



U.S. Department of the Interior  
Bureau of Land Management

# Ray Land Exchange

Record of Decision  
Arizona State Office, Gila District Office

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# **RECORD OF DECISION**

**RAY LAND EXCHANGE/PROPOSED PLAN AMENDMENT**

**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

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## ACRONYMS AND ABBREVIATIONS

4WD	4-wheel-drive
ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
ASARCO	Asarco LLC
ATV	all-terrain vehicles
CFR	Code of Federal Regulations
DOI	U.S. Department of the Interior
ESA	Endangered Species Act
FEIS	<i>Final Environmental Impact Statement for the Ray Land Exchange/Plan Amendment</i>
Final SEIS	<i>Ray Land Exchange/Proposed Plan Amendment Final Supplemental Environmental Impact Statement</i>
FLEFA	Federal Land Exchange Facilitation Act of 1988
FLPMA	Federal Land Policy and Management Act of 1976
MPO	Mining Plan of Operation
NOA	notice of availability
NOD	Notice of Decision
OHV	off-highway vehicle
PWR	Public Water Reserves
ROD	Record of Decision
RMP	Resource Management Plan
SHPO	State Historic Preservation Officer
SR	State Route
SUV	sport-utility vehicles
USFWS	U.S. Fish and Wildlife Service

## BACKGROUND AND SUMMARY

This Record of Decision (ROD) approves the Ray Land Exchange and associated Resource Management Plan (RMP) amendments, analyzed in the U.S. Department of the Interior (DOI) Bureau of Land Management (BLM) *Final Environmental Impact Statement for the Ray Land Exchange/Plan Amendment* (BLM 1999) (FEIS) and the *Ray Land Exchange/Proposed Plan Amendment Final Supplemental Environmental Impact Statement* (BLM 2019) (Final SEIS).

The BLM issued the FEIS in June 1999 and signed an associated ROD on April 27, 2000. The ROD was not implemented because the land exchange was challenged in 2001. The Interior Board of Land Appeals affirmed BLM's decision in 2004, and the district court affirmed the decision again in 2007. But on appeal, the Ninth Circuit Court of Appeals issued an opinion in 2010 that reversed the lower court and found the analysis in the FEIS to be deficient. The court determined that BLM had assumed improperly that the manner and extent of Asarco LLC's (ASARCO's) new mining operations would be the same whether or not the United States owned the land. The court found that, as a result of that assumption, BLM had not adequately compared the environmental effects of exchanging the land with the effects on not exchanging the land.

The BLM subsequently supplemented the analysis in the FEIS by completing the Final SEIS. The purpose of the Final SEIS was to undertake the additional analysis described in the Ninth Circuit opinion. The Final SEIS provided further support for the FEIS's analysis of the potential impacts to the affected resources from the land exchange by describing any resource-specific differences in impacts from the foreseeable mining conducted on public land versus on private land. The Final SEIS also updated information contained in the FEIS regarding the environmental conditions and applicable laws and policies that had changed since BLM issued the FEIS.

Also, lands administered by the BLM to be exchanged (Selected Lands) originally included 10,976 acres. However, when updated appraisals revealed in 2018 that the value of these lands had increased, omitting some of these lands became necessary to comply with the statutory requirement that the federal and private lands to be exchanged be equal in value, with no more than a 25% cash equalization payment included. Therefore, this ROD approves a modification of the Proposed Action in the Final SEIS, which is to dispose of 9,339 acres of Selected Lands to ASARCO in exchange for 7,298<sup>1</sup> acres owned by ASARCO (Offered Lands) and a cash equalization payment of \$901,013; and to amend three applicable RMPs to change the land tenure status for all of the federal lands considered for exchange (10,976 acres) from retention to available for disposal, so the Ray Land Exchange can occur, as well as to facilitate the potential future disposal of the federal lands considered but not conveyed as a result of this ROD.

The Selected Lands are located near ASARCO's Ray Mine operations in southwestern Gila County and northeastern Pinal County. The Offered Lands are in Pinal and Mohave Counties.

As a result of the Ray Land Exchange, ASARCO will consolidate its land ownership in or near areas of ongoing mineral development at the Ray Mine, and the BLM Tucson and Kingman Field Offices will acquire private land containing important natural resources and other public values that will further BLM's land management objectives outlined in the *Phoenix RMP* (1989) and the *Kingman RMP* (1995).

Before public lands identified for disposal in the approved plan amendment and exchange that are currently withdrawn under Public Water Reserves (PWR 107) created through executive order (Public Water Reserve No. 107, April 17, 1926) can leave Federal ownership, all land withdrawals will be revoked (including Public Water Reserves) and the associated federally based water rights relinquished

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<sup>1</sup> This acreage is slightly different from the 7,304 acreage that is used in the Final SEIS as a result of an updated survey calculation which indicates that the Offered Lands total 7,298 acres.

by the Secretary as these lands are currently closed to settlement, location, sale or entry and reserved for federal use. Moreover, a non-Federal entity cannot hold title to a Federal reserved water right. The modification or revocation of a withdrawal is a separate action implemented by the Secretary of the Interior under the authority of the Federal Land Policy and Management Act of 1976 (FLPMA). The revocation of the existing withdrawal by the Secretary would remove the land withdrawal and the implied federal reserved water right on springs and waterholes and at that time the federal land could be disposed of through exchange.

## **RAY LAND EXCHANGE DECISION**

The Ray Land Exchange Decision is to:

1. Dispose of 9,339 acres (7,196 acres of full estate and 2,143 acres of subsurface mineral estate only) of Selected Lands, including the parcel groups referred to as Ray Mine Complex (5,350 acres) and Copper Butte (3,157 acres) and Chilito/Hayden (832 acres) in Pinal and Gila Counties, as described Appendix A and depicted in Appendix B; and
2. Acquire 7,298 acres (6,864 of full estate, and 434 of surface estate only) of the Offered Lands in exchange, including the Gila River Parcel at Cochran (320 acres) in Pinal County; and the Sacramento Valley (120 acres), Tomlin (three parcels totaling 314 acres), McCracken Mountains Group (10 parcels totaling 6,384 acres), and Knisely Ranch (3 parcels totaling 160 acres) in Mohave County, as described in Appendix A and depicted in Appendix B, along with a cash equalization payment of \$901,013.

## **RMP AMENDMENTS DECISIONS**

The RMP Amendments decisions are:

- Change the land tenure status of all the Selected Lands originally considered to be exchanged (10,976 acres) from “retention” to “available for disposal” in the applicable RMPs as follows (legal descriptions for these land parcels are described in Appendices A and C):
  1. Approximately 9,906 acres in the *Phoenix RMP* (1989);
  2. Approximately 637 acres in the *Lower Sonoran RMP* (2012); and
  3. Approximately 433 acres in the *Safford RMP* (1992, 1994) as part of the former Safford District Long-Term Management Area.

This change in land tenure status is required to ensure conformance with the applicable RMPs.
- Manage the Offered Lands in accordance with the decisions of the applicable RMPs as follows:
  1. Approximately 320 acres in accordance with the Phoenix RMP and
  2. Approximately 6,978 acres in accordance with the Kingman RMP. The Gila River Parcel at Cochran would be recommended for mineral withdrawal.

## **RATIONALE**

This ROD is based on consideration of information generated by the environmental review (FEIS and Final SEIS). The rationale is summarized as follows:



## General Considerations

The Selected Lands involved are located near existing or intended mining-related development areas near ASARCO's Ray Mine. Some of these lands have approved Mining Plans of Operation (MPOs) in place. Many acres are encumbered with mining claims, which protect ASARCO's interests against others and provide additional evidence of ASARCO's intention to mine.

The Offered Lands contain important natural resources and other public values that will further BLM's land management objectives in the *Phoenix RMP*, with respect to the Gila River Parcel at Cochran and in the *Kingman RMP*, with respect to the other Offered Lands.

## Public Interest Determination

As Section 206(a) of the FLPMA of 1976 requires, BLM determines that the public interest will be well served by making the Ray Land Exchange because, after giving full consideration to better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife, BLM finds that the values and the objectives that the Selected Lands may serve if retained in Federal ownership are not more than the values of the Offered Lands and the public objectives they could serve if acquired.

The basis for this finding includes information showing that the Ray Land Exchange will:

1. Provide new recreation and access opportunities on the Offered Lands. Key access through the Selected Lands is limited by routes across private lands which, along with ASARCO's intended mining, restrict access to public lands even without the land exchange;
2. Improve wildlife habitat by bringing the Gila River Parcel at Cochran, and the McCracken Mountains Parcel Group under federal protection and management. The Gila River Parcel at Cochran Parcel (320 acres) supports threatened and endangered species by providing critical habitat for the cactus ferruginous pygmy-owl and occupied habitat for the southwestern willow flycatcher. The McCracken Mountains parcels add 6,384 acres to the McCracken Desert Areas of Critical Environmental Concern (ACECs), which will provide protection to this Category I desert tortoise habitat. The Sacramento Valley and Tomlin parcels also support Category I and II desert tortoise habitat;
3. Improve riparian zones by acquiring parcels along the Big Sandy and Gila Rivers. Tomlin Parcel #4 and the Gila River Parcel at Cochran contain riparian values and enable more efficient management of riparian zones along those rivers;
4. Facilitate better BLM land management through the acquisition of private lands within special designation areas, including the McCracken Desert ACEC and the Mt. Tipton Wilderness Area, primarily by eliminating resource and use conflicts;
5. Improve management of mineral resources by disposing of 2,143 acres of split estate lands where BLM administers federal minerals with state or private surface, with operations approved under existing MPOs, without affecting the applicability of other agencies' environmental laws, including the Clean Water Act, the Clean Air Act, and State of Arizona reclamation laws;
6. The five historic properties that are present on the selected lands retained in Federal ownership will not be adversely affected by this decision. Historic properties that remain under Federal jurisdiction will benefit from the legal protections afforded by the 1979 Archaeological Resources Protection Act, and other applicable environmental and cultural resource laws and executive orders, as applicable. In addition, any future proposed land use actions would be subject to

separate review and analysis under the 1966 National Historic Preservation Act and the 1969 National Environmental Policy Act, as required by law; and

7. Additionally, the intended mining uses of the Selected Lands will not conflict significantly with the established land management objectives for adjacent federal lands, contained in the applicable RMPs as amended.

## **Consideration of Impacts on Public Access in Accordance with Secretarial Order 3373**

The BLM carefully considered the impacts this land exchange will have on public access for outdoor recreation, including hunting and fishing, in accordance with Secretary's Order No. 3373 (March 21, 2019). Secretarial Order 3373 requires that the agency decision include a discussion of the following factors when considering the disposal or exchange of public lands:

- (1) Existing recreational access that is utilized by the public or provided by road, trail, water, easement, or right-of-way, on the tract of BLM-managed public land being considered for disposal or exchange:

The recreation experiences that are pursued on the public lands surrounding parcels considered for exchange (selected lands) include backcountry driving for pleasure, off-highway vehicle (OHV) use, hiking, backpacking, camping, hunting, rock climbing, picnicking, wildlife viewing, and geology student field study trips. Dispersed recreation in the area is highly dependent on access via Battle Axe Road and a network of unimproved roads which cross a mix of public, private and state lands. While the public currently uses these routes, most of these roads cross private lands and do not provide legal public access as described below.

ASARCO controls access on Walnut Canyon Road, which connects Battle Axe Road and Rincon Road, and there is no legal public access on a short section north of the Pinal County ROW west of the Battle Axe corrals, approximately 2 miles from State Route (SR) 177. Legal access can be gained from Battle Axe Road to the eastern part of the White Canyon Wilderness using an OHV route that bypasses the section of Rincon Road across ASARCO property. ASARCO also controls access across several other private land parcels. Since 1999, ASARCO has purchased the surface estate from the State of Arizona reducing the amount of legal public access to this area.

The Walnut Canyon Road segment across ASARCO's private land in Walnut Canyon lacks legal public access on the primary route used to access the White Canyon Wilderness Area. However, users continue to utilize this road. Walnut Canyon Road provides the most direct motorized route to the White Canyon Trail, but there is no legal access across ASARCO's private land in Walnut Canyon. Users in these areas include primarily 4-wheel-drive (4WD) trucks and sport-utility vehicles (SUVs), high-clearance and modified 4WD vehicles, all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs), and off-road motorcycles. From SR 177 to the Battle Axe corrals, users may tow ATVs and UTVs, and non-highway licensed modified vehicles. The BLM constructed a small staging area along Battle Axe Road near the SR 177 intersection to provide temporary parking for accommodating recreational visitors' staging activities (trailer loading/unloading) and visitor information. Visitor use data indicates that recreational traffic levels overall have been increasing over the past 10 years.

- (2) The anticipated impacts from the BLM-managed public land disposal or exchange decisions on recreational access to adjacent tracts of publicly accessible lands, including lands managed by other Federal, State, and county agencies:

The land exchange would likely result in the near-term loss of most access to the White Canyons Wilderness Area, the White Canyon ACEC, and decrease or eliminate opportunities for dispersed recreation, including hunting, OHV driving, and sport climbing, along the Dripping Springs ridge



and Tam O'Shanter Peak areas. However, there is currently no legal public access to many of these routes and recreational areas and the eventual loss of this access is expected regardless of the land exchange as described below.

Regardless of the land exchange, foreseeable mining operations on the federal lands would result in the public losing non-motorized recreation opportunities on between 4,078 and 5,347 acres of public land (depending on level of disturbance and mining-activity related restrictions) and would result in the loss of motorized access and recreation on up to 30.8 miles of existing routes.

Retention of 1,637 acres, including 5.32 miles of the Kane Canyon road and associated routes will result in reduced impacts to dispersed recreational opportunities and access in those areas. However, access to and beyond that point will still be restricted or eliminated given that the road will still cross private lands and lands conveyed into private ownership.

Motorized access to the White Canyon Wilderness trailhead via Rincon and Battle Axe Road and associated recreational opportunities would be lost as a result of foreseeable mining operations. Only the Battle Axe Road is maintained for standard low-clearance vehicles. Foreseeable mining operations would also close other routes surrounding the White Canyon Wilderness that are on the Selected Lands to public access. There is legal public access to the White Canyon Wilderness via Battle Axe Road and existing OHV routes that bypass ASARCO's private land; however, there is no legal access across ASARCO's Walnut Canyon parcel to the White Canyon Wilderness, including the White Canyon trailhead and Rincon Road.

Recreational opportunities on the White Canyon ACEC would be lost as foreseeable mining operations would likely close routes leading into the ACEC to public use. No alternative route exists to access the ACEC.

Foreseeable mining operations are also anticipated to result in closure of legal public access to public land along a transmission line service road, a route that bypasses ASARCO private property. The anticipated closure of Battle Axe Road would also eliminate access to the historic coke ovens and portions of the Gila River via SR 177. While these destinations would be accessible via routes outside of the analysis area, these alternate access options would take many more hours to reach the destination, would require completely different access points, and may be limited to highly-capable off-road vehicles.

The information provided by ASARCO regarding foreseeable mining operations is not sufficiently detailed to determine with certainty which, if any, lands might remain available for public access and recreation after surface use authorization. It is also not possible to determine the length of time that access routes identified above will remain available for public access and recreation if the No Action Alternative had been selected and mining occurred on federal lands. For purposes of comparison between alternatives and based on the available information, the No Action Alternative would likely result in additional time before impacts to public access and recreation occurred, and could result in retention or relocation of some access routes.

No other specific impacts to lands managed by other Federal, State, or county agencies is expected.

- (3) Potential increased public recreational access to existing public lands resulting from the proposed land acquired through an exchange:

The lands acquired through the exchange would, at a minimum, provide new opportunities for immediate public access to dispersed recreation, including hunting opportunities, on 7,298 acres. Additionally, the location of these lands would increase access to, and recreational opportunities in, the 30,760-acre Mount Tipton Wilderness, the 112,400-acre Warm Springs Wilderness, the 244,000-acre Big Sandy Herd Management Area, public waters of the Gila River, and the

McCracken Mountains. An equivalent increase in recreational use would be expected to these areas. These lands provide incredible wildlife habitat, scenic values, and a variety of recreational opportunities.

In sum, BLM finds that the Ray Land Exchange will have a net benefit to the public interest because the values of the Offered Lands and the public objectives they could serve are numerous and include significant new recreation opportunities and benefits to wildlife, wildlife habitat and riparian areas, and consolidated management of federal lands. The disposal of the Selected Lands parcels will not significantly affect the values and the objectives that the Selected Lands may serve if retained in Federal ownership, given the foreseeable mining use and its potential effects on recreation, access, and wildlife habitat.

## **Equal Value Requirement**

Section 206(b) of the FLPMA requires that any difference in the appraised values of the Selected Lands and the Offered Lands may be equalized through a cash payment from an exchange proponent of up to 25% of the value of the Selected Lands to be conveyed, and/or the acreages proposed for exchange may be adjusted. This requirement ensures that the exchange is balanced and fair in terms of monetary value.

All of the federal lands to be exchanged originally were reappraised in 2018 at \$4,072,548 (with various acre values), and the Offered Lands were reappraised at \$2,706,000 (with various acre values). Thus, the federal lands were reappraised at \$1,366,548 or 33% more than the Offered Lands. In order to comply with the requirement in Section 206(b) of FLPMA that an equalization payment be no more than 25% of the Selected Lands to be conveyed, federal lands under consideration valued at \$465,535 (1,637 acres with various acre values) were dropped from the exchange, reducing the value of the Selected Lands to be conveyed to \$3,607,013, with a new difference in value of \$901,013 (24.97%), which ASARCO will make up with a cash equalization payment. Funds received as a result of this exchange would be used by BLM Arizona, consistent with the Federal Land Transfer Facilitation Act (FLTFA), to fund future acquisitions to improve public access and protect wildlife habitat and migration corridors.

## **ALTERNATIVES CONSIDERED**

In addition to the Proposed Action, the BLM analyzed three alternatives in the Final SEIS, which included the No Action, Buckeye, and Copper Butte Alternatives. The BLM did not select these alternatives because the Proposed Action as modified provided the greatest net benefit to the public, based on relevant factors, including economic and technical considerations and agency statutory missions, along with considerations of national policy, which were included and balanced as part of the Public Interest Determination above. Complete details for each alternative are provided in Chapter 2 of the Final SEIS.

### **No Action**

Under the No Action Alternative, no lands would be exchanged. The Selected Lands would remain in federal ownership and continue to be managed by BLM in accordance with the FLPMA and the *Lower Sonoran, Phoenix, and Safford RMPs*. The Offered Lands would remain in ASARCO's ownership. ASARCO indicated that it still intended to conduct mining operations on the Selected Lands if BLM selected the No Action Alternative, with the BLM's surface management regulations at 43 CFR subpart 3809 applicable to prevent unnecessary or undue degradation of the lands, in addition to state and other federal applicable regulation.

### **Buckeye**

The BLM developed the Buckeye Alternative in response to issues raised in public scoping comments regarding the proposed disposal of lands near Walnut Creek. The Buckeye Alternative would reduce the

amount of Selected Lands from 10,976 acres to 10,176 acres by excluding 800 acres in the Copper Butte/Buckeye area. Under this alternative, all Offered Lands would be included, except 640 acres in the McCracken Mountains Parcel Group, reducing the amount of Offered Lands from 7,298 acres to approximately 6,658 acres.

## **Copper Butte**

The BLM developed the Copper Butte Alternative in response to issues regarding recreation and access to the White Canyon Wilderness Area through Selected Land parcels in the Copper Butte/Buckeye area, southwest of SR 177 and just outside the White Canyon Wilderness Area. The Copper Butte Alternative would reduce the amount of Selected Lands from 10,976 acres to 9,161 acres by excluding 1,815 acres in the Copper Butte/Buckeye area. Under this alternative, all Offered Lands would be included, except 1,698 acres in the McCracken Mountains Parcel Group, reducing the amount of Offered Lands from 7,298 acres to approximately 5,600 acres.

## **Alternatives Considered but Eliminated**

The BLM initially also considered other alternatives but eliminated them from detailed analysis, see Chapter 2 of the FEIS for more information. These alternatives included:

1. Expanded Plan Amendment Alternative, to identify and re-designate additional lands in the Ray Mine Complex area for disposal;
2. Long-Range Prospect Alternative, to exclude Selected Lands classified in the Long-Term Prospect foreseeable mining use category;
3. Split-Estate Alternative, to exclude certain split-estate acres for which the Arizona State Land Department manages the surface;
4. Mining Plan of Operations Alternative, to require ASARCO to submit an MPO for the Selected Lands;
5. Hackberry Alternative, to retain in federal ownership a substantial number of archaeological sites, several intermittent springs, and Category II desert tortoise habitat;
6. Production Lands Alternative, to include only the Selected Lands that would be actively mined and receive direct impacts; and
7. No Mining Election Alternative, under which the mineral resources on the Selected Lands would not be developed.

## **Environmentally Preferred Alternative**

The modified Proposed Action is considered to be environmentally preferable because this option resulted in the best net protection of the human and physical environment involved, by disposing of federal lands on which mining is intended in exchange for private lands containing new recreational opportunities and wildlife habitats, along with other valuable public resources.

## **MEASURES TO MINIMIZE IMPACTS**

1. All practical means to avoid or minimize environmental harm have been adopted;
2. Impacts from the land exchange to historic properties located on the Selected Lands will be addressed through a Programmatic Agreement, and
3. No additional measures or mitigation were identified to minimize impacts from the Proposed Action.

## **PUBLIC INVOLVEMENT**

The BLM has taken a variety of steps to inform the public, special interest groups, and local, state, and federal agencies about the Ray Land Exchange and RMP Amendments, and to solicit feedback to help shape the scope and alternatives of this project.

These efforts began in the mid-1990s when the Ray Land Exchange was first proposed. Public involvement activities included public and agency scoping activities, scoping meetings, Draft EIS review meetings, mailing list development, communications, and consultation with tribes.

Public involvement efforts for the SEIS built upon the previous public involvement activities, including multiple contacts and mailings with interested parties and key stakeholders and through press releases to media outlets. All public comments and information received by BLM through the public outreach and consultation process were considered in the formulation of the Final SEIS.

The BLM published a notice of availability (NOA) in the *Federal Register* on November 17, 2017, initiating a 90-day comment period on the Draft SEIS. Four public meetings were held to provide an overview of the Draft SEIS, answer questions, and solicit public input.

The BLM published an NOA for the Final SEIS in the *Federal Register* on July 12, 2019, distributed electronic and printed copies of the Final SEIS by mail to requesting parties, and made copies available at BLM offices and on the Internet.

The Arizona Governor's Office completed a 60-day governor's consistency review of the Final SEIS (Proposed Plan Amendments) on August 23, 2019.

No cooperating agencies are associated with this project.

The BLM consulted with the Ak-Chin Indian Community, Gila River Indian Community, Hopi Tribe, Salt River Pima-Maricopa Indian Community, San Carlos Apache Tribe, Tohono O'odham Nation, and White Mountain Apache Tribe on an ongoing basis.

In consultation with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP), BLM developed a Programmatic Agreement effective October 12, 2018 (see Appendix D).

The BLM completed consultation with U.S. Fish and Wildlife Service (USFWS) on federally listed species and proposed or designated critical habitat on the Final EIS in 2000. Additional consultation was completed for newly listed species and proposed or designated critical habitat in 2013 and 2018.

## **RESOLUTION OF PROTESTS**

There was a 30-day protest period on the land use planning decisions. The land use planning decisions are:

- The decision to change the land tenure allocation on the Selected Lands from 'retention' to 'available for disposal;' and
- The decision on the designations, allocations, objectives, and management direction applicable to the Offered Lands.

During the 30-day protest period, the BLM Director received one protest letter. There were three protest points that were remanded back to the State Director for consideration, clarification, further planning, or other appropriate changes to resolve the protest. These three protest points were resolved as follows:

**Protest Point:** *The BLM has violated the Endangered Species Act (ESA) by failing to adequately consult on the impacts of the land use planning decisions on the two new listed species: acuña cactus and Gila chub.*

**Response:** The BLM has adequately complied with the Endangered Species Act on the adoption of the proposed action. The BLM consulted with the USFWS on all species listed, or proposed for listing, under the ESA, and all designated or proposed critical habitat that may be affected by the proposed action. The BLM submitted a biological assessment to the USFWS that analyzed the direct and indirect effects of the proposed action on June 14, 2013. The BLM received a letter of concurrence on August 7, 2013.

**Protest Point:** *The BLM has violated NEPA by failing to consider any new alternatives in the 2019 Final SEIS/Proposed RMP Amendments, and specifically in failing to consider a reasonable alternative to allocate all acquired lands (Offered Lands) as “recommended for withdrawal.”*

**Protest Point:** *The BLM has violated NEPA by failing to provide a meaningful response to comments provided on the 2017 Draft EIS/Proposed RMP Amendment that presented a reasonable alternative (to allocate all acquired lands [Offered Lands] as “recommended for withdrawal”) for the Land Use Plan decision of locatable minerals.*

**Response:** The BLM should have responded to the comment suggesting the BLM analyze in detail an alternative to withdraw all Offered Lands from mineral entry but instead interpreted the comment to question equalization of land values. BLM did not analyze the suggested alternative because it is substantially similar to the Proposed Action. Under the Proposed Action, less than 2% of the Offered Lands would be available for mineral development under federal mining law. This is because there is a deed restriction on the McCracken Mountain parcels that prohibits mining on these parcels. The Knisely Ranch parcels are located within the Mount Tipton Wilderness making these parcels closed to mineral entry. Of the remaining parcels, as identified in the FEIS, the BLM would recommend withdrawal from mineral entry for the Gila River Parcel at Cochran parcel. The Tomlin Parcel Group subsurface mineral estate is owned by the Santa Fe Pacific Railroad. The 120-acre Sacramento Valley parcel is the only parcel with federal mineral estate that would be available for general mining. The majority of the Offered Lands exhibited a low potential for salable, leasable, or locatable mineral resources; approximately 1,126 acres have a moderate potential for locatable mineral resources. Thus, mineral entry is unlikely to occur on any of the Offered Lands.

The remaining protest points were dismissed.

No comments regarding potential inconsistencies with State and local plans, programs, and policies were received from the Governor’s Office during the Governor’s Consistency Review.

## **ADDITIONAL POINTS BROUGHT UP IN THE PROTEST LETTER**

The protest letter that the BLM received contained comments on the Final SEIS. The BLM took a hard look at these comments. Most of these comments, including concerns about the land exchange being in the public interest, failure to accurately value the minerals and waters in the Selected Lands and include all appraisal information for public review, were previously addressed in the Final SEIS as part of the response to comments on the Draft SEIS and responses are captured in Appendix J. The following comments warrant a follow-up response:

**Comment:** *The BLM should have analyzed the differences between federal regulatory oversight under the Part 2900 regulations and Arizona law - which does not have nearly the same level of protection for public resources and the public interest (due to lack of evidence/proof that each and every claim is valid under the Mining Law).*

**Response:** The BLM is using the foreseeable use scenario (see Appendix C in the Final SEIS) as a foundation for its comparative analysis of the impacts of what may occur on the Selected Lands under all alternatives. Based on this foreseeable use scenario, which contemplates the development of mineral resources subject to disposal under the U.S. mining laws, BLM believes that it appropriately used its regulations at 43 Code of Federal Regulations (CFR) subpart 3809 governing mining operations for such minerals as the framework for the No Action alternative.

**Comment:** *The BLM cannot transfer presidentially-decreed federal water rights and property out of federal ownership.*

**Response:** Congress gave authority to the Secretary of the Interior to use Public Land Orders to establish, modify, extend, or revoke public land withdrawals when the President signed FLPMA. Therefore, the Secretary has the authority, prior to conveyance of the Selected Lands, to revoke the PWR 107 reservation around the 18 springs and water holes. The Secretary would revoke the PWR 107 reservation prior to conveying the land to ASARCO. As such, the BLM would not be transferring the presidentially decreed water rights. Subsequently, BLM would notify the Arizona Department of Water Resources that the claims for PWR 107 federal water rights on the 18 springs are no longer valid.

**Comment:** *The Proposed Land Exchange Does Not Serve the Public Interest.*

**Response:** The EIS (FEIS and Final SEIS) provides the analysis of values and uses for the public interest determination as referred to in 43 CFR 2200 by comparing the resources, habitats and values, the local and regional economies and needs, and opportunities for improving management of public lands. In compliance with NEPA and FLPMA, the EIS/SEIS has been subject to public review. The rationale for the public interest determination for the land exchange is described in this ROD.

**Comment:** *Failure to adequately analyze all direct, indirect, and cumulative impacts. Specifically, outside of generalized and brief discussions of mining, the FSEIS fails to contain detailed analysis of potential mining impacts. Also, the FSEIS fails to analyze the impacts from a large tailings facility and associated infrastructure for the Resolution Copper Mine in/near Skunk Camp, which is within the Ray Mine watershed.*

**Response:** The Ninth Circuit noted that the BLM did not need to require ASARCO to “file full-fledged MPOs for the mining it will conduct on the selected lands. But it does mean that, based on the information now reasonably available, the BLM must make a meaningful comparison of the environmental consequences.” BLM has done this comparative analysis, based on the detailed information provided by ASARCO (see Appendix C in the Final SEIS). Additional detail regarding the manner and intensity at which ASARCO would conduct mining operations would only be discernible if an applicant were to submit a site-specific proposed mining plan of operations. Without having such detailed information, it is not possible for BLM to conduct the highly technical, time-intensive, and iterative analysis of the potential impacts associated with its review of any proposed mining operations.

At the time that the BLM was preparing the Ray Land Exchange Final SEIS, the tailings facility near Skunk Camp was not part of Resolution Copper’s General Plan of Operations. While the Draft EIS for the Resolution Copper Project and Land Exchange does identify the tailings facility near Skunk Camp as the Preferred Alternative, the Draft EIS for the Resolution Copper Project was not released

for public review until August 2019. This was after the publication of the Ray Land Exchange Final SEIS in July 2019. Thus this new information was not available to the BLM at the time of preparation of the Ray Land Exchange Final SEIS and is not a basis for supplementing the analysis in the Final SEIS.

In addition, the only water-related issue that would be included for analysis would be impacts to water rights, since cumulative impacts are only addressed for resources that had direct and indirect impacts identified from the Proposed Action and alternatives (40 CFR 1508.7). The Final SEIS states in Section 4.12.2 (Cumulative Impacts – Water Resources, page 116), “As detailed in Section 4.3, the proposed land exchange would have no impact on surface water quality and quantity, or groundwater quality and quantity. ASARCO would be required to comply with the same regulations on water resources, regardless of the alternative chosen. . . . At this time, the only foreseeable federal land exchange/disposal in the CIAA [cumulative impacts analysis area] is the Resolution Copper land exchange. It is unknown at this time what FRWRs [federally reserved water rights] may be impacted by that exchange.”

**Comment:** The BLM failed to fully consider the No-Mining Alternative.

**Response:** The BLM addressed the “No Mining Alternative” in the FEIS Section 2.3.7 (page 2-24). Additionally, “No Mining Alternative” comments have been previously addressed in FEIS Section 2.3.7 (page 2-24), as well as responses on 7-8 and 7-49 of the FEIS.

**Comment:** *The BLM failed to fully consider regulation of mining on the selected lands pursuant to BLM’s special use/FLMPMA’s regulations and multiple use authorities besides Part 3809.*

**Response:** The BLM is using the foreseeable use scenario (see Appendix C of the Final SEIS) as a foundation for assumptions for what may occur on the Selected Lands under all alternatives. Based on this foreseeable use scenario, which contemplates the development of mineral resources subject to disposal under the U.S. mining laws, BLM believes that it appropriately used its regulations at 43 CFR subpart 3809 governing mining operations for such minerals.

**Comment:** *The BLM failed to analyze an equal acreage and interests exchanged alternative.*

**Response:** The basis for equalization is the land appraisal values. The land values are determined by the Department of the Interior Appraisal and Valuation Services Office. When the exchange was first proposed, the land values were nearly equal. Since that time, the land values have changed, making it necessary to adjust the acreages included in the exchange to ensure compliance with FLPMA and Federal Land Exchange Facilitation Act of 1988 (FLEFA), which require that the exchanged lands must be nearly equal (with allowance for up to 25% cash equalization). If a land exchange is approved, the values of the lands (not acres of lands) would be in compliance with FLPMA/FLEFA.

**Comment:** *The BLM failed to analyze an alternative that reduces the acreage and interests ASARCO receives and not the amount the public receives.*

**Response:** The appraised values of the subject parcels are the basis for equalization, not the acreages of public or private lands. In accordance with FLPMA/FLEFA, the value of lands being acquired will be within 25% of the value of the public lands being conveyed.

**Comment:** *The BLM failed to analyze an alternative where all buffer interests and acres remain in BLM management.*

**Response:** The range of alternatives analyzed by BLM covers the alternative proposed by the comment. Also, the FEIS provides rationale for why this alternative was eliminated (FEIS 2.3.6, Production Lands Alternative, page 2-18). Note that between the FEIS and the Draft SEIS, the term “Intermittent Lands” was revised to “Buffer.”



**Comment:** *The BLM failed to analyze an alternative where all of Parcel RM-18 remains in BLM management.*

**Response:** While there might not be direct mining impacts on the “Buffer” lands, the foreseeable use scenario suggests they may be subject to mining disturbances up to 5% which makes the rationale for the elimination of the “Hackberry” alternative applicable to this alternative (addressed in 2.3.5, Hackberry Alternative in the FEIS, page 2-18). There is also a detailed response in the Final SEIS Appendix J, comment 117-91.

**Comment:** *The BLM failed to analyze an alternative that excludes all of the CG parcels.*

**Response:** The range of alternatives analyzed by BLM covers the alternative proposed by the comment. In addition, there is a detailed response to this comment in the Final SEIS Appendix J, comment 117-92.

## **ERRATA TO THE FINAL SEIS**

The Final EIS and Final SEIS presented conflicting information regarding the mineral potential of the Offered Lands and the ownership of the subsurface mineral estate of the Offered Lands. An errata sheet has been prepared and is posted on the project ePlanning website. The errata sheet should be attached to the Final SEIS to provide the correct information.

## APPROVAL OF THE RAY LAND EXCHANGE DECISION

I approve the Ray Land Exchange Decision for the reason explained above. Pursuant to BLM regulations at 43 CFR 2200.7-1(b), the proposed land exchange decisions that can be protested are:

1. Acquisition of up to 7,298 acres of private land in Pinal and Mohave Counties.
2. Disposal of up to 9,339 acres of public lands near ASARCO's Ray Mine Complex and Copper Butte properties in Pinal and Gila Counties.


The proposed land exchange is open for a 45-day protest period beginning the date that the BLM publishes the Notice of Decision (NOD) in a general circulation newspaper. All protests must be in writing and mailed to the following address:

State Director  
*Attn: Project Manager – Ray Land Exchange protest*  
U.S. Bureau of Land Management  
Arizona State Office  
One North Central Avenue, Suite 800  
Phoenix, Arizona 85004-4427

The authorized officer will resolve the proposed land exchange protests. Implementation of the Decision occurs only upon expiration of the 45-day protest period initiated by the publication of the NOD (43 CFR 2201.7-1) and the resolution of any protests.

Before including your address, telephone number, email address, or other personal identifying information in either protest, be advised that your entire protest—including your personal identifying information—may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

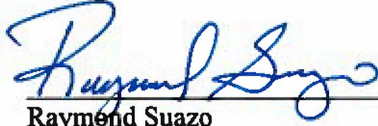
  
\_\_\_\_\_  
Scott Feldhausen  
Bureau of Land Management  
Gila District Manager

  
\_\_\_\_\_  
Date

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**APPROVAL OF THE RMP AMENDMENTS DECISION**

I approve the RMP Amendments Decision for the reasons explained above. This RMP Amendments Decision is effective on the date I signed below.



Raymond Suazo  
Bureau of Land Management  
Arizona State Director

10-24-2019  
Date

## APPENDICES

## **Appendix A – Legal Descriptions of the Selected Federal Lands (RMP Amendment Decisions for Lands that Will Be Conveyed) and the Offered Private Lands**

(The legal descriptions of the Selected Federal Lands are also a description of the RMP Amendment decisions for all of the lands that will have a changed land tenure status from “retain” to “available for disposal” for lands that will be conveyed to ASARCO)

### SELECTED FEDERAL LANDS TO BE EXCHANGED – 9,339 ACRES

Gila and Salt River Base and Meridian

#### **Phoenix RMP**

*The following legal descriptions are for lands that will be changed from “retention” to “available for disposal” in the Phoenix RMP*

T. 2 S., R. 13 E.,

Section 34, W $\frac{1}{2}$ NE $\frac{1}{4}$  (80 acres); NW $\frac{1}{4}$  (160 acres); N $\frac{1}{2}$ SW $\frac{1}{4}$  (80 acres); SW $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres); Lot 2 (32.96 acres); Lot 3 (28.09 acres); Lot 4 (1.62 acres); Lot 8 (0.36 acres).

Section 34, Lot 9 (5.23 acres).

Section 35, W $\frac{1}{2}$ NW $\frac{1}{4}$  (80 acres).

T. 3 S., R. 12E.,

Section 24, SE $\frac{1}{4}$  (160 acres).

Section 25, SW $\frac{1}{4}$  (160 acres); E $\frac{1}{2}$  (320 acres).

Section 26, (640 acres).

T. 3 S., R. 13E.,

Section 1, Lot 3 (39.73 acres); Lot 4 (39.61 acres); Lot 5 (34.53 acres); Lot 6 (37.87 acres); Lot 7 (6.50 acres); S $\frac{1}{2}$ NW $\frac{1}{4}$  (80 acres); NW $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres).

Section 2, Lot 12 (5.15 acres); Lot 13 (2.06 acres).

Section 8, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  (20 acres); SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (10 acres); E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (5 acres); SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (2.5 acres); S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (5 acres); SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  (2.5 acres).

Section 9, Lot 1 (34.89 acres); Lot 2 (17.46 acres); E $\frac{1}{2}$ NE $\frac{1}{4}$  (80 acres); SW $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres); W $\frac{1}{2}$ SE $\frac{1}{4}$  (80 acres).

Section 10, Lot 1 (51.10 acres); Lot 2 (37.97 acres); Lot 4 (21.06 acres); Lot 5 (0.02 acres); N $\frac{1}{2}$ NW $\frac{1}{4}$  (80 acres); SW $\frac{1}{4}$ NW $\frac{1}{4}$  (40 acres).

Section 11, Lot 3 (29.97 acres); Lot 11 (0.08 acres); Lot 12 (0.49 acres); Lot 13 (0.39 acres); Lot 14 (0.02 acres).

Section 12, Lot 1 (21.11 acres); Lot 2 (26.63 acres); Lot 5 (39.31 acres); Lot 6 (39.93 acres); Lot 7 exclusion (5.26 acres); SE $\frac{1}{4}$  exclusion (96.51 acres).

Section 13, Lot 4 (24.62 acres); Lot 8 (38.81 acres); Lot 9 (21.58 acres); Lot 10 (6.04 acres); Lot 11 (11.62 acres); Lot 12 (8.50 acres); Lot 13 (35.69 acres); Lot 14 (20.57 acres); SE $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres).

Section 17, E $\frac{1}{2}$  (320 acres); E $\frac{1}{2}$ SW $\frac{1}{4}$  (80 acres); SW $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres); E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (20 acres); SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres); SE $\frac{1}{4}$ NW $\frac{1}{4}$  (40 acres); S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  (5 acres); E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  (20 acres); SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  (10 acres).

Section 19, Lot 1 (47.87 acres); Lot 2 (37.37 acres); Lot 3 (37.35 acres); Lot 4 (32.15 acres); Lot 5 (39.64 acres); Lot 6 (49.12 acres); Lot 7 (48.03 acres); Lot 8 (26.34 acres); Lot 9 (0.03 acres); Lot 10 (24.07 acres); NE $\frac{1}{4}$ NW $\frac{1}{4}$  (40 acres); NE $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres); E $\frac{1}{2}$  SE $\frac{1}{4}$  (80 acres).

Section 20, W $\frac{1}{2}$ NW $\frac{1}{4}$  (80 acres); W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$  (40 acres); NW $\frac{1}{4}$ SW $\frac{1}{4}$  (40 acres); W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  (20 acres); W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  (10 acres).

Section 22, S $\frac{1}{2}$  (320 acres).

Section 23, W $\frac{1}{2}$ SW $\frac{1}{4}$  (80 acres).

Section 26, W $\frac{1}{2}$ W $\frac{1}{2}$  (160 acres).

Section 27, E $\frac{1}{2}$ NW $\frac{1}{4}$  (80 acres); NE $\frac{1}{4}$  (160 acres); N $\frac{1}{2}$ SE $\frac{1}{4}$  (80 acres); SE $\frac{1}{4}$ SE $\frac{1}{4}$  (40 acres); N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (20 acres); N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  (10 acres).

Section 30, Lot 1 (28.32 acres); Lot 2 (25.36 acres); Lot 3 (29.32 acres); Lot 4 (37.41 acres); Lot 5 (37.49 acres); Lot 6 (37.56 acres); E $\frac{1}{2}$ NE $\frac{1}{4}$  (80 acres); SW $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres); SE $\frac{1}{4}$ NW $\frac{1}{4}$  (40 acres); E $\frac{1}{2}$ SW $\frac{1}{4}$  (80 acres); SE $\frac{1}{4}$  (160 acres).

Section 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$  (40 acres).

Section 35, NW $\frac{1}{4}$ NW $\frac{1}{4}$  (40 acres).

Public lands in Township 3 South Range 13 East contain the following encumbrances:

1. AZAR-0004524. Road Rights-of-way (Arizona State Highways). Issued May 15, 1953. Perpetual. 20 acres. Section 8: SW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ /S $\frac{1}{2}$ , Lots 1, 4, 5. NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .
2. AZAR-0004525. Road Rights-of-way (Arizona State Highways). Issued May 15, 1953. Perpetual. 5.3 acres. Section 17: NE $\frac{1}{4}$ NW $\frac{1}{4}$ /NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ .
3. AZAR-0024241. Road Rights-of-way (Arizona State Highways). Issued June 22, 1960. Perpetual. 20.66 acres. Section 23: W $\frac{1}{2}$ SW $\frac{1}{4}$ .



4. AZA-021389. Road rights-of-way (Pinal County Highway Department). Issued November 22, 1985. 30.3 acres. Section 8: SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>. Section 17: W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>, E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>. Section 19: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, and Lots 1, 5. Section 20: NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>.
5. AZA-008778. Electrical line rights-of-way (Arizona Public Service). Issued December 22, 1975. 50 years. 457.28 acres. Section 8: W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>. Section 17: W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>. Section 20: W<sup>1</sup>/<sub>2</sub>E<sup>1</sup>/<sub>2</sub>.
6. AZAR-0033336, assigned AZA-037655 for renewal by BLM to occur in the 4th quarter of 2019. Electrical line rights-of-way (Arizona Public Service). Issued October 21, 1968. 50 years. 2.06 acres. Section 8: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; Lot 5. Section 17: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>. New term and legal description is not yet available.
7. AZPHX-0086749. Electrical line rights-of-way (SRP Public lands). Issued April 7, 1927. Perpetual. 208.79 acres. Section 8: NW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>. Section 17: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>.
8. AZA-006541. Telephone line rights-of-way (Quest/Century Link). Issued June 1, 1973. 50 year term. 2.47 acres. Section 8: SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, Lots 3, 5, 6. Section 17: NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>.
9. AZAR-0002148. Gas pipeline (Southwest Gas Corp). Issued October 5, 1951. Perpetual. 69.38 acres. Section 8: W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>; Lots 1, 2, 4, 5. Section 17: N<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>.

T. 3 S., R. 14 E.,

Section 6, Lot 4 (35.29 acres); Lot 5 (35.25 acres); Lot 12 (17.60 acres).

Section 7, Lot 2 (22.73 acres); Lot 3 (35.19 acres); Lot 4 (35.21 acres); Lot 8 (28.28 acres); Lot 11 (0.21 acres).

Section 17, Lot 4 (39.51 acres); SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (40 acres).

Section 18, Lot 2 (35.10 acres); Lot 5 (32.66 acres); Lot 6 (31.90 acres); Lot 7 (39.99 acres); Lot 8 (19.92 acres); Lot 9 (42.10 acres); Lot 10 (33.38 acres); Lot 11 (34.84 acres); Lot 12 (38.88 acres); Lot 13 (34.21 acres); SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (40 acres); SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (40 acres); E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> (80 acres); W<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> (80 acres).

Section 19, Lot 1 (34.86 acres); E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> (80 acres); NE<sup>1</sup>/<sub>4</sub> (160 acres).

Section 20, NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (40 acres).

Section 33, NW<sup>1</sup>/<sub>4</sub> (160 acres); S<sup>1</sup>/<sub>2</sub> (320 acres).

Section 34, S<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> (80 acres).

T. 4 S., R. 14 E.,

Section 4, Lot 1 (35.04 acres); Lot 2 (35.13 acres); Lot 3 (35.23 acres); Lot 4 (26.94 acres); Lot 5 (30.73 acres); S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> (80 acres); SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (40 acres).

Section 5, Lot 1 (36.12 acres); Lot 2 (41.52 acres); Lot 3 (38.51 acres); Lot 4 (39.94 acres); Lot 5 (38.52 acres); Lot 6 (38.52 acres); Lot 7 (43.44 acres); Lot 8 (40.00 acres); Lot 9 (39.67 acres); Lot 10 (40.12 acres); Lot 11 (39.13 acres); Lot 12 (39.67 acres).

T. 5 S., R. 15 E.,

Section 28, S½ (320 acres), NW¼ (160 acres).

**Safford District RMP**

*The following legal descriptions are for lands that will be changed from “retention” to “available for disposal” in the Safford District RMP*

T. 2 S., R. 14 E.,

Section 31, Lot 3 (35.42 acres); Lot 4 (35.34 acres).

T. 4 S., R. 15 E.,

Section 22/27, Tract 37 (262.72 acres).

Section 27, Tract 38 (1.91 acres), Tract 39 (7.55 acres).

Public lands in Township 4 South Range 15 East contain the following encumbrance.

1. AZA-024678. Telephone line rights-of-way (Quest/Century Link). Issued November 1, 2010. 30 year term. 14.22 acres. Section 22: Tract 37 (aliquot part not delineated). Section 27: Tract 37, Lots 1, 2, 3, 7, 8.

T. 5 S., R. 15 E.,

Section 11, N½NE¼ (80 acres).

**Total federal lands exchanged: 9,339.05 acres**

**OFFERED PRIVATE LANDS – 7,298 ACRES**

Gila and Salt River Base and Meridian

**Gila River Parcel at Cochran – 320 acres, Pinal County, Arizona**

T. 4 S., R. 12 E.,

Section 6: SE $\frac{1}{4}$

Section 7: NE $\frac{1}{4}$

Pinal County Tax Parcel Numbers: 301-01-001A and 301-01-001B

Except any portion lying within the Railroad right-of-way.

Except all coal and other minerals as reserved from a portion of said land in the Patent to a portion of said land recorded September 9, 1930 in Book 48 of Deeds, Page 404, records of Pinal County, Arizona.

**Sacramento Valley – 120 acres, Mohave County, Arizona**

T. 19 N., R. 19 W.,

Section 23: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  (120.00 acres).

Mohave County Tax Parcel Numbers: 209-21-019, 209-21-020, and 209-21-021

**Knisely Ranch – 160 acres, Mohave County, Arizona**

T. 25 N., R. 18 W.,

Section 4: SW $\frac{1}{4}$ NW $\frac{1}{4}$  (40.00 acres).

EXCEPT one-half of all oil, gas and mineral rights, as reserved in Deed recorded in Book 56 of Deeds, page 486, records of Mohave County, Arizona.

Section 17: E $\frac{1}{2}$ NE $\frac{1}{4}$  (80.00 acres).

EXCEPT all oil, gas, coal and minerals, as reserved in Deed recorded in Book 52 of Deeds, page 497, records of Mohave County, Arizona.

EXCEPT one-half of all oil, gas and mineral rights, as reserved in Deed recorded in Book 56 of Deeds, page 486, records of Mohave County, Arizona.

Section 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$  (40.00 acres).

Mohave County Tax Parcel Numbers: 316-01-031, 316-01-028, and 316-01-021

**McCracken Mountains – 6,384.12 acres, Mohave County, Arizona**

T. 14 N., R. 14 W.,

Section 19: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$  (632.40 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 31: Lots 1, 2, 3, and 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$  (634.00 acres).

Easement and rights incident thereto for pipeline and facilities and rights incident thereto, as set forth in instrument recorded in Book 87 of Dockets, page 348, and amended by instrument recorded in Book 90 of Dockets, page 263, and thereafter assigned by instrument recorded in Book 1980 of Official records, page 910.

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

T. 14 N., R. 15 W.,

Section 3: Lots 1, 2, 3, and 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$  (637.72 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 9: All (640.00 acres).

Right of way for McCracken Mine Road, as set forth in instrument recorded in Book 948 of Official Records, page 461.

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 11: All (640.00 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 15: All (640.00 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 23: All (640.00 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 25: All (640.00 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 27: All (640.00 acres).

Right of way for McCracken Mine Road, as set forth in instrument recorded in Book 948 of Official Records, page 461.

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Section 35: All (640.00 acres).

Prohibition against mining on said land, as set forth in Deed recorded in Book 2885 of Official records, page 836.

Mohave County Tax Parcel Numbers: 102-30-011, 102-30-012, 102-30-012, 121-08-007, 121-08-008, 121-08-009, 121-08-010, 121-08-011, 121-08-012, 121-08-013, and 121-08-015

**Tomlin – 313.80 acres, Mohave County, Arizona**

T. 15 N., R. 13 W.,

Section 19: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$  (approximately 153.80 acres).

Reservations and rights of the SANTA FE PACIFIC RAILROAD COMPANY of all oil, gas, coal, and other minerals in said land, together with the right to prospect for, mine and remove the same, all as set forth in Deed recorded in Book 84 of Deeds, page 362.

T. 15 N., R. 13 W.,

Section 35: SW $\frac{1}{4}$ SW $\frac{1}{4}$  (approximately 40 acres).

Section 35: N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  (approximately 120 acres).

Mohave County Tax Parcel Numbers: 102-51-003, 102-51-004, 102-51-005, 102-51-006, 102-51-007, 102-51-008, 102-51-009, 102-51-010, 102-53-005, 102-53-006, 102-53-011, 102-53-012, 102-53-015, 102-53-016, 102-53-017, 102-53-018

Reservations and rights of the SANTA FE PACIFIC RAILROAD COMPANY of all oil, gas, coal, and other minerals in said land, together with the right to prospect for, mine and remove the same, all as set forth in Deed recorded in Book 84 of Deeds, page 362.

**Total private lands to be acquired – 7,297.92 acres\***

\*rounded up to 7,298 throughout the text

## **Appendix B – Maps of Selected Federal Lands and Offered Private Lands**



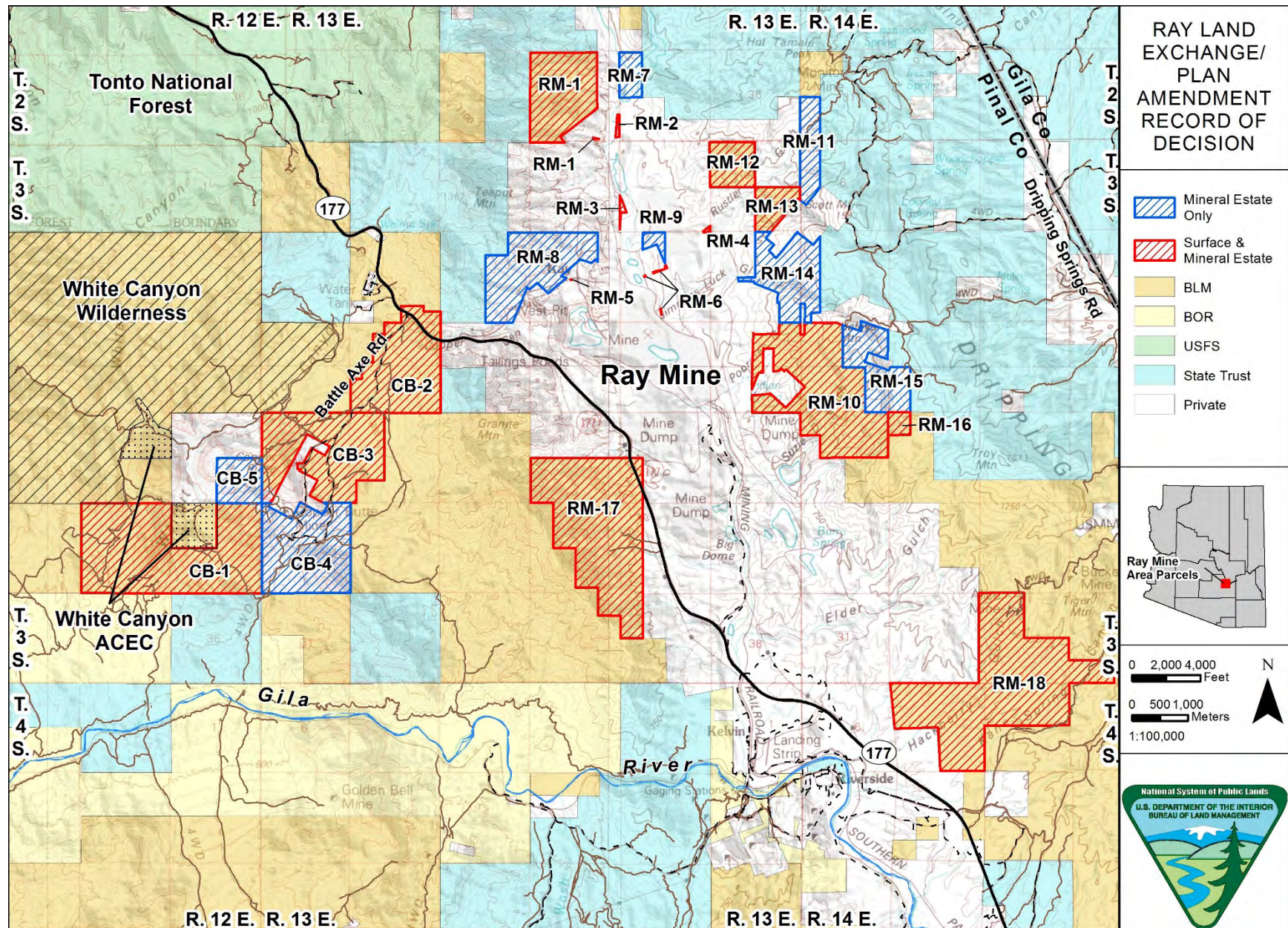


Figure 1. Ray Mine Complex and Copper Butte disposed lands



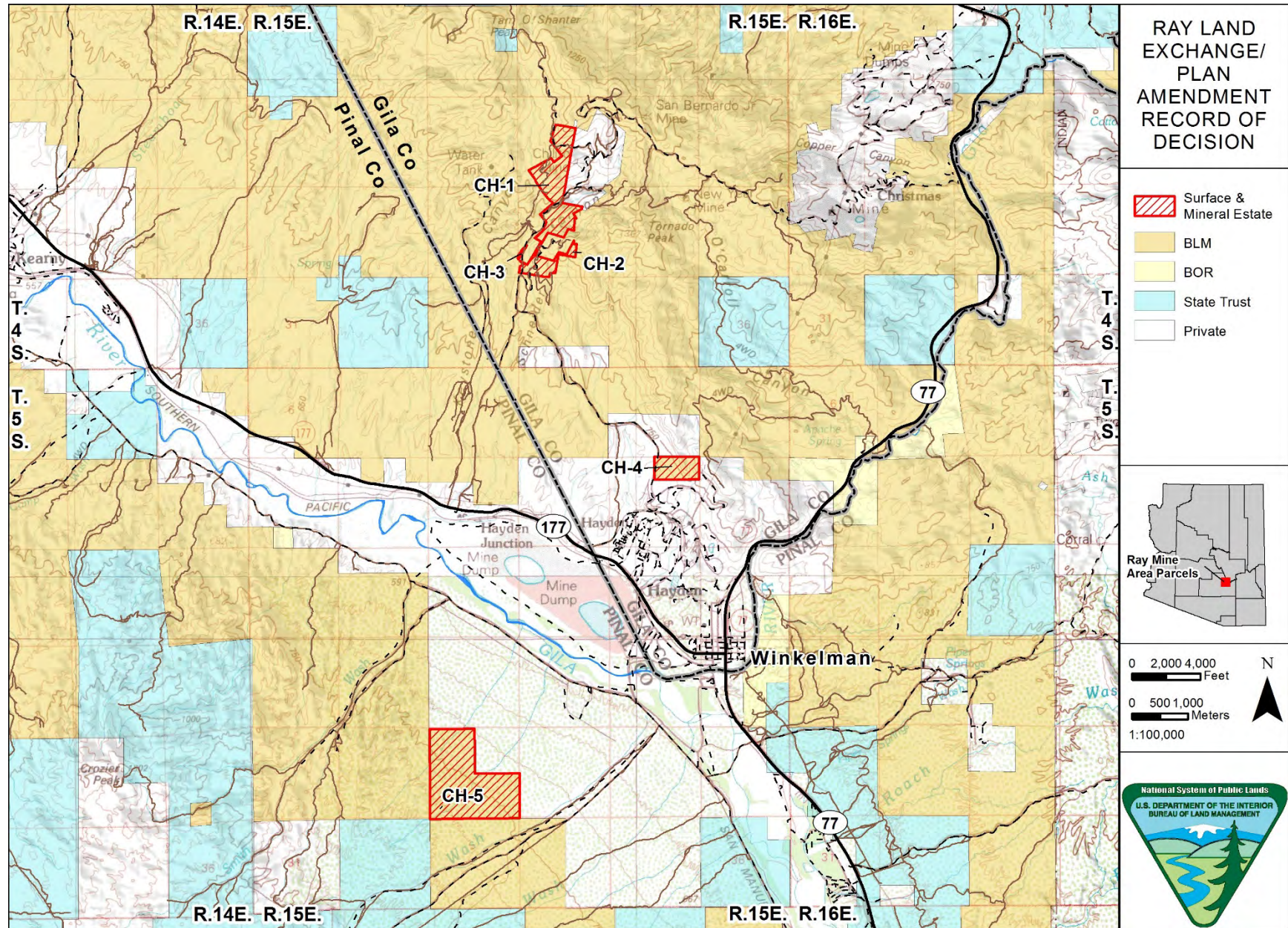


Figure 2. Chilito/Hayden disposed lands



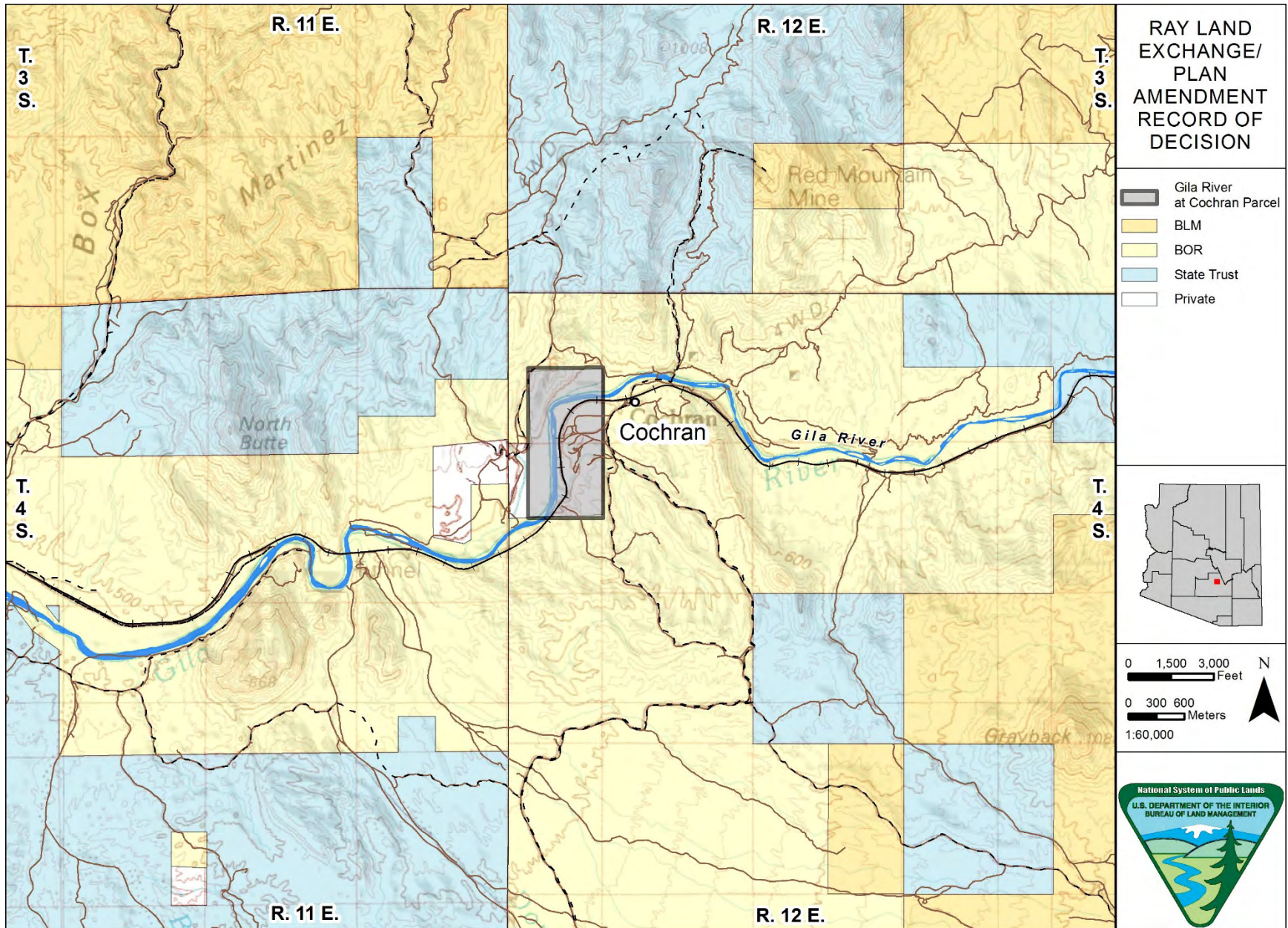


Figure 3. Gila River at Cochran acquired land



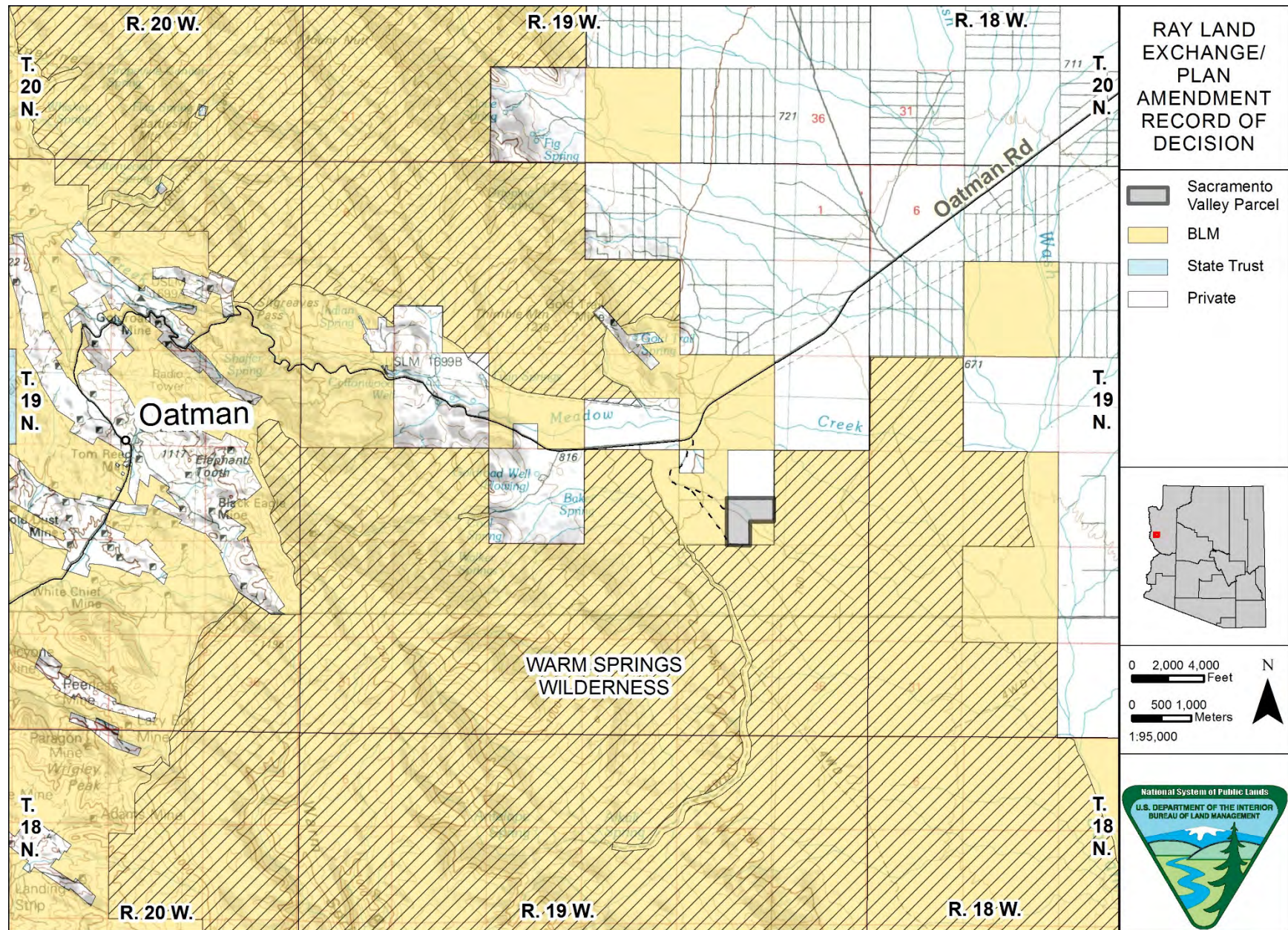


Figure 4. Sacramento Valley acquired land



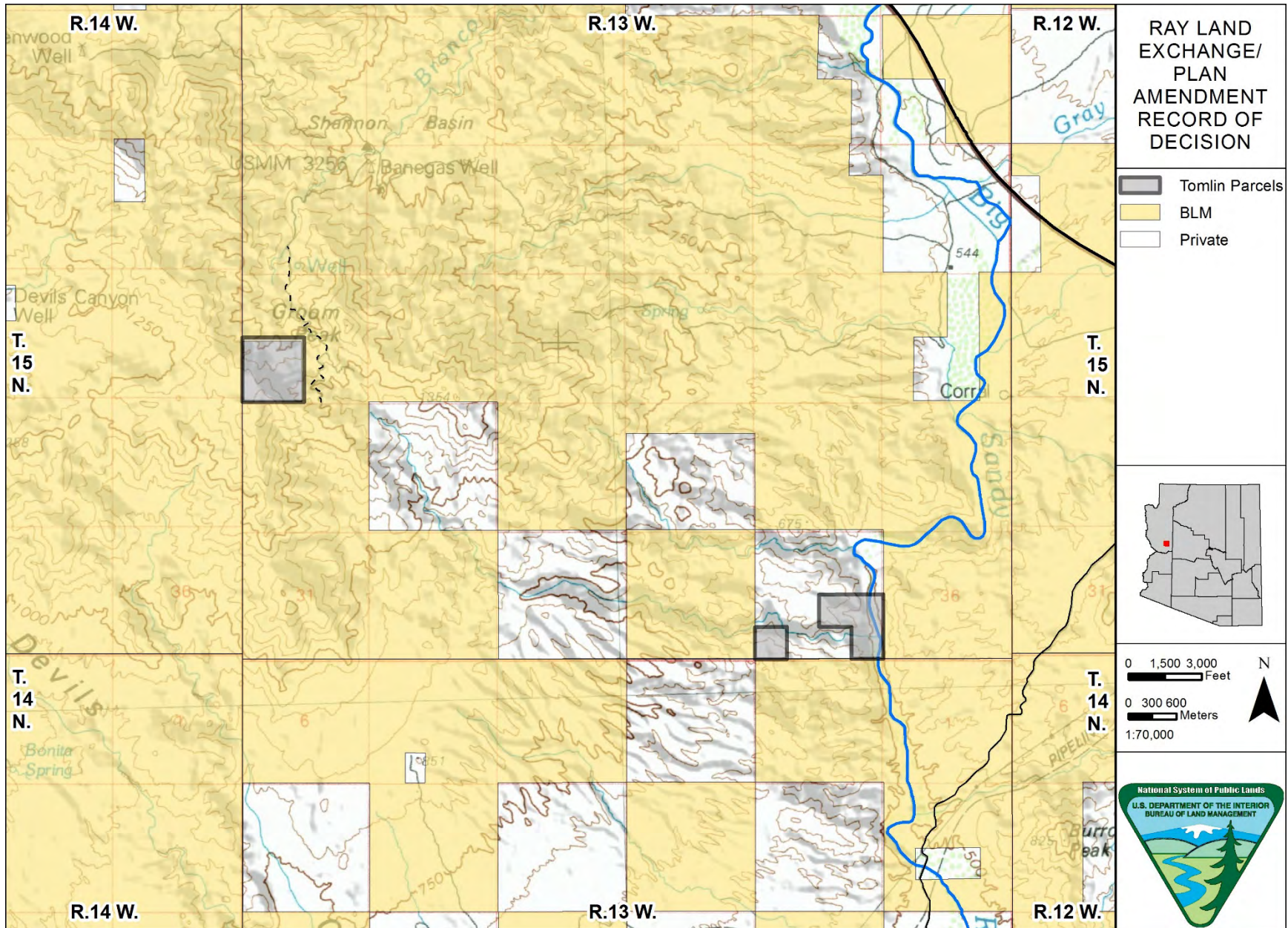


Figure 5. Tomlin acquired lands



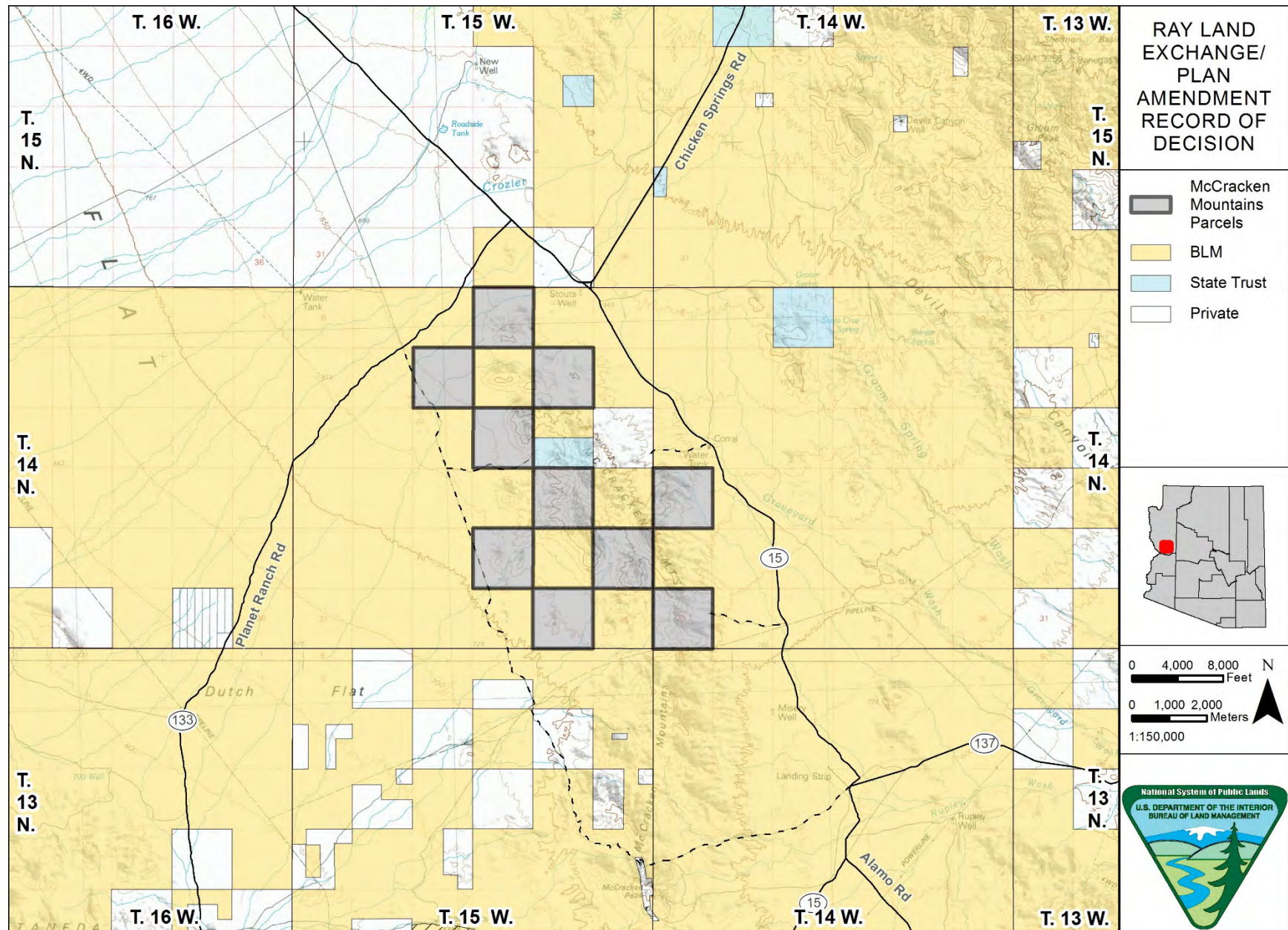


Figure 6. McCracken Mountains acquired lands



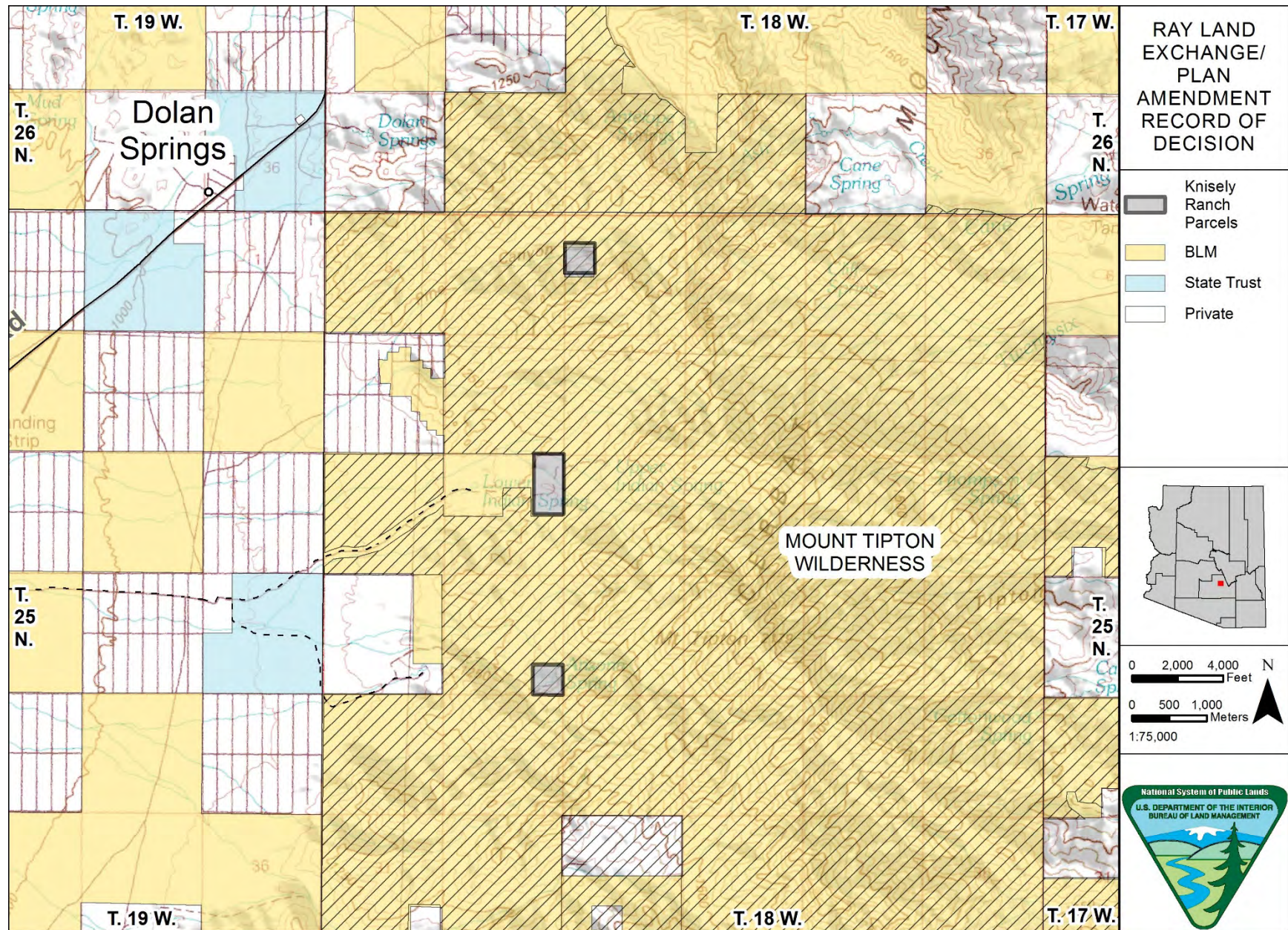


Figure 7. Knisely Ranch acquired lands

## **Appendix C – RMP Amendment Decisions for Lands that will be Retained**

(Appendix A contains a description of the RMP Amendment decisions for Lands that will be Disposed)

*Legal descriptions for lands that will have a changed land tenure status but will not be conveyed to ASARCO*

The RMP Amendments decision is to change the land tenure status of the Selected Lands originally considered to be exchanged (10,976 acres) from “retention” to “available for disposal”. The majority of the lands that will change status from “retention” to “available for disposal” are described in Appendices A and B as the “Selected Lands” that will be conveyed to ASARCO in the land exchange.

There are 1,637 acres of land that will not be conveyed to ASARCO as part of the land exchange but the land tenure status will change from “retention” to “available for disposal” as part of this ROD. The legal description for these lands are described below.

### **Phoenix RMP**

*The following legal descriptions are for lands that will be changed from “retention” to “available for disposal” in the Phoenix RMP*

Gila and Salt River Base and Meridian

T. 3 S., R. 13 E.,

Section 17: SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (10 acres); NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> (10 acres); N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (5 acres).

Section 27: S<sup>1</sup>/<sub>2</sub>S<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> (10 acres).

Section 34: SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (40 acres) NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> (40 acres).

Section 35: SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> (40 acres); SW<sup>1</sup>/<sub>4</sub> (160 acres).

T. 4 S., R. 14 E.,

Section 3: Lot 3 (30.74 acres); Lot 4 (30.51 acres); S<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> (80 acres); SW<sup>1</sup>/<sub>4</sub> (160 acres).

Section 4: Lot 6 (30.95 acres); Lot 7 (31.17); E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> (80 acres); SE<sup>1</sup>/<sub>4</sub> (160 acres).

Section 8: E<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub> (80 acres).



## **Lower Sonoran RMP**

*The following legal descriptions are for lands that will be changed from “retention” to “available for disposal” in the Lower Sonoran RMP*

Gila and Salt River Base and Meridian

T. 6 S., R. 4 E.,

Section 12: Lot 1 (38.62 acres); Lot 2 (38.25 acres); W $\frac{1}{2}$ NE $\frac{1}{4}$  (80 acres).

Section 23: NW $\frac{1}{4}$  (160 acres).

Section 24: W $\frac{1}{2}$  (320 acres).

Both full and split estate Federal lands consist of approximately 1,637 acres.

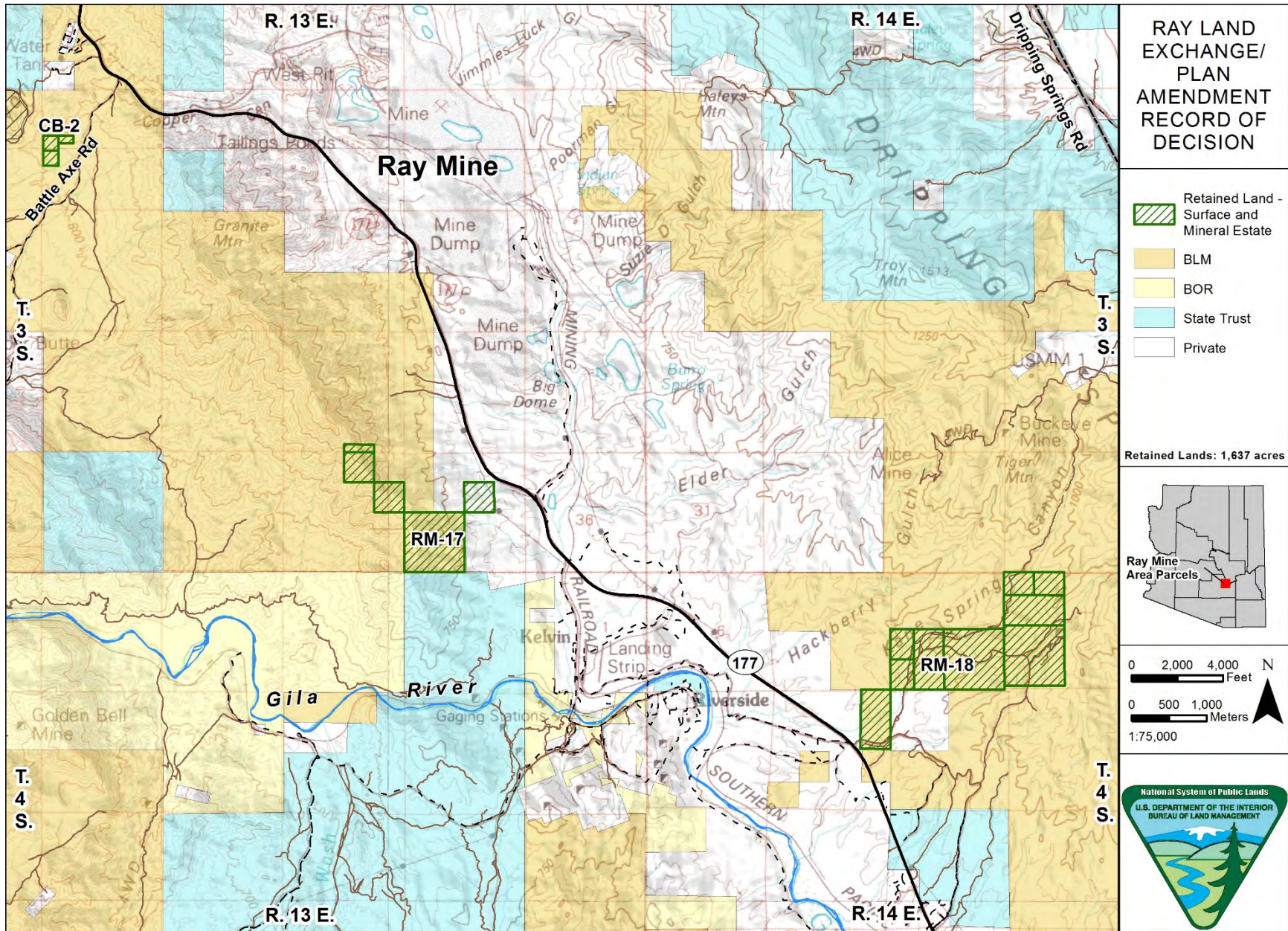


Figure 1. Ray Mine Complex and Copper Butte retained lands



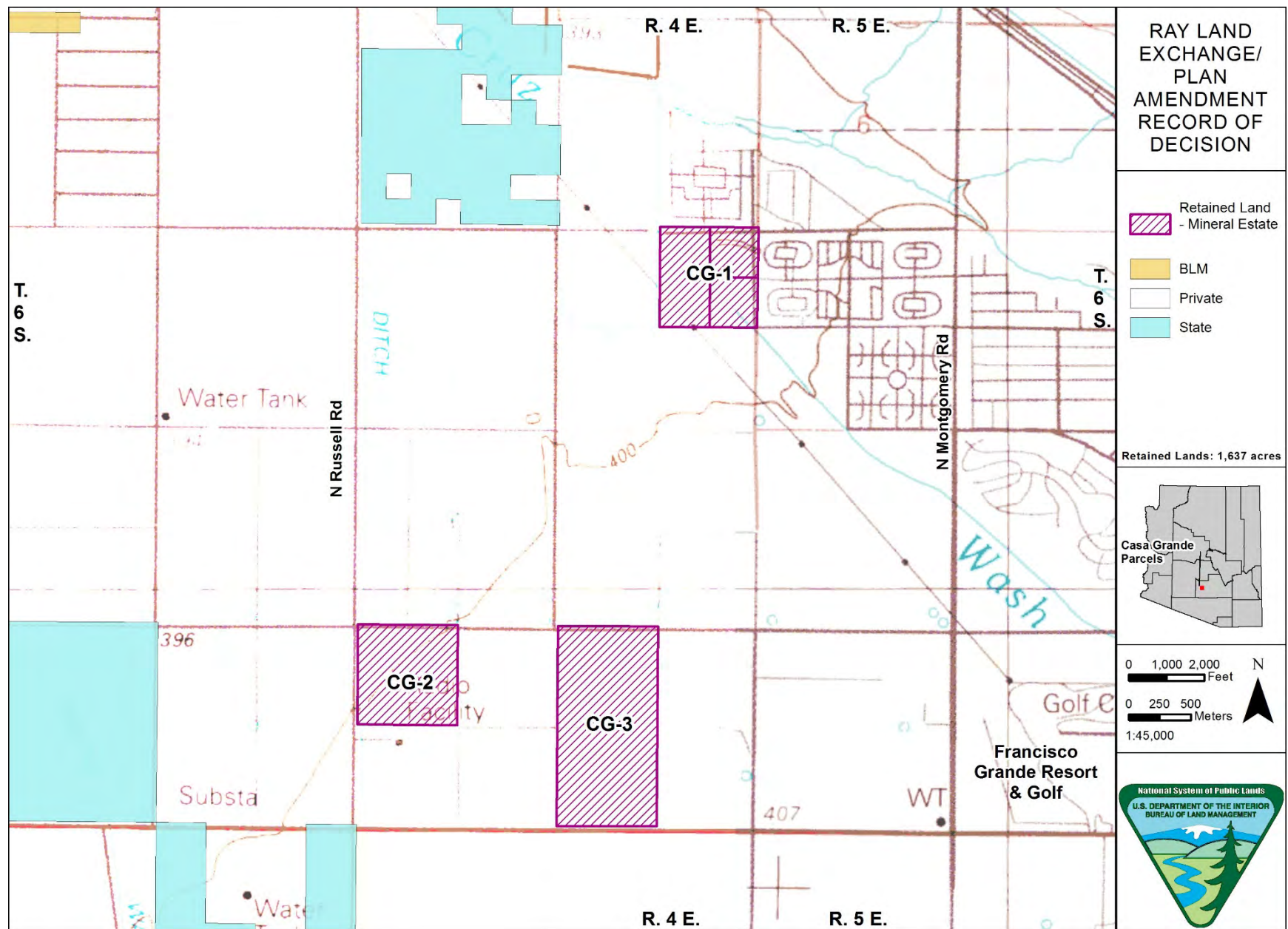


Figure 2. Casa Grande retained land

