

Katie Hobbs
Governor



Robyn Sahid
Commissioner

August 4, 2025

Reviewing Official, Regional Forester
333 Broadway Boulevard SE
Albuquerque, New Mexico 87102

RE: **Arizona State Land Department's Objection to the Resolution Copper Project and Land Exchange and Project-Specific Forest Plan Amendment**
Tonto National Forest
Ericka Luna, Deputy Forest Supervisor

The Arizona State Land Department ("ASLD") is a cooperating agency that issued comments on the Draft Environmental Impact Statement ("Draft EIS") by letter dated November 7, 2019. A primary focus of those comments was the impact of the substantial withdrawal of groundwater from the aquifer beneath the Superstition Vistas Planning Area ("SVPA"), which contains 275 square miles of Arizona State Trust Land ("STL"). The proposed "Desert Wellfield" from which groundwater will be withdrawn extends roughly four miles and is surrounded by STL.

ASLD manages a perpetual land trust consisting of over 9 million acres of STL that the United States granted to Arizona upon statehood in the Arizona Enabling Act. The grant is a "solemn promise" by the United States to the State to support the beneficiary purposes set out in the Enabling Act, primarily public education. ASLD has a trust obligation derived from the Enabling Act and Arizona Constitution to manage all those lands for the benefit of the trust's beneficiaries.

The SVPA is a projected location of substantial future expansion of the Phoenix metropolitan area with hundreds of thousands of future residents. Development of the SVPA could bring billions of dollars of additional income to the beneficiaries of the State Land Trust.

Specific Issue: Groundwater Decline and Subsidence in the SVPA

ASLD has significant concerns with the withdrawal of an estimated 544,858 acre-feet of groundwater in the SVPA over the life of the mine, 6.7 percent of all the groundwater available in the entire East Salt River Valley, much of which is STL. Not only will the recent recovery of 60 to 85 feet of depth to groundwater in the area be halted, it will be significantly reversed near the Desert Wellfield, reaching a maximum drawdown of 199 feet at the end of mine operations.

Subsidence. The Draft EIS did not analyze the impact of this decline on ground subsidence other than to note the existing Hawk Rock area of subsidence that currently extends within four miles to the northwest of the Desert Wellfield. In response to public comments, the Final EIS includes new information that attempts to quantify the extent of subsidence that may result from groundwater withdrawal.

The Final EIS estimates that Alternative 6 would result in roughly 24 to 50 inches of subsidence within two miles of the Desert Wellfield, which encompasses approximately 20 square miles or 12,840 acres of STL. The Final EIS reasons that subsidence will occur where groundwater withdrawal causes the water table to drop below its historically recorded lows. The removal of this water will cause the compaction of the earth from which the water has been removed. The Final EIS estimates that Alternative 6 will cause the water table in the area of the Desert Wellfield to drop to 80 to 120 feet below historical levels. Moreover, as the Final EIS acknowledges, even though the Final EIS projects that the water table in the area will rebound following the life of the mine, subsidence is irreversible, the ground will not return to its prior level, and the ground will not be able to store as much water as it had previously.

Alternatively, or in addition, although not discussed in the Final EIS, expansion of the existing Hawk Rock subsidence area to the northwest, which also contains miles of STL, may accelerate.

While the impacts of subsidence are not predictable and may be minimal on land that is not yet developed, the ongoing process of subsidence and the potential formation of earth fissures in the subsidence area present a risk to the future development of the land and the value of STL in the area. As noted in the Final EIS, earth fissures can directly damage structures as well as infrastructure including roads, utility lines, wells, and canals. Mapped earth fissures have already been identified in areas not far from the Desert Wellfield.

Groundwater available for development of the SVPA. ASLD's 2019 Draft EIS comment concluded that Alternative 6 would essentially preclude the development of 3,440 acres of STL at a cost of a half-billion dollars to the State Land Trust. Since that comment, however, the hydrological and legal contexts of development in the Phoenix Active Management Area (AMA) have changed. In 2023, the Arizona Department of Water Resources completed its Phoenix AMA groundwater flow model and published an official 100-year Assured Water Supply projection. Due to regional projected groundwater declines and unmet demands, new Assured Water Supply determinations based solely on groundwater cannot meet the physical availability criteria necessary to comply with the Assured Water Supply rules and regulations. ASLD cannot rely on groundwater for future residential development in the area, so ASLD's 2019 calculations would not apply today.

Nonetheless, the Project's groundwater withdrawals will have significant adverse impacts on the regional aquifer underlying 275 square miles of STL. The FEIS modeling of Alternative 6 shows a maximum drawdown of approximately 200 feet in the center of the wellfield below current water levels, with declines of approximately 100 – 130 feet at its edges. This pumping associated with Alternative 6 would decrease the likelihood that groundwater could be used for new development in the future as hydrological and legal contexts continue to evolve, adding

additional groundwater depletion to an already stressed groundwater sub-basin. Moreover, the extensive, concentrated withdrawal of groundwater may make existing, committed groundwater uses near STL more expensive and more complicated as water levels decline. The value of the as yet undeveloped STL would thus suffer from the potential additional water supply obstacles to already committed uses, which could delay or eliminate demand for STL.

Proposed Remedies. ASLD understands that withdrawal of groundwater from the Desert Wellfield is necessary for operation of the mine. This groundwater extraction and the potential for subsidence can significantly affect the SVPA, and Resolution Copper should undertake measures to alleviate the impact to the aquifer and surrounding STL. Some potential measures that may mitigate much of the anticipated impact of subsidence and groundwater depletion in the East Salt River Valley, the vast expanses of STL, and its thousands of anticipated future residents, may include utilization of hydrologically connected long-term storage credits prior to any unreplenished groundwater withdrawals, adoption of a method of filtered or dry tailings instead of slurry tailings, or other more advanced and less water-intensive tailings technology, or other measures such as increasing recharge or reducing existing groundwater withdrawals which may also serve to mitigate the proposed groundwater use of the mine. This is not an exhaustive list of potential remedies, and we remain open to discussing options that may have been overlooked.

Thank you for the opportunity to document these concerns as part of the objection review process and I ask that you, as the Objection Review Official, seek to facilitate discussions with Resolution Copper and the Responsible Official to address these concerns in a timely manner. I welcome the opportunity to continue discussions on potential measures that will reduce the amount of groundwater pulled from the Desert Wellfield. I can be reached in writing at the mailing address listed on the letterhead, via phone at (602) 542-4631 or via email at CO@azland.gov.

Respectfully,



Robyn Sahid
Commissioner