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**File Code:** 2360; 1560  
**Date:** January 26, 2021

Reid J. Nelson, Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 W. F Street NW, Suite 308  
Washington, DC 2001-2637

Dear Mr. Nelson:

On behalf of Acting Regional Forester, Sandra Watts, and myself, I want to thank you for your letter of January 8, 2021. In response to your request for clarification, we offer the following information:

Firstly, we acknowledge that you recommend holding one more consultation meeting with all consulting parties regarding the Programmatic Agreement (PA). Because not all parties have the same concerns and may not feel comfortable expressing those concerns in a group setting, we believe that offering to meet individually would be more effective. The Tonto National Forest (TNF) has shared the final PA with all consulting parties and have invited each party to individually consult on its contents to address their specific concerns.

One party, the Arizona Mining Reform Collation, has responded with a desire to meet and we are currently working on re-scheduling that meeting. Separately, we have invited each consulting tribe to consult with us on the PA. The San Carlos Apache tribe responded to our request via a letter dated January 12, 2021 in which they note that they will reach out to set a date for further consultation when the COVID-19 health emergency subsides in their community. No other tribes have responded to our invitation yet. However, we are hopeful to schedule meetings, as requested, in the near future.

On January 13, 2021, the TNF agreed to make minor modifications to Stipulation IX of the PA specifically to the sections related to the Copper Triangle Community Development Fund and Archaeological Database Fund sections. These changes were made to document the available funding more clearly for these two funds. These modifications have been disclosed to the PA signatories, and all have concurred with them. The PA Signatory's emailed concurrences will be provided to the ACHP in a separate correspondence.

In regards to increasing availability of the PA to the public, please note that the PA has been made available as a separate web link on the project NEPA webpage at the following link: <https://www.resolutionmineeis.us/>. The PA is included as Appendix O within Volume 5 of the Final Environmental Impact Statement (FEIS) which was made publicly available on January 15, 2021 via publication in the Federal Register. The final executed PA and any accompanying related information will be posted to the project NEPA and the TNF websites once upon its execution.

Regarding coordinating the NHPA and NEPA review processes, we are cognizant of the need for an executed PA prior to the final Record of Decision. As described in the DROD, the decisions to be made by the TNF are limited to the authorization of special use permits for power lines and pipelines as well as



for road commercial use permits. The permits are not envisioned to be issued for several years. It is our expectation that the executed PA will be completed well before the final Record of Decision.

With regard to your recommendation to be more transparent with the involvement of leadership from our Regional and Washington Offices, I take this opportunity to share with you that regular communications between the forest, the Region and Washington Office on this project is ongoing. This is especially relevant given the project's complex nature and the limited discretion available to the TNF because of the congressionally mandated land exchange requirements. We appreciate the ACHP's desire to see these efforts as plainly as we intend them.

The FEIS, DROD, and the PA represent an intricate set of integrated analyses and actions intended to address the many values people have related to these lands and the impacts to them. In your December 15, 2020 letter, you recommended that the TNF should collaborate with our regional office leadership on the establishment of an advisory board comprised of tribal members to advise the TNF and region on matters of tribal religious and cultural matters on USFS managed lands.

Your letter also made recommendations to implant additional training to USFS staff on Section 106 matters. I forwarded these recommendations to our Acting Regional Forester via a letter dated December 22, 2020 (see attached) and subsequent collaborative discussions were had to discuss them. The attached letter from the Acting Regional Forester to me, dated January 14, 2021, describes our approach to continually improve our tribal consultation and Section 106 processes.

We appreciate that the ACHP remains committed to advising and assisting the TNF in this consultation and to helping the agency meet its Section 106 compliance responsibilities. The TNF is committed to continuing to keep the ACHP informed of any meeting with consulting parties and the status of the FEIS, draft ROD and PA. Should you have follow up questions or concerns, please contact Travis Bone, TNF Heritage Program Manager, at [travis.bone@usda.gov](mailto:travis.bone@usda.gov).

Sincerely,

TOM TORRES  
Acting Forest Supervisor

Enclosures



**File Code:** 1560; 2360  
**Route To:**

**Date:** January 14, 2021

**Subject:** Regional Forester response to TNF regarding Resolution Copper

**To:** Tonto National Forest

The Regional Office is in receipt of the Tonto National Forest (TNF) December 22, 2020, letter soliciting input from the Acting Regional Forester and relevant regional office staff on the two recommendations made by the Advisory Council on Historic Preservation (ACHP) in their December 15, 2020, letter to the TNF.

The ACHP recommendation to establish a tribal advisory board serves to reinforce our current work with tribes across the Region. The Regional Office hosts a series of biannual Regional Forester Intertribal Roundtable meetings in New Mexico and Arizona. Three half-day virtual meetings are scheduled for the end of April 2021. These meetings traditionally engage our tribal partners and maintain open lines of communication for Government to Government consultation on all federal undertakings at the District, Forest, Regional or National level. These meetings provide an opportunity for Indian tribes to participate in larger USFS planning initiatives, ensuring that the views of Indian tribes are considered early in the review of a proposed undertaking. During these meetings, smaller working groups are established around the development of proposed projects as well as implementation of projects in addition to any necessary mitigation measures.

The ACHP recommendation for the implementation of training for Forest leadership, Line Officers, and other relevant leadership and program staff also serves to emphasize ongoing work in the Region. The Regional Tribal Relations Program Manager and Heritage Program Leader have developed training that also incorporates Tribal Relations outside of Section 106. A pilot of this training was launched in 2019 and plans for an enhanced region-wide training for line officers and staff is under development for 2021 and will consider evolving needs.

The Regional Office will continue to assist the TNF in maintaining and expanding opportunities to inform and enhance USFS leadership and staff engagement in all levels of tribal relations and formal consultations. Updated training proposals are being developed around National Historic Preservation Act (NHPA) Section 106 procedures and responsibilities as well as Tribal Relations outside of the rubric of NHPA. Please contact Liv Fetterman, Tribal Relations Program Manager, [liv.fetterman@usda.gov](mailto:liv.fetterman@usda.gov) and Will Reed, Regional Heritage Program Leader, [william.g.reed@usda.gov](mailto:william.g.reed@usda.gov).

SANDRA WATTS  
Acting Regional Forester

cc: William Reed

