS on 08/19/2009 09:32 AM -----

----- Forwarded by Celeste A Gordon/R3/USDAFS on 08/18/2009 08:46 AM -----

**Bob Suedkamp/R3/USDAFS**  
08/17/2009 11:56 AM

To Celeste A Gordon/R3/USDAFS@FSNOTES  
cc  
Subject Re: Fw: Action Required - Fw: Rosemont Transmission Line  


Celeste,

I will be in the office for the rest of today and most of tomorrow. I'll be leaving for the day at approximately 1545. I'm usually in by 0700 in the morning. I'll be out tomorrow afternoon between 1230 and 1500. Just pick a time slot outside those restrictions and I will be available.

I'll try to provide preliminary answers to your questions now in the same order that Gordon asked them.

1. Any financially responsible party can apply for a special use authorization (SUA) for the transmission line. I'm guessing that the mining company has already been through enough scrutiny for the Forest to consider them financially responsible. One other technique that could be used to assure that the line is built and that appropriate rehab is applied is the use of a construction bond. The bond would serve at least two purposes - to rehab the area if the project is abandoned before completion or to complete required environmental mitigation after the line is constructed. Other than knowing that bonds can be applied to SUAs (36 CFR 251.56 [e]) and how to calculate the amount needed, I do not handle the mechanics of bonds, so any questions related to bonds should be addressed to the appropriate business management folks. (NEPA document needs to define this as a corridor if forest wants to make this as a transmission corridor. Anyone can apply for utility lines outside of our

designated utility corridor. Forest needs to ck maps and see if this is a designated corridor route if not forest can decide to make it a corridor w/proper NEPA or leave as just permitted transmission line).

## **FSH (Forest Service Handbook) 2709.11 Chapter 10**

### **Section 251.52 Delegation of authority.**

Special use authorizations shall be issued, granted, amended, renewed, suspended, terminated, or revoked by the Chief, or through delegation, by the Regional Forester, Forest Supervisor, District Ranger or other forest officer, and shall be in such form and contain such terms, stipulations, conditions, and agreements as may be required by the regulations of the Secretary and the instructions of the Chief (7 CFR 2.60; 36 CFR part 200, subpart B).

### **19 - Exhibit 02--Continued**

## **Title 36, Code of Federal Regulations, Part 251, Subpart B**

### **Section 251.53 Authorities.**

Subject to any limitations contained in applicable statutes, the Chief of the Forest Service, or other Agency official to whom such authority is delegated, may issue special use authorizations for National Forest System land under the authorities cited and for the types of use specified in this section as follows: (I) Permits, leases and easements under the Federal Land Policy and Management Act of 1976, 90 Stat. 2776 (43 U.S.C. 1761-1771) for rights-of-way for:

4) Systems and related facilities for generation, transmission, and distribution of electric energy, except that the applicant, in addition to obtaining a Forest Service special use authorization, shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act of 1935, as amended, 49 Stat. 838 (16 U.S.C. 791a, et seq.);

## **FSM (Forest Service Manual) 2710**

### **2713.3 - Performance Bonds**

Where the Government's interest requires protection from damage to National Forest System lands, or particular circumstances of performance are involved, the authorization holder shall be required to furnish a bond. See FSM 6561.6 for bond requirements. A bond must not be used to enforce general conditions of the permit; rather it applies only to those requirements which are readily identifiable and which are specified in the clause requiring the bond. The right to revoke for cause provides adequate enforcement authority, and a bond should not be used to supplement this authority.

Some clarification might be required, but my opinion is that cost recovery would apply if a special uses authorization is necessary. An SUA would definitely be required for the portion of the t-line outside the mining claim, but if different ownership is anticipated for the t-line than the mining company itself, It might be clearer if the authorization was issued directly to TEP for the whole line, both on and off the claim. If TEP will end up owning the line anyway, then in my opinion, there is no reason not to charge cost recovery right up front.

2. A 2700-4 permit would be used as the type of SUA.

Powerline	643	FLPMA	permit easement	FS-2700-4 easement	Annual
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3. If the t-line is built by one party and then sold to another, a new authorization would be needed. All the original owner has to do is advise the FS of the intent of the original holder to sell the improvement. The SUA is not assignable or transferrable, but since the t-line is required for the mining operation, the FS should not hesitate to issue a new authorization. We would have to assure ourselves of the financial and technical ability of the proposed buyer first.. There would be no question in my mind that TEP would be technically and financially capable.

Bob Suedkamp  
 R3 Lands Special Uses Coordinator  
 Desk (w/voice mail): (505) 842-3445  
 E-mail: bsuedkamp@fs.fed.us - use name/r3@fs.fed.us for FS internal  
 Celeste A Gordon/R3/USDAFS

**Celeste A  
 Gordon/R3/USDAFS**  
 08/17/2009 11:48 AM

To Bob Suedkamp/R3/USDAFS@FSNOTES  
 cc

Subject Fw: Action Required - Fw: Rosemont Transmission Line

Bob, are you in the office today or tomorrow to discuss this before I respond??..Thanks cg (cell 520-975-6576)

\*\*\*\*\*

Celeste Gordon  
 Recreation/Special Uses Program Mgr  
 300 W. Congress, Tucson AZ 85701  
 Coronado National Forest  
 Ph. (520)388-8422 fax.388-8305  
 email: cgordon@fs.fed.us

\*\*\*\*\*

----- Forwarded by Celeste A Gordon/R3/USDAFS on 08/17/2009 10:46 AM -----

**Reta Laford/R3/USDAFS**

08/06/2009 06:05 PM

To Celeste A Gordon/R3/USDAFS@FSNOTES

cc Reta Laford/R3/USDAFS@FSNOTES, gcheniae@cox.net

Subject Action Required - Fw: Rosemont Transmission Line

**Celeste** - As we discussed the other day. Please provide or find answers to the questions below. In your response, include appropriate citations to law, regulation, and policy (FSM/FSH/other) and include a copy of such. Please email your findings to both Gordon and me. Thank you.

Reta Laford, Deputy Forest Supervisor

USDA Forest Service, Coronado National Forest  
300 W Congress Street, Tucson, AZ 85701

Phone: 520-388-8307 (office), 505-452-7557 (cell)

Fax: 520-388-8305

Email: rlaford@fs.fed.us

----- Forwarded by Reta Laford/R3/USDAFS on 08/06/2009 06:00 PM -----

**"gcheniae"**  
<gcheniae@cox.net>

07/31/2009 06:59 PM

To "Reta Laford " <rlaford@fs.fed.us>

cc "Katherine A. Arnold " <karnold@rosemontcopper.com>,  
"Jamie Sturgess " <jsturgess@augustaresource.com>,  
"Teresa Ann Ciapuci" <tciapuci@fs.fed.us>, "Gordon L.  
Cheniae " <gcheniae@cox.net>

Subject Rosemont Transmission Line

Reta, I'm in the process of completing some research/background work of what the Forest Service requirements will be in regard to the permitting of the transmission lines needed to support the Rosemont mine. I have discussed this matter with a number of Forest Service employees and have been advised that I should ask some of my questions in writing. Thus this email to Reta. My three unanswered questions to date are as follows:

1. Who (qualified applicant) can make an application to construct a 138Kv Transmission Line within a designated utility corridor (amendment to existing plan by Rosemont EIS) from the existing Greaterville Sub-station to the proposed Rosemont Sub-station?
2. What is the appropriate authorization (R/W or Special Use Permit) for authorizing the construction of a 138Kv Transmission Line within a designated utility corridor between the existing Greaterville Sub-station to the proposed Rosemont Sub-station?
3. What is required to transfer the R/W or Special Use Permit from one entity to another? I.e.-TEP to Rosemont or Rosemont to TEP

Please consider this request an official request on the part of Rosemont Copper Co.

Thanks

Gordon L. Cheniae, President  
Cheniae & Associates, Inc  
623-640-3022

Vail Arizona  
<vailaz@hotmail.com>  
01/19/2010 11:34 AM

To <beverson@fs.fed.us>  
cc <karnold@rosemontcopper.com>, Reta Laford  
<rlaford@fs.fed.us>  
bcc  
Subject Recent Reports Rosemont Copper

Ms. Everson,

I spoke with Kathy Arnold a bit ago about receiving hard copies and a CD/DVD of the most recent/updated Rosemont Copper Reports. We have satellite internet at home and the files are too large to download. In addition I have learning difficulties with information exclusively on a computer screen. Ms. Arnold suggested that I should ask you first and she would be willing to provide them. (If I understood the conversation correctly.)

Please let me know when we might accomplish this request!

Thanks!

*Elizabeth Webb*  
Concerned Citizen  
Vail Arizona, 85641  
(520) 247-3838

**Area Information:**

Vail Preservation Society [www.vailpreservationsociety.com](http://www.vailpreservationsociety.com)  
Hilton Road Community Association [www.hiltonroad.com](http://www.hiltonroad.com)  
Arizona SR 83 [www.azhighway83.com](http://www.azhighway83.com)  
Empire Fagan-Coalition [www.empirefagan.org](http://www.empirefagan.org)

*Quote for the Day:*

**"To avoid criticism, do nothing, say nothing, be nothing"**  
*-Elbert Hubbard*

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**George  
McKay/R3/USDAFS**  
01/26/2010 08:15 AM

To Reta Laford/R3/USDAFS@FSNOTES  
cc  
bcc  
Subject Fw: Rosemont Mine Boundary - BLM and USFS Whitepap  
are Attached

FYI

----- Forwarded by George McKay/R3/USDAFS on 01/26/2010 08:15 AM -----

**Steve  
Hansen/AZSO/AZ/  
BLM/DOI@BLM**  
01/26/2010 07:34  
AM

To gcheniae@cox.net  
cc Dan Maxey/AZSO/AZ/BLM/DOI@BLM, George  
McKay/R3/USDAFS@FSNOTES  
Subject Rosemont Mine Boundary - BLM and USFS Whitepapers are  
Attached

Gordon;

Dan Maxey told me that Rosemont requested for a briefing paper on our proposal. I have attached a very short paper that I prepared, and also a paper prepared by the USFS.

As we discussed in our earlier meeting, if Rosemont has suitable housing near or on the site, that would diminish costs. Please give me a call at your earliest convenience if you need additional information.



blm rosemont mine white paper final.doc



usfs\_coronado\_nf\_rosemont\_mine\_boundary\_management\_final.doc

Steve Hansen  
Chief Cadastral Surveyor for Arizona  
Arizona State Office, Bureau of Land Management  
One N. Central Ave. - Suite 800 - Phoenix, AZ 85004-4427  
602-417-9558 phone  
602-417-9588 fax  
[steve\\_hansen@az.blm.gov](mailto:steve_hansen@az.blm.gov)

**Bureau of Land Management  
Arizona State Office  
Branch of Cadastral and Indian Surveys  
Rosemont Copper Mine Proposal**

**Issue**

The proposed Rosemont Mine south of Tucson has the potential to destroy a great many government and private survey monuments. Both federal and state law have penalties for destroying survey monuments. A practical way to reestablish property boundaries on lands that will be disturbed by mining operations in the future is presented herein.

**Background**

A dependent resurvey is the retracement and reestablishment of the lines of the original survey in their true original positions according to the best available evidence of the positions of the original corners. It includes the restoration of lost corners in accordance with procedures described in the Manual of Surveying Instructions.

The BLM's Geographic Coordinate Data Base (GCDB) data is a measurement based system that digitally portrays the Public Land Survey System (PLSS). It is the base layer for BLM land status maps. When modern survey data is used, it is the most accurate model of legal land descriptions of the PLSS that is available.

The advent of Global Positioning System (GPS) surveying methodologies allows us to take accurate measurements over large geographic areas in short amounts of time. This technology will allow us to move away from a land description system that relies heavily upon physical monumentation, towards a highly accurate geographic spatial framework that is coordinate based. Not every corner point in such a system needs to have a physical monument in order to define the limits or the area of a legal land description.

**Proposal**

BLM would perform a dependent resurvey of affected lands under a reimbursable work agreement on behalf of Rosemont Mine. BLM would establish a survey control network outside of the proposed mining footprint. BLM would describe found monuments and use the appropriate method of proportionate measurement to restore lost corner positions. No found or missing monuments would be remonumented during the dependent resurvey. BLM would prepare official plats of survey, field notes and diagrams of the surveyed areas that depict accurate coordinates of the survey and control monuments. The data would be entered into GCDB. The plats and field notes would become a part of the permanent federal records system. Rosemont Mine would be given complete copies and digital data for the project at the time the final action is published in the Federal Register.

## **Conclusion**

Performing a modern dependent resurvey with a control network assures that these corner positions will be preserved and that their locations can be easily ascertained and reestablished in the future. Having this project become a part of the federal records system and the GCDB assures permanency. This proposal is cost effective, practical, transparent and easily implemented. It is much better and cheaper to create this accurate spatial data framework at this point in time than to try and recreate the property boundaries after the mining operations have destroyed or obliterated survey monuments.

## **Rosemont Mine Boundary Management Mitigation**

The configuration of the proposed Rosemont Mine Complex used for the following discussion regarding boundary management and the mitigation thereof is based on the maps provided in the proposed plan of operation provided by the Rosemont Copper Company. The final configuration of the mine complex within the Coronado National Forest will be made by the deciding official upon completion of the Final Environmental Impact Statement and Record of Decision Documents.

### **Background**

The current fragmented and irregularly shaped landownership configuration in the proposed Rosemont Mine area is based on numerous patented lode mining ( $\pm 20$  acres each) and mill-site ( $\pm 5$  acres each) claims as well as lands patented under the Homestead Act (rectangular system). Patents were granted for these lands by the United States between 1882 and 1995.

Approximately 202 mineral survey corner monuments (150 wood posts, 13 stones, and 33 iron pipes) control  $\pm 19.5$  miles of property boundary between National Forest System (NFS) lands and private land owned by the Rosemont Copper Company within or very near the footprint of the proposed Rosemont Mine Complex (pit, roads, plant site, truck shop, waste rock pile, dry-stack tailings, pollution management area, and security fencing) in the Coronado National Forest. The mineral survey corner monuments were originally set between 1881 and 1978.

In addition, there are  $\pm 81$  section and quarter corner monuments within or very near the footprint of the proposed Rosemont Mine Complex that either control  $\pm 7.5$  miles of property boundaries between NFS and private land patented under the Homestead Act or may be needed for future administrative or management purposes. The section and quarter corner monuments were originally set between 1874 and 1926.

There are also 29 intersection points where patented mineral surveys overlap controlled by mineral survey corner monuments and 9 intermediate corner monuments controlled by section and quarter-section corner that need to be located and corner monuments set to identify the property boundary between NFS lands and the private land.

Because of the vintage of the original survey and corner monuments, many maybe in some stage of obliteration (or are completely lost) and difficult to identify and recover (especially the wood post and stone monuments). There are also numerous unpatented claim corner monuments that can easily be misidentified as a patented corner monument (especially the wood post monuments) that add to the complexity of identifying the corner monuments that control property boundaries between NFS and private lands.

**Patent:** A document by which the United States conveys, to those entitled thereto, legal title to some portion of the public lands (Glossaries of BLM Surveying and Mapping Terms).

**Corner:** A point on the surface of the earth, determined by the surveying process, which defines an extremity on a boundary of the public lands (Glossaries of BLM Surveying and Mapping Terms).

**Property Controlling Corner:** A survey corner that is not on a property line, but which influences or fixes the location of one or more property corners (FSM 7151.05 – Definitions).

**Monument:** A physical structure, such as an iron post, marked stone or tree in place, which marks the location of a corner point established by a Cadastral Survey. Objects, to be ranked as monuments, should have certain physical properties such as visibility, durability and stability, and they must define location without resorting to measurements. “*Monument*” and “*corner*” are not synonymous, although the two terms are often used largely in the same sense (Glossaries of BLM Surveying and Mapping Terms).

**Property Line:** A landownership division line between two parcels of land. A separation of real property rights (FSM 7151.05 – Definitions).

### **Perpetuation of Corner Monuments**

The perpetuation of corner monuments in their original location is important for both the protection of private property rights and the sound management of the NFS land (currently and in the future). The Forest Service Manual (FSM 7152.3 – Land Line Location Program Priorities) provides direction regarding property corners and boundary lines: "Where significant resource values exist and utilization or manipulation of those resources is planned, property corners and boundary lines shall be located, monumented, posted, and maintained".

**Note:** The Secretary of Agriculture, under the authority granted in the Organic Administration Act of 1897 (16 U.S.C. 474), has delegated to the Chief of the Forest Service the authority to identify, define, administer, and manage National Forest System lands and resources.

In addition, the United States Code [Title 18 USC Sec. 1858 (62 Stat. 789)] and Arizona Revised Statutes [ARS 33-103 (D) and (E)] both address damage, destruction, or removal of any survey monuments and assigns both criminal and civil penalties thereof, including being held liable for all costs associated with the restoration or replacement of any monument destroyed, disfigured, removed or disturbed.

**Title 18, U.S.C., SEC. 1858 (62 Stat. 789):** Whoever willfully destroys, defaces, changes, or removes to another place any section corner, quarter-section corner, or meander post, on Government line of survey, or willfully cuts down any witness tree or any tree blazed to mark the line of a Government survey, or willfully defaces, changes, or removes any monument or bench mark of any Government survey, shall be fined not more than \$250, or imprisoned not more than six months, or both.

**Arizona Revised Statute (ARS) 33-103(D):** A person who knowingly or by gross negligence destroys, disfigures, removes or disturbs monuments described in subsection C or other permanent monuments set by the land surveyor which have the land surveyor's or public agency's cap or tag affixed to the monument is guilty of a class 2 misdemeanor.

**Arizona Revised Statute (ARS) 33-103(E):** A person acting independently or a person in responsible charge of another person who destroys, disfigures or disturbs monuments described in subsection C or other permanent monuments set by the land surveyor which have the land surveyor's or public agency's cap or tag affixed to the monument shall be civilly liable to the state, political subdivision or any other person for all costs associated with restoration or replacement of any monument destroyed, disfigured, removed or disturbed. The remedies under this subsection are in addition to any penalty which can be imposed under subsection D.

The feasibility and cost of reestablishing obliterated or lost corner monuments after the pit and the ultimate configuration of the proposed Rosemont Mine operation is in place and reclamation begins would be extremely difficult, quite expensive, and should not be borne by the Forest Service. Therefore, no corner monuments shall be damaged, destroyed, or obliterated without prior consultation with the Forest Service and discussion as to how subject corner monument positions will be perpetuated.

### **Mitigation Measures Needed**

The responsibility and cost of perpetuating and protecting all survey monuments and other corner accessories from ground disturbing activity as well as the reestablishment or restoration of survey monuments disturbed or destroyed during mining operations and any ground disturbing activity within the Rosemont Mine Complex area belongs with the Rosemont Copper Company.

**Corner Accessories:** Nearby physical objects to which corners are referenced for their future identification or restoration. Accessories include bearing trees, mounds, pits, ledges, rocks and other natural features to which distances or directions (or both) from the corner or monument are known. Such accessories are actually a part of the monumentation (Glossaries of BLM Surveying and Mapping Terms).

1. A realistic and factual evaluation of the status of corner monuments (existent, obliterated, or lost) that control property boundaries between NFS and private lands or are needed for current and future administrative or management purposes as well as the location and preservation of said corner monuments in the proposed Rosemont Mine Complex area shall be performed. Because of the vintage of the original surveys and corner monuments (late 1800's—early 1900's), the status and location of corners monuments shall be determined during the course of a dependent resurvey performed by the Bureau of Land Management (BLM) under federal survey authority. The purpose of the dependent resurvey is to protect and perpetuate the original corner positions that control property boundaries between NFS and private lands as well as corners needed for current and future administrative or management purposes within the proposed Rosemont Mine Complex area.

**Federal Survey Authority:** Public Land Ordinance of May 20, 1785. The Public Land Ordinance of May 20, 1785, vested survey authority in the Department of the Interior (USDI), General Land Office (GLO), which is now the Bureau of Land Management (BLM). This federal agency creates, identifies, and maintains the Public Land Survey System and defines the limits of the public domain either by actual survey or protractors based on official surveys. NFS lands have been reserved by Congress for a special purpose and are set apart from public domain status.

**Note:** Federal survey authority is required because the original township and mineral surveys were conducted under federal survey authority. There will be an extensive loss of original corner monuments within the proposed Rosemont Mine Complex area, and the potential for future litigation regarding the property boundaries between the National Forest and private lands will be greatly reduced [Forest Service Land Surveying Guide (EM-7150-3), Survey Authority, page 39)].

**Existent Corner:** A corner whose position can be identified by verifying the evidence of the monument, or its accessories, by reference to the description that is contained in the field notes, or where the point can be located by an acceptable supplemental survey record, some physical evidence or testimony (Glossaries of BLM Surveying and Mapping Terms).

**Obliterated Corner:** An obliterated corner is one at whose point there are no remaining traces of the monument, or its accessories, but whose location has been perpetuated, or the point for which may be recovered beyond reasonable doubt, but the acts and testimony of the interested landowners, competent surveyors, or other qualified local authorities, or witnesses, or by some acceptable record evidence (Glossaries of BLM Surveying and Mapping Terms).

**Lost Corner:** A corner whose position cannot be determined, beyond reasonable doubt, either from traces of the original marks or from acceptable evidence or testimony that bears on the original position, and whose location can be restored only by reference to one or more interdependent corners (Glossaries of BLM Surveying and Mapping Terms).

2. The BLM dependent resurveys shall be completed prior to any land disturbing management activities that occur on NFS lands.

**Note:** The Act of March 3, 1909, (35 Stat. 845), as amended June 25, 1910, (36 Stat. 885: 43 U.S.C. 772) authorized the Secretary of the Interior to make such resurveys as, after full investigation, he may deem essential to properly mark the boundaries of the remaining public lands. The BLM has the authority to survey the boundaries of land owned by the United States, including the boundaries that separate the National Forest from patented (private) land [ *Robert W. Delzell*, 158 IBLA 238 (2003); *Theodore J. Vickman*, 132 IBLA 317 (1995)].

The BLM also has the authority to make cadastral surveys of public domain lands when the cost of the survey is defrayed (reimbursed) by an adjoining landowner (non-Federal source) to assist in obtaining needed surveys of benefit to themselves and the United States.

**43 U.S.C. § 2 (R.S. 453). Duties concerning public lands:** The Secretary of the Interior or such officer as he may designate shall perform all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all grants of land under the authority of the Government.

**43 U.S.C. § 772. Resurveys or retracements to mark boundaries of undisposed lands:** The Secretary of the Interior may, as of March 3, 1909, in his discretion cause to be made, as he may deem wise under the rectangular system on that date provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement.

**43 U.S.C. § 773. Resurveys or retracements of township lines, etc:** Upon the application of the owners of three fourths of the privately owned lands in any township covered by public-land surveys, more than 50 per centum of the area of which townships is privately owned, accompanied by a deposit with the Secretary of the Interior, or such officer as he may designate, of the proportionate estimated cost, inclusive of the necessary work, of the resurvey or retracement of all the privately owned lands in said township, the Secretary, or such officer as he may designate, shall be authorized in his discretion to cause to be made a resurvey or retracement of the lines of said township and to set permanent corners and monuments in accordance with the laws and regulations governing surveys and resurveys of

public lands. The sum so deposited shall be held by the Secretary of the Interior or such officer as he may designate, and may be expended in payment of the cost of such survey, including field and office work, and any excess over the cost of such survey and the expenses incident thereto shall be repaid pro rata to the persons making said deposits or their legal representatives. The proportionate cost of the field and office work for the resurvey or retracement of any public lands in such township shall be paid from the current appropriation for the survey and resurvey of public lands, in addition to the portion of such appropriation otherwise allowed by law for resurveys and retracements. Similar resurveys and retracements may be made on the application, accompanied by the requisite deposit, of any court of competent jurisdiction, the returns of such resurvey or retracement to be submitted to the court. The Secretary of the Interior is authorized to make all necessary rules and regulations to carry this section into full force and effect.

**Dependent Resurvey:** A retracement and reestablishment of the lines of the original survey in their true original positions according to the best available evidence of the positions of the original corners. It includes the restoration of lost corners in accordance with procedures described in the Manual of Surveying Instructions (Glossaries of BLM Surveying and Mapping Terms).

**Manual of Instructions For The Survey of the Public Lands of the United States, 1973:** Short title – "*Manual of Surveying Instructions, 1973.*" Also referred to as "*The 1973 Manual,*" "*The BLM Manual,*" "*The 1973 BLM Manual,*" "*The Manual*" and slang, the Blue Book (Glossaries of BLM Surveying and Mapping Terms).

**Note:** Because of the complexities involved regarding the dependent resurvey of patented mineral surveys, the mineral survey chapter in the *Next Edition of the Manual* has been expanded to include more instructions on retracement and restoration of patented mineral surveys.

3. A well-monumented control network set outside of the disturbance area using survey grade Global Positioning System (GPS) referenced to the property corner monuments or positions (mineral survey, section, and quarter-section corners) shall be established by the BLM during the dependent resurvey.

**Control Network:** A group or series of interconnected survey lines and monuments which provide position data for fixing the position of corners and monuments that control property boundaries between NFS and private lands or are needed for current and future administrative or management purposes.

The purpose of the control network is to protect and perpetuate corners, monuments, and property lines, and information concerning the location of such corners, monuments, and property lines within the proposed Rosemont Mine Complex area. The control network will ensure the easy recovery of any corner position or property line of the dependent resurvey at any time in the future and mitigate the difficulty and future expense to reestablish lost corner positions and property lines during reclamation.

The dependent resurvey will serve as the base for locating the control network. The control network will essentially act as reference monuments for the corner monuments or calculated corner positions determined during the dependent resurvey. Corners (existent, obliterated, or lost) identified during the BLM dependent resurvey within the Rosemont Mine Complex area will only be assigned

coordinate positions referenced to the control network monuments and will not be remonumented during the dependent resurvey.

4. Corners shall be remonumented under the direct supervision of an Arizona Registered Land Surveyor (approved by the Forest Service) during reclamation of the Rosemont Mine, or as needed, and to a standard satisfactory to the Forest Supervisor.

At minimum, the relocation or reestablishment of corner monuments shall comply with the following:

- Applicable land surveying principles, procedures, and standards as set forth in the appropriate GLO and BLM Manual of Surveying Instructions, publications, and circulars.
- Current USDA Forest Service and USDI BLM Standards and Guidelines for Cadastral Surveys using GPS Methods.
- Current Arizona Boundary Survey Minimum Standards.
- Appropriate local and state laws and regulations.
- Monument specifications provided by the Forest Service.

### **Mineral Survey Fractions**

The current fragmented and irregularly shaped landownership configuration in the proposed Rosemont Mine area has created numerous "*mineral survey fractions*" that are difficult to manage efficiently because of their size and location (5571.12 - Mineral Survey Fractions) resulting in a somewhat undesirable landownership pattern.

**Mineral Survey Fractions:** Small parcels of National Forest System (NFS) lands interspersed with or adjacent to lands transferred out of Federal ownership under the mining laws (36 CFR 254.31 Definitions).

The Small Tracts Act (P.L. 97-465) set forth procedures to mitigate future management problems associated with irregularly shaped mineral survey fractions that will more or less become an integral part of the adjoining private land [36 Code of Federal Regulations (CFR) 254, Subpart C--Conveyance of Small Tracts]. The Forest Service has the discretionary authority under the Small Tracts Act (STA) to dispose of NFS lands or interest in NFS lands to resolve management problems associated with mineral survey fractions through sale, exchange, or interchange to the adjoining private landowner(s) (FSM 5571.1 - Small Tracts Act of 1983).

**Note:** 36 CFR 254.34(a)(3)--Mineral Survey Fractions and 36 CFR 254.35(c)--Limitations limits the acreage and value of tracts involved in any single STA transaction under the mineral survey fraction category to 40 acres or less and an appraised fair-market value of not more than \$150,000. However, they do not limit the number of tracts involve in a single STA transaction or the number of STA transactions that may be processed with any single individual or entity.

Currently, there are 7 parcels ranging in size from 0.14 to 3.02 acres of NFS lands ( $\pm 5.53$  total acres) that are completely surrounded by patented (private) mineral surveys owned by the Rosemont Copper Company. Conveyance of the NFS parcels completely surrounded by private land via STA would improve future management efficiency and reduce management costs by eliminating the need to maintain, establish, or reestablish 32 corner monuments and  $\pm 0.85$  miles of property boundary between NFS and private lands. Any conveyance made would be made subject to valid existing rights as a result

of the discovery and location of a valuable mineral deposit in accordance with the General Mining Act of May 10, 1872, as amended.

Additional parcels of NFS lands completely surrounded by private land may also be identified upon completion and approval of the BLM dependent resurvey. There may be opportunities to block up ownership boundaries along section, quarter-section, and quarter-quarter section lines to further mitigate boundary management issues via STA.

Any STA application made would be evaluated on a case by case basis to determine whether the NFS lands involved meet the qualifying requirements for mineral survey fractions (36 CFR 254.34), are not affected by the limitations under 36 CFR 254.35, and conveyance is in the public interest (36 CFR 254.36).

Original Survey History and Information

<u>Mineral Surveys</u>			
Mineral Survey and Surveyor	Year Originally Surveyed	Corner Monuments Controlling Property Boundary Between NFS & Private Lands	Property Boundary Between NFS & Private Lands
General Number 286 (Roskruge)	1881	6 wood posts  An Intersection Point Needs To Be Set Via Survey	0.35 Miles
General Number 287 (Roskruge)	1881	3 wood posts	0.45 Miles
Survey Number 426 (Chillison)	1882	3 wood posts	0.39 Miles
Mineral Survey 1297 A (Roskruge)	1898	41 wood posts  5 Intersection Points Need To Be Set Via Survey	3.94 Miles
Mineral Survey 1297 B (Roskruge)	1898	13 wood posts	1.13 Miles
Mineral Survey 1299 (Roskruge)	1898	10 wood posts	1.27 Miles

Mineral Survey 1301 (Roskruge)	1898	6 wood posts	0.8 Miles
Mineral Survey 1302 (Roskruge)	1898	6 wood posts	0.58 Miles
Mineral Survey 1303 (Roskruge)	1898	6 wood posts 2 Intersection Points Need To Be Set Via Survey	0.31 Miles
Mineral Survey 1308 (Roskruge)	1898	33 wood posts An Intersection Point Needs To Be Set Via Survey	3.25 Miles
Mineral Survey 1311 (Roskruge)	1898	3 wood posts An Intersection Point Needs To Be Set Via Survey	0.35 Miles
Mineral Survey 1312 (Roskruge)	1898	4 wood posts An Intersection Point Needs To Be Set Via Survey	0.25 Miles
Mineral Survey 1388 A & B (Roskruge)	1899	22 wood posts (within Forest Boundary) 6 Intersection Points Need To Be Set Via Survey (within Forest Boundary)	1.53 Miles
Mineral Survey 2444 (Alexander)	1907	4 stone monuments 2 Intersection Points Need To Be Set Via Survey	0.59 Miles
Mineral Survey 3954 (Stevens)	1924	9 stone monuments 2 Intersection Points Need To Be Set Via Survey	1.11 Miles

Mineral Survey 4716 (Smith)	1973 --1977	3 iron pipe monuments	0.26 Miles
Mineral Survey 4718 (Smith)	1972 --1978	22 iron pipe monuments 3 Intersection Points Need To Be Set Via Survey	2.28 Miles
Mineral Survey 4792 (Smith)	1977 --1978	2 iron pipe monuments 2 Intersection Points Need To Be Set Via Survey	0.21 Miles
Mineral Survey 4793 (Smith)	1977 --1978	6 iron pipe monuments 3 Intersection Points Need To Be Set Via Survey	0.47 Miles
Total Mineral Survey Corner Monuments Within the National Forest in the Rosemont Mine Area		Total Property Line Between NFS and Private Lands Controlled by Mineral Survey Corner Monuments	
202 Mining Claim Corner Monuments (156 Wood Posts: 1881 - 1889) (13 Stones: 1907 - 1924) (33 Iron Pipes: 1973 -1978)  29 intersection points need to be set via survey		±19.5 Miles	
<u>Township Surveys</u>			
Township Survey and Surveyor	Year Originally Surveyed	Corner Monuments Controlling Property Boundary Between NFS & Private Lands & Needed for Administrative or Management Purposes	Property Boundary Between NFS & Private Lands within Rosemont Area
T. 19 S., R. 16 E. (White)	1874	±9 Wood Post Monuments	

Dependent Resurvey (secs. 3, 8, 9, 10, 15, 22, 27, & 34) & Section Subdivision (secs. 8 & 9) (Hansen)	<i>1996-1997</i>	±3 Brass Capped Iron Pipe Monuments	0.50 mi
T. 18 S., R. 16 E. (Contzen)	<i>1904</i>	52 Stone Monuments	±7.0 mi
T. 18 S., R. 15 E. (Wright/Elliot)	<i>1911</i>	13 Brass Capped Iron Pipe Monuments	
Total Section & Quarter Corners Controlling Property Boundary Between NFS & Private Lands & Needed for Administrative or Management Purposes			Property Boundary Between NFS & Private Lands within Rosemont Area
84 (±9 Wood Post) (±52 Stone) (±16 Brass Cap Iron Pipes)			±7.5 mi

"Melissa Reichard"  
<mreichard@swca.com>  
03/22/2010 09:28 AM

To "Beverley A Everson" <beverson@fs.fed.us>  
cc "Tom Furgason" <tfurgason@swca.com>, "Reta Laford"  
<rlaford@fs.fed.us>, "Melinda D Roth" <mroth@fs.fed.us>  
bcc  
Subject RE: Lack of responsiveness by the Coronado National Forest  
Servicere EIS Rosemont Copper

Bev-

I was out Thursday and Friday of last week. Tom asked me about this first thing this morning. I explained that I had sent you a list of the reports that I thought would respond to her request and that you were checking with Salek, in case he knows of others that apply to Water Quality. I thought I would check in and see if there was any other help you need.

Like Tom and I mentioned before, reproducing these reports would be very costly (thousands). I could get an estimate if I get a list of the reports you want to provide. You could make Elizabeth aware of the cost that she could expect and if she prefers to just review the docs in the reading room, I could help you make sure all the appropriate docs are present. Let me know if I can help you fulfill Elizabeth's request.

*Melissa*

*"One is taught by experience to put a premium on those few people who can appreciate you for what you are..." ~ Gail Godwin*

**From:** Vail Arizona <vailaz@hotmail.com>  
**Date:** Fri, 19 Mar 2010 07:11:36 -0600  
**To:** <aherrera@fs.fed.us>  
**Cc:** <beverson@fs.fed.us>; <tstowe@azleg.gov>; <tfurgason@swca.com>; RetaLaford<rlaford@fs.fed.us>; cnewman@fs.fed.us<cnewman@fs.fed.us>; ron.barber@mail.house.gov<ron.barber@mail.house.gov>; <sara.hummelrajca@mail.house.gov>  
**Subject:** FW: Lack of responsiveness by the Coronado National Forest Service re EIS Rosemont Copper

Ms. Herrera,

I received your email address from Reta LaFord. It has now been two months since I put in a request to Ms. Everson for alternative means to view the latest technical reports regarding the Rosemont Copper Project. (these are on the website, not any secret 'behind the scenes' reports) My request was a very reasonable accommodation. Please see a letter I wrote to Ms. Stowe, policy advisor for the AZ. House of Representatives a month ago. My frustrations are still the same, just a month later. I no longer feel a CD is a compromise as I deserve to be able to understand the information in an equal manner to others and should not have to compromise when my requested accommodation is very reasonable. At any rate, I have not received a CD either.

Thank you for your time,

*Elizabeth Webb*  
Concerned Citizen  
Vail Arizona, 85641  
(520) 247-3838

**Area Information:**

Vail Preservation Society [www.vailpreservationsociety.com](http://www.vailpreservationsociety.com)  
Hilton Road Community Association [www.hiltonroad.com](http://www.hiltonroad.com)  
Arizona SR 83 [www.azhighway83.com](http://www.azhighway83.com)  
Empire Fagan-Coalition [www.empirefagan.org](http://www.empirefagan.org)

*Quote for the Day:*

***“To avoid criticism, do nothing, say nothing, be nothing”***  
***-Elbert Hubbard***

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From: [vailaz@hotmail.com](mailto:vailaz@hotmail.com)  
To: [tstowe@azleg.gov](mailto:tstowe@azleg.gov)  
CC: [jpaton@azleg.gov](mailto:jpaton@azleg.gov); [fantenori@azleg.gov](mailto:fantenori@azleg.gov); [dgowan@azleg.gov](mailto:dgowan@azleg.gov); [district4@pima.gov](mailto:district4@pima.gov);  
[beverson@fs.fed.us](mailto:beverson@fs.fed.us); [rlaford@fs.fed.us](mailto:rlaford@fs.fed.us); [cnewman@fs.fed.us](mailto:cnewman@fs.fed.us); [tfurgason@swca.com](mailto:tfurgason@swca.com);  
[horst\\_greczmiel@ceq.eop.gov](mailto:horst_greczmiel@ceq.eop.gov)  
Subject: Lack of responsiveness by the Coronado National Forest Service re EIS Rosemont Copper  
Date: Fri, 19 Feb 2010 11:08:19 -0700  
Ms. Stowe,

I am writing to express my concerns over “The Process” for the EIS for Rosemont Copper. This is a recent example of the lack of responsiveness to a person whose community would be directly and indirectly impacted by the proposed project.

On January 19<sup>th</sup>, 2010 I wrote to Ms. Beverly Everson of the Coronado National Forest with the request for hard copies of the most recent Rosemont Copper technical reports. We have satellite internet which does not allow us to download or even view these reports as the file sizes are too large. I imagine there are other rural individuals who have the same issue with their internet connection or others who have a dial up connection.

Additionally, I have a neurological deficit which does not allow me to efficiently process large amounts of information on a computer screen, thus qualifying for a reasonable accommodation under the Americans with Disabilities Act. This is not the first request for information in hard

copy from the Forest Service for both of the above reasons. Furthermore, I also requested a CD/DVD similar to what was provided at the beginning of the process for the MPO. This would have been a compromise to the hard copies.

A prior request for hard copies was filled by Rosemont Copper rather than the Forest Service. Kathy Arnold of Rosemont Copper told me she does not have a problem fulfilling this more recent request but all requests must now go through the Forest Service as it is considered a request under the Freedom of Information Act.

I did not receive a reply from Ms. Everson regarding my request on January 19<sup>th</sup> and sent a second inquiry on Feb 7<sup>th</sup>. The response I received on Feb 8<sup>th</sup> was as follows:

*"I received your request and am working on getting an extra set of hard copies. In the meantime, many of the reports are on our website, though I understand your preference for reading hard copies"*

Even though I have stated on more than one occasion that **I CANNOT ACCESS THE REPORTS ON THE FOREST SERVICE WEBSITE**, I was told yet again that I could view them there. On Feb. 9th 2010, I sent a reply back to Ms. Everson asking for an ETA on the copies and did not receive a response.

Now, a month after my initial request and the day before a very large community outreach event in our area (Vail Pride Day) I have not received this information from the Forest Service and therefore will not be able to speak about any updates. I will be representing the Empire Fagan Coalition, an organization that works on preservation and education in the Empire Mountains/Mt. Fagan Valley, predominately related to Arizona State Trust Land. While the Rosemont Copper project is not the focus of our organization, water, air quality and traffic issues in and near the Davidson Canyon are relevant.

This is how the process is (not?) working. I'm sure you can appreciate my frustration.

Thank you for your time,

*Elizabeth Webb*  
Concerned Citizen  
Vail Arizona, 85641  
(520) 247-3838

**Area Information:**

Vail Preservation Society [www.vailpreservationsociety.com](http://www.vailpreservationsociety.com)  
Hilton Road Community Association [www.hiltonroad.com](http://www.hiltonroad.com)  
Arizona SR 83 [www.azhighway83.com](http://www.azhighway83.com)  
Empire Fagan-Coalition [www.empirefagan.org](http://www.empirefagan.org)

*Quote for the Day:*

**"To avoid criticism, do nothing, say nothing, be nothing"**  
*-Elbert Hubbard*

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**Rochelle  
Desser/WO/USDAFS**  
04/27/2010 10:42 AM

To Reta Laford/R3/USDAFS@FSNOTES  
cc  
bcc  
Subject Fw: Rosemont Interagency Coordination - ADEQ April 7,  
2010

Please let me know if you would like a write up from me to wrap this up. I think I could effectively draft rationale for pit backfill to be an "alternative considered but eliminated from detailed study." I think this is very defensible especially given the current findings of the Montgomery report, (despite the concerns about the adequacy of this report), and the problems identified yesterday.

Also, please let me know if there is anything I can do to help get Chapter 1 to the RO for review.



*Rochelle Desser*  
**Natural Resource Planner**  
Office Phone: 541-596-2453  
Cell Phone: 559-359-8114  
**Conference Line: 866-919-8394  
with Pass Code # 128398**  
**PO Box 687 O'Brien, OR 97534**

----- Forwarded by Rochelle Desser/WO/USDAFS on 04/27/2010 10:38 AM -----

**Teresa Ann  
Ciapusci/R3/USDAFS**  
04/27/2010 09:51 AM

To Rochelle Desser/WO/USDAFS@FSNOTES  
cc  
Subject Re: Rosemont Interagency Coordination - ADEQ April 7,  
2010 📎

Thanks for providing the documentation!

Teresa Ann Ciapusci  
Staff Officer  
Ecosystem Management and Planning  
Coronado National Forest  
300 West Congress, FB42  
Tucson, Arizona 85701  
(520) 388-8350 office  
(520) 237-0879 cellular  
(520) 388-8305 fax  
E-Mail: tciapusci@fs.fed.us  
Rochelle Desser/WO/USDAFS

**Rochelle  
Desser/WO/USDAFS**  
04/26/2010 06:14 AM

To Teresa Ann Ciapusci/R3/USDAFS@FSNOTES,  
turner.dennis@azdeq.gov  
cc Melinda D Roth/R3/USDAFS@FSNOTES, Beverley A  
Everson/R3/USDAFS@FSNOTES, Reta

This memo documents my phone conversation with Dennis Turner from ADEQ 10am April 7, 2010.

Mr. Turner contacted me to discuss the status of the Rosemont EIS relative to the APP permit submitted for the proposed plan of operations by the mining company.

Mr. Turner explained the APP process to me, noting it is likely that the ADEQ permit time frame will precede completion of the EIS.

Mr. Turner explained that alternatives such as pit backfill and placement of waste rock/tailings in Sycamore Canyon may not be consistent with the APP permit currently being considered. We discussed how the Forest Service needed to make sure the NEPA process would not be perceived as predecisional and how ADEQ issuing a APP permit might influence the NEPA process. I assured Mr. Turner that the Forest Service would maintain the integrity of the NEPA process, and that I would discuss this issue with the Forest Service and Rosemont Copper.

Mr. Turner stated that the ADEQ permit would likely rely on the hydrologic sink to contain groundwater pollutants and that pit backfill could negatively influence this by creating a flow through situation. I asked Mr. Turner if ADEQ could write a memo stating that pit backfill could not be permitted, which would help inform the Forest Supervisors decision whether to keep pit backfill in the alternatives. Mr. Turner stated this could not be done without further information. I asked him what information he would need to determine whether pit backfill could be permitted. He said that would require a conversation with the permitting team. We agreed a face to face meeting between the Forest Service, contract consultants regarding the water resource impacts at the mine site, and the ADEQ permit team would be useful to make sure there is common understanding about the permit process and the alternatives being considered.

Later in the day on April 7, I discussed the permit process with Jamie Sturgis of Rosemont Copper (Tom Furgason of SWCA was also present) and let him know that the alternatives may not be consistent with the elements of the APP permit in process now and the company runs the risk of having to pursue a new permit should the final selected alternative approach aquifer protection differently. Jamie stated he understood the risk.



*Rochelle Desser*

**Natural Resource Planner**

**Office Phone: 541-596-2453**

**Cell Phone: 559-359-8114**

**Conference Line: 866-919-8394  
with Pass Code # 128398**

**PO Box 687 O'Brien, OR 97534**

"Dennis L. Turner"  
<Turner.Dennis@azdeq.gov>

05/26/2010 10:50 AM

To "Reta Laford" <rlaford@fs.fed.us>, "Salek Shafiqullah" <sshafiqullah@fs.fed.us>, "Beverley A Everson" <beverson@fs.fed.us>, "Teresa Ann Ciapusci"

cc

bcc

Subject research on evaluation of water quality at hardrock mine s on federal lands

Reta, Bev, Salek and Teresa:

Last Thursday, when we met about ADTI (after the monthly EIS meeting), I told you about a study performed by Ann Maest, et al. on water quality at mine sites on federal lands (ostensibly, I think it was a study of previously-issued EISs of mines on fed lands). Attached is the cover letter that summarizes what their study was about and other info. The documents can actually be downloaded from [www.mine-aid.org](http://www.mine-aid.org) .

Ann Maest has spent some time commenting on certain parts of the Montgomery hydro study for the Rosemont site, at Pima County's request. Ann's EIS study of hardrock mines was quite comprehensive and you should become familiar with its contents, conclusions, etc. because it is used and cited by many anti-mining activists in this country since its release in late 2006.

I will be happy to talk with any of you further about this, if you like. Just let me know.

.....  
Dennis L. Turner, R.G.  
Arizona Department of Environmental Quality  
Surface Water Section  
1110 W. Washington St. MC 5415 A-1  
Phoenix, AZ 85007

---

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original e-mail. Thank you. [cover letter.pdf](#)

**KUIPERS & ASSOCIATES**

PO Box 641  
Butte MT 59703  
406-782-3441  
jkuipers@kuipersassoc.com

**BUKA ENVIRONMENTAL**

941 8th Street  
Boulder CO 80302  
303-449-0390  
amaest@aol.com

## *Release of Reports on the Reliability of Water Quality Predictions at Hardrock Mines*

January 2007

Dear Recipient:

We are pleased to announce the release of two technical reports addressing the reliability of water quality predictions at hardrock mine sites. The reports evaluate the science of water quality predictions and compare predicted and actual water quality at U.S. mines permitted since the 1970's. The comparison of predicted and actual water quality at hardrock mines has never been broadly reviewed, yet mines, especially those on federal lands, are permitted based on these predictions. Increasing metal prices have resulted in a large increase in hardrock mine permit requests to regulatory agencies, and improved water quality predictions are critical to improved environmental performance at future mines or mine expansions in the United States and around the world.

*The two reports are the "Comparisons" report and the "Methods and Models" report.*

*The Comparisons report asks the question: how reliable are the water quality predictions that are used in the mine permitting process? And, if they are not reliable, what are the sources of the error and how can predictions be improved? The report also evaluates whether there are certain inherent factors at mine sites that may predispose a mine to having water quality problems and explores the causes of water quality problems at mine sites. The report finds that the inherent properties of close proximity to groundwater and/or surface water lead to a high likelihood of water quality impacts, and that mitigation measures often times fail requiring improved and/or redundant mitigation.*

*The Methods and Models report answers a key question posed in the Comparisons report: how can water quality predictions be improved? This report contains an in-depth review and evaluation of the methods and models used to predict water quality at mine sites, with a focus on uncertainties associated with these approaches. The report puts forth a comprehensive approach for improving water quality predictions so that modeling and site characterization information can be more reliably used to design protective mitigation measures and to estimate remediation costs for hardrock mines. This report will be especially useful to those reviewing water quality predictions in permitting documents.*

## ***Release of Reports on the Reliability of Water Quality Predictions at Hardrock Mines***

The reports can be used by the:

- scientific and engineering community to suggest ways of better characterizing risks to water quality and applying potential mitigation methods to minimize or prevent potential impacts
- regulatory community for recommendations on how inherent uncertainty in water quality predictions and mitigation failures can be conservatively viewed in order to ensure decisions that are protective of human health and the environment
- mining industry to see which mitigation measures have not been successful and to more accurately predict consequences and ameliorate potential effects
- insurance and investment industry to better understand potential risks and costs associated with mining practices and find out about high-risk mines, and
- the public to increase their knowledgeable about water quality impacts from hardrock mines and to affect legislative and regulatory change.

In addition to the report copies provided to you in this correspondence, the reports are available electronically at [www.mine-aid.org](http://www.mine-aid.org) or can be requested from Jim Kuipers ([jkuipers@kuipersassoc.org](mailto:jkuipers@kuipersassoc.org)) or Ann Maest ([amaest@aol.com](mailto:amaest@aol.com)).

Sincerely,

Jim Kuipers and Ann Maest

Reta Laford/R3/USDAFS  
07/05/2010 07:27 PM

To Melinda D Roth/R3/USDAFS@FSNOTES, Beverley A  
Everson/R3/USDAFS@FSNOTES, Walter  
Keyes/R3/USDAFS@FSNOTES, Salek  
cc Tami Emmett/R3/USDAFS@FSNOTES, George  
McKay/R3/USDAFS@FSNOTES, Robert  
Lefevre/R3/USDAFS@FSNOTES, Arthur S  
bcc

Subject Welcome Terry Chute to Rosemont Copper Project. He's  
working out of Jeanine's office this week. 🗺

History:  This message has been forwarded.

As previously committed, I explored ways to provide extra horsepower and direction to the project. I contacted TEAMS Enterprise and Forest Service employees that I held in high esteem. To that end, I am pleased to announce that Terry Chute will be helping us make the process more efficient.

Terry is a former Forest Service employee with over 30 years of experience, much of which involved NEPA. He also was the District Ranger for the Ruby Mountains, Jarbidge, and Mountain City Ranger Districts that included one of the largest locatable minerals program in the National Forest System.

I hand-picked Terry based on his qualifications and personal knowledge of his abilities and what he could bring to the team. Terry has: extensive planning experience; substantial experience leading teams; proficiency in guiding, writing, and editing technical reports and NEPA documents; and a wide-ranging natural resource background. I'm sure you will appreciate Terry's assistance.

Similar to Rochelle's assistance, Terry will work a combination of on-site and virtual. This week Terry will be using Jeanine's old office. Feel free to stop by and introduce yourself.

Reta Laford  
Acting Forest Supervisor  
Coronado National Forest  
Phone: 520-388-8307  
-----

"Terry Chute"  
<tjchute@msn.com>  
08/10/2010 11:38 AM

To "Tom Furgason" <tfurgason@swca.com>  
cc "Reta Laford" <rlaford@fs.fed.us>, "Melinda D Roth"  
<mroth@fs.fed.us>  
bcc  
Subject Re: Chapter 1 Revisions per Coop agency comments.

Here are my general thoughts. Once I get a copy of the Chapter 1 that we gave the cooperators - with lime numbers, etc. - I can perhaps make a more detailed response. Also - I have not seen the Region's comments on the Chapter 1, but as Reta says in her message I am under the impression that they did not have many comments on the issues or measures. I'll look closer to see if I have those comments buried in my inbox. Also note that the Region has not seen the Cooperator's comments, so the two reviews have no overlap at this time.

The Cooperating Agencies were brought in for specific purposes - typically they have specific expertise or regulatory authority that pertains to the project. I think we should pay particular attention to the comments on issue measures that are specific to those areas of expertise or regulation. For instance, since Pima County will be issuing an Air Quality Permit, we need to focus on their comments that pertain to measuring effects to air quality. That is not to say we should incorporate their comments without taking a hard look at what it would gain and what additional efforts it would take.

My guess is that we could take a first stab at disposing of many of the comments, and then convene the appropriate resource specialists and project management people together to work through the remaining comments. The results of that would be presented to Reta for final disposition - which would include a description of rationale for disposition and what the estimated work would be if we adopted the comments/suggestions. We could start and perhaps finish this up next week. One of the things Reta will bring in that the rest of us cannot is the relationship and political considerations to either including or excluding specific comments by specific cooperators.

Let me know your thoughts, and we can set up a couple meetings next week to get going on this.....Terry

**From:** [Tom Furgason](#)  
**Sent:** Tuesday, August 10, 2010 10:30 AM  
**To:** [Terry Chute](#)  
**Cc:** [Reta Laford](#) ; [Melinda D Roth](#)  
**Subject:** Chapter 1 Revisions per Coop agency comments.

Terry,

I'm hoping that you can give me a little advice regarding the incorporation of the Cooperating Agency Comments on Chapter 1. Specifically, Pima County and AGFD have made numerous comments on the Issue Statements and Units to Measure Change. Do you know where we stand with respect to the region revising the issues and units to measure? Should I make changes to the issues that seem to make sense (like Air: Add new factors: "VOC and NOx emissions and emissions rates to air.") or should I

contact the appropriate IDT Specialist and discuss each one?

I have attached the Comment Resolution Table for your review.

**Tom Furgason**

Office Director

[SWCA Environmental Consultants](#)

343 West Franklin Street

Tucson, AZ 85701

(520) 325-9194 ext. 110

(520) 820-5178 mobile

(520) 325-2033 fax

"tjchute@msn.com"  
<tjchute@msn.com>  
08/23/2010 08:36 PM

To "Reta Laford" <rlaford@fs.fed.us>, "Beverley A Everson"  
<beverson@fs.fed.us>  
cc "Melinda D Roth" <mroth@fs.fed.us>, "Tom Furgason"  
<tfurgason@swca.com>, "Reta Laford" <rlaford@fs.fed.us>,  
"Katherine Arnold" <karnold@rosemontcopper.com>,  
bcc  
Subject Re: SO has letter. No response drafted. Question for Terry  
on whether to include as mitigation. Follow-up needed by  
Bev with RO on policy - yet. -Re: Fw: Elements Common /  
Mitigation: Loose Ends

This came up when we were going over the mitigation that days Rosemont will provide an easement to the FS for the road that goes across Lopez or Insight pass. Kathy said they had sent a letter to the Coronary asking for clarification but had not received a reply. Kathy can probably clarify. My interest is to make sure the mitigation is accurate and that Rosemont understands implications re: road standards so we do not include a measure and then back off of it in the final....Terry

Sent from my Verizon Wireless Phone

----- Reply message -----

From: "Reta Laford" <rlaford@fs.fed.us>

Date: Mon, Aug 23, 2010 7:14 pm

Subject: SO has letter. No response drafted. Question for Terry on whether to include as mitigation. Follow-up needed by Bev with RO on policy - yet. -Re: Fw: Elements Common / Mitigation: Loose Ends

To: "Beverley A Everson" <beverson@fs.fed.us>, <tjchute@msn.com>

Cc: "Melinda D Roth" <mroth@fs.fed.us>, "Tom Furgason" <tfurgason@swca.com>, "Reta Laford" <rlaford@fs.fed.us>, "Katherine Arnold" <karnold@rosemontcopper.com>, "Jonathan Rigg" <jrigg@swca.com>, <mreichard@swca.com>

I have the incoming letter. No reply letter has been drafted. I'll have the front desk scan it tomorrow.

I wasn't thinking of it as mitigation when it came in. We can consider it as mitigation if we want, or not since I'm sure that there is countless other CFR stuff that needs to be followed that we are not restating in the DEIS. (Terry, I defer to you once you look at it.)

The Rosemont letter conveyed the opinion of an MSHA inspector that the berms on NFS and private land were not adequate to protect the public. Specifically he cites that berms need to be at least mid-axle height of the largest self-propelled mobile equipment which usually travels the roadway. For the NFS lands, I am not inclined to pre-decisionally allow an increased berm height as the MSHA inspector seems to be seeking. On the private lands, Rosemont says the roadways are under NFS jurisdiction.

That will need to be checked.

Bev, once you read the scanned letter, please discuss with the RO our position to not be pre-decisional in responding to an MSHA inspection prior to project authorization. Also, I will need you to look into the question about FS jurisdiction on private land roads. Thx.

Reta Laford  
Deputy Forest Supervisor  
Coronado National Forest  
Phone: 520-388-8307  
-----

Beverley A Everson/R3/USDAFS  
08/23/2010 03:56 PM

To  
Reta Laford/R3/USDAFS@FSNOTES, Melinda D Roth/R3/USDAFS@FSNOTES,  
tjchute@msn.com  
cc

Subject  
Fw: Elements Common / Mitigation: Loose Ends

Reta,

Can you please help me with the second item on Terry's list, below? I don't recall the letter from Rosemont, don't have a copy, and don't know who would have responded. I have searched CDB and was unable to find the response letter. Do you remember who wrote it for you?

FYI, Mindee has a call in to SWCA (Melissa) to see if either the incoming June 18 letter or our response is in the record.

Thank you,

Bev

Beverley A. Everson

Forest Geologist  
Coronado National Forest  
300 W. Congress Street, 6th Floor  
Tucson, AZ. 85701

Voice: 520-388-8428  
Fax: 520-388-8305

----- Forwarded by Beverley A Everson/R3/USDAFS on 08/23/2010 03:52 PM  
-----

"Terry Chute" <tjchute@msn.com>  
08/23/2010 11:05 AM

To  
"Tom Furgason" <tfurgason@swca.com>, "Reta Laford" <rlaford@fs.fed.us>,  
"Katherine Arnold" <karnold@rosemontcopper.com>, "Beverley A Everson"  
<beverson@fs.fed.us>, "Melinda D Roth" <mroth@fs.fed.us>, "Jonathan Rigg"  
<jrigg@swca.com>  
cc

Subject  
Elements Common / Mitigation: Loose Ends

I've made most of the edits we agreed to last week to the Elements Common section that will go into Chapter 2. Here are the loose ends that others agreed to follow-up on. Once we get these taken care of, this section will be ready for one last look by Rosemont, then it can be inserted into Chapter 2.

1. I need the names of the grazing permits held by Rosemont - I think Mindee was going to get these.
2. We need to track down the Coronado response to Rosemont's June 18 letter to Reta re: jurisdiction of Gunsite & Lopez roads and MSHA road standard requirements. I sent an email to Bev last week asking her to follow up on this.
3. As per our discussion last week, I combined the sections on Riparian and Off-Site Land Mitigation. Seems that everything here revolves around whatever we end up with from the Army Corps of Engineers. We need to

decide whether we want this section "buried" in amongst the rest of the Elements Common, or if we should make it it's own section in Chapter 2. I am leaning towards the second. Reta and Tom - your thoughts??

4. Jonathan is going to research and write a paragraph under the title Reclamation Plan that basically talks about the intent of a Reclamation Plan, and generally what types of items the Plan will address, with a reference back to the Plan itself.

5. The remaining work is filling references and checking the wording of a couple of measures for accuracy.

Hopefully we can get this wrapped up early this week - with the possible exception of #3 which may need to wait for the Corps of Engineers.

Holler with comments/questions.

Terry Chute

"Terry Chute"  
<tjchute@msn.com>  
08/23/2010 11:05 AM

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<rlaford@fs.fed.us>, "Katherine Arnold"  
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