

How can you participate?

We encourage you to take an active part in the Ray Land Exchange SEIS process. The Draft SEIS is expected to be published in Fall 2012. At this time there will be a 45-day public comment period when you can submit official comments on the Draft SEIS. The BLM will also hold public comment meeting on the Draft SEIS to present the land exchange proposal, all findings contained in the Draft Supplemental EIS, and solicit public comments. We will continue to keep you informed about upcoming Ray Land Exchange events.

For additional information,
please visit our website:
<http://tinyurl.com/RayMine>.

Questions may be directed to
RayLandExchange@blm.gov
or the project manager,
Mr. Michael Werner at
602-417-9561 or mwerner@blm.gov.

POSTAGE
INFORMATION

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RAY LAND EXCHANGE

SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

Newsletter #1, August 2012

The Tucson Field Office of the Bureau of Land Management (BLM) is beginning to prepare a Supplemental Environmental Impact Statement (SEIS) for the Ray Land Exchange. The SEIS will supplement the Final Environmental Impact Statement (FEIS) issued in 1999 and the Record of Decision (ROD) issued on April 27, 2000. The decision approved a land exchange between ASARCO LLC (Asarco) and the BLM for approximately 10,976 acres of public land identified for acquisition by Asarco in exchange for approximately 7,304 acres of private land to be given to the BLM (see map on page 2).

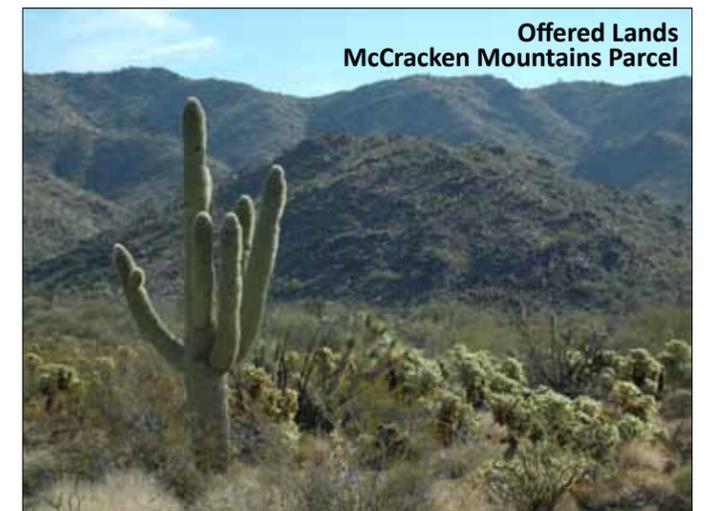
Land Exchange

The bulk of the public lands selected for acquisition (selected lands) are within and adjacent to Asarco's Ray Mine Complex and Copper Butte properties near Kearny, Arizona. These include approximately 8,196 acres of lands where both the surface and mineral estate are administered by the BLM, and approximately 2,143 acres of mineral estate only lands (where the surface estate is owned by Asarco and the mineral estate is administered by the BLM). The selected lands also include approximately 637 acres of the BLM mineral estate lands near Casa Grande, Arizona. The selected lands total approximately 10,976 acres. Asarco has mining and mill site claims covering virtually all of the selected land parcels. Because of these claims, Asarco is expected to conduct mining operations on the selected lands under the General Mining Law, regardless of the land exchange.

In exchange for the selected lands, the BLM would acquire 7,304 acres of Asarco's private land that the BLM has identified as desirable for public ownership. These lands, identified as the offered lands, are considered to have important resource values and include lands within or adjacent to wilderness areas and Areas of Critical Environmental Concern, lands containing riparian areas, and lands that serve as habitat for endangered species and other special category wildlife species, such as the desert tortoise.



Offered Lands
Gila River at Cochran Parcel



Offered Lands
McCracken Mountains Parcel



RAY LAND EXCHANGE

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Why is the BLM doing an SEIS?

The Ray Land Exchange was challenged by three environmental groups, the Center for Biological Diversity, the Western Land Exchange Project, and the Sierra Club (collectively called CBD) administratively and in federal court, ultimately prevailing in the Ninth Circuit Court of Appeals in November, 2010. The Ninth Circuit concluded that the BLM violated the National Environmental Policy Act (NEPA) and the Federal Lands Policy and Management Act (FLPMA) “in assuming without explanation that Asarco would perform mining operations on the selected lands in the same manner regardless of the land exchange.” The court recognized that Asarco has the right to conduct mining and related activities under the General Mining Law, based on Asarco’s mining and mill site claims on the selected lands. But the court believed that the manner and extent of mining was likely to differ depending on whether the selected lands are owned by the United States as public lands subject to the BLM’s surface use regulations, 43 CFR Subpart 3809, or by Asarco as private lands, in which case the BLM’s surface use regulations would not apply.

Because the deficiencies in the 1999 FEIS are narrow in scope the BLM has determined that conducting the analysis using the Supplemental EIS guidelines is the appropriate tool.

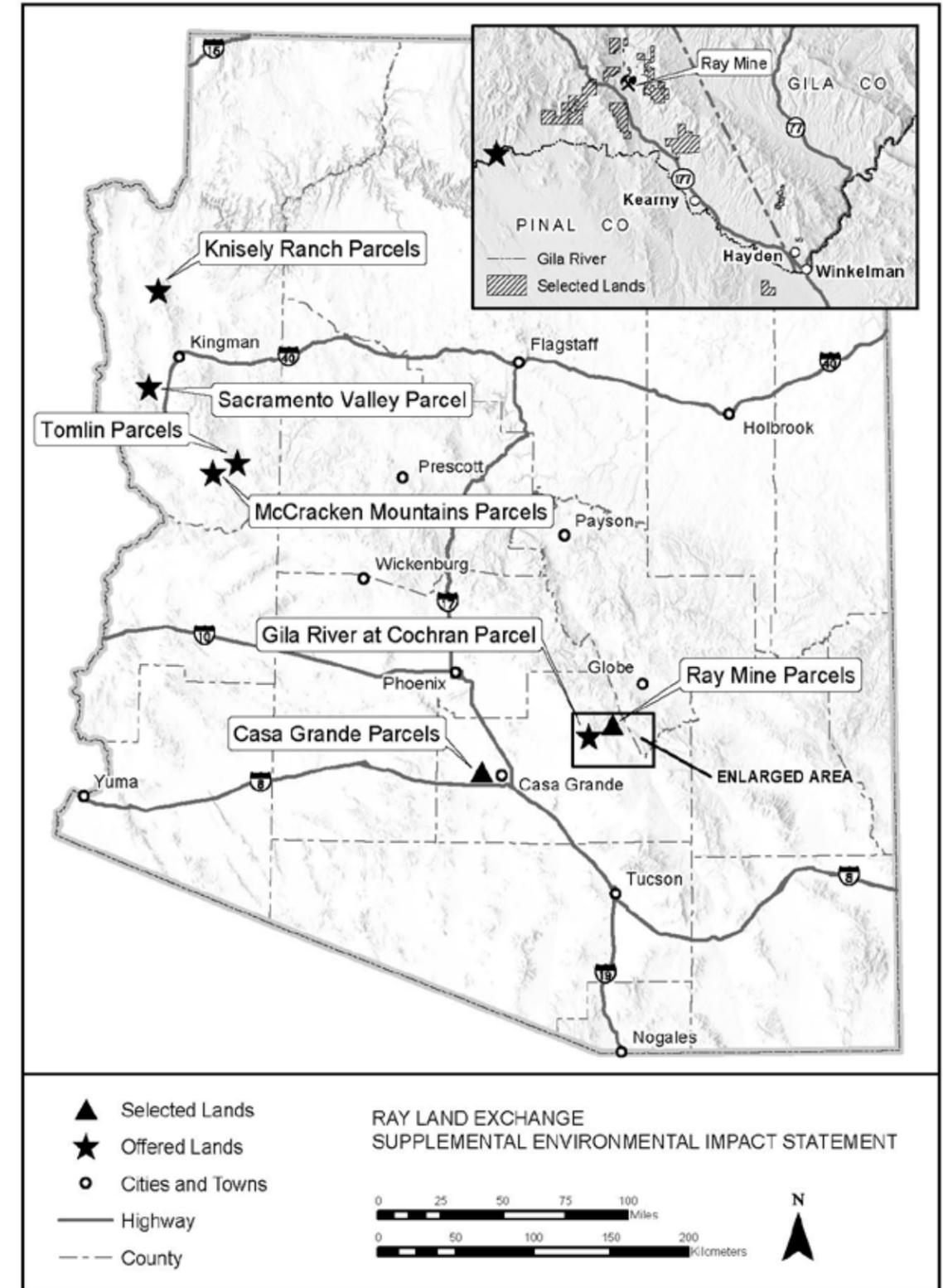
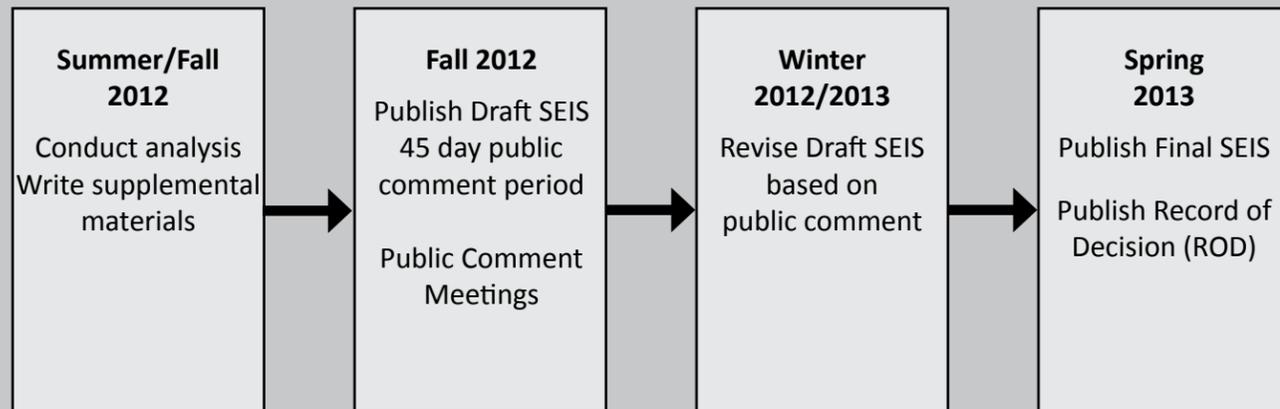
What will be included in the SEIS?

The SEIS will supplement the 1999 FEIS by providing a “with and without” comparative analysis found lacking by the Ninth Circuit. This analysis will compare two scenarios of potential environmental impacts on the selected lands from mining operations. One scenario analyzes potential impacts that could occur as a result of mining activities on the selected lands if they are **not** exchanged and remain under the BLM jurisdiction (i.e., mining occurs **with** BLM regulations). The other scenario analyzes potential impacts that could occur as a result of mining activities if the selected lands **are** exchanged and become privately owned lands (i.e., mining occurs **without** BLM regulations).

The SEIS will also address any substantial changes in the land exchange and any significant new circumstances or information that are relevant to analyzing the impacts of the land exchange (see 40 C.F.R. § 1502.9(c); BLM NEPA Handbook § 5.3). No new lands have been added to the Ray Land Exchange.

The BLM is beginning the environmental analysis required for the SEIS and plans to publish the Draft SEIS in Winter 2012. See the schedule for the SEIS process below.

Supplemental EIS Schedule



Ray Land Exchange SEIS Project Area Map