



Terry Rambler
Chairman

SAN CARLOS APACHE TRIBE

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Tao Etpison
Vice-Chairman

September 9, 2022

Via E-Mail and U.S. Postal Service

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250
Attn: Katharine.Ferguson@usda.gov

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240
Attn: Heidi.Todacheene@ios.doi.gov
Anthony.Rodman@bia.gov

The Honorable Susan Rice
Director
Domestic Policy Council
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500
Attn: Daron.T.Carreiro@who.eop.gov

Re: BLM Analysis of Serious Deficiencies in FEIS for Proposed Resolution Copper Mine

Dear Secretary Vilsack, Secretary Haaland and Ambassador Rice:

On behalf of the nearly 17,000 members of the San Carlos Apache Tribe (“Tribe), I write to renew the request to meet contained in our August 15, 2022, letter to you and provide the attached Bureau of Land Management Analysis (“BLM Analysis” or “Analysis”) of Water Data in the rescinded Final Environmental Impact Statement (FEIS) for the Proposed Resolution Copper Mine (RCM) we received on August 29, 2022, from the Tonto National Forest (TNF) highlighting serious deficiencies in the FEIS. RCM will destroy *Chi’chil Bildagoteel* (Oak Flat), a Traditional Cultural Property (TCP) listed on the National Register of Historic Places located in TNF that is sacred to the Tribe and other tribes in the region. Furthermore, we request that

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CEQ’s NEPA regulations effective May 20, 2022, and the Administration’s tribal policy directives apply to all federal actions relating to RCM given the RCM EIS process is pending, the deficiencies in the rescinded FEIS, the proposed obliteration of *Chi’chil Bildagoteel*, and the irreversible and devastating permanent health, safety, and environmental consequences of RCM. We further reiterate our request for a new EIS process on RCM.

It is my understanding that during formal consultation with the Salt River Pima Maricopa Indian Community (“SRPMC”), the SRPMC requested that the U.S. Forest Service (“USFS”) initiate a third-party review of the data in the FEIS related to potential water impacts from RCM. The Analysis was a review of the FEIS relating to hydrology and water resources impacts of RCM, focusing on public comments from SRPMC, other Tribes, and other governments about potential water impacts from RCM and adequacy of the FEIS in disclosing impacts.

The Analysis details fatal flaws in the FEIS in the following areas: 1) failure to account for climate change; 2) failure to address indirect effects on groundwater resources in the Cutter Basin on the San Carlos Apache Reservation; 3) failure to properly define baseline conditions for groundwater; 4) failure to accurately analyze long-term risks from the proposed Skunk Creek tailings storage facility (TSF) to warehouse 1.37 billion tons of hazardous waste in perpetuity; and 5) inadequate analysis of impacts to springs and streams. For these reasons alone, a new EIS process is needed.

Moreover, the adequacy of the USFS’s analyses of other areas and issues of major concern and how those were addressed in the FEIS were not topics addressed in the BLM Analysis. The Tribe raised numerous concerns in response to the Draft Environmental Impact Statement (“DEIS”), including risks to public health and safety, risks to water quality and supplies, risks to air quality, risks to cultural resources from a massive TSF at Skunk Camp, highly destructive mining techniques, risks to wildlife and vegetation, and non-compliance with permitting processes for massive pipeline, road, and electrical corridors throughout TNF. These matters also require and deserve critical review.

As we say in our Apache language, Ahi’yi’é (thank you) in advance for your review and consideration of our requests.

Sincerely,

SAN CARLOS APACHE TRIBE



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Cc: Arizona Tribal Leaders
c/o Maria Dadgar, Exec. Dir., ITAA, maria.dadgar@itcaonline.com

San Carlos Apache Tribe

Tao Etpison, Vice Chairman

San Carlos Council Members

Christabelle Mull, General Manager

A.B. Ritchie, AG, DOJ

Chrono