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January 8th, 2009

Ms. Jeanine Derby
Forest Supervisor
Coronado National Forest
300 W. Congress St.
Tucson, AZ 85701

Re: Proposed Rosemont Mine

Dear Ms. Derby:

As you know, the U.S. Institute for Environmental Conflict Resolution, at the request of the Coronado National Forest, conducted an assessment of a novel design proposal for public involvement in the preparation of an environmental impact statement in connection with the proposed Rosemont copper mine. The Institute recognized that the ultimate issue—the very existence of the mine—would not be part of the negotiation. Nevertheless, there were questions about the National Environmental Policy Act (NEPA) analysis that might have been appropriate for collaboration and that had the potential to profoundly influence the project.

The original design concept was two-fold: to engage the public in a grassroots analysis of public comments about the impacts of the proposed mine, and to form a group of stakeholders that would track the Forest Service's NEPA analysis and provide input. The U. S. Institute conducted an assessment with a wide range of stakeholders to determine whether the stakeholder concept was appropriate. As part of the assessment, a concept paper describing how the stakeholder approach might work was distributed and discussed at a public meeting on November 13.

The paper outlined several concerns about the viability of a process-focused collaboration related to the Rosemont mine. To be effective, a collaborative effort must include incentives to collaborate as well as some protected space for dialogue. The assessment suggested that while there were many positive indicators for collaboration, neither the inbuilt incentives nor the protected space could be met consistently. The stakeholders demonstrated a high level of expertise and commitment. The Forest Service was a willing partner. The level of contentiousness was not dissimilar to other cases in the Institute's portfolio. However, successful collaboration that is focused on process is an ambitious undertaking, requiring some unusual circumstances to succeed. These include compatible needs regarding time and budget, earlier intervention, and fewer events competing for stakeholders' attention.

On November 26, 2008, the U.S. Institute announced its conclusion that a broadly inclusive collaborative working group would not be a productive means of citizen involvement or an effective vehicle for enhancement of the Forest Service's NEPA analysis. The Institute concluded that it would be difficult for people to commit to a sustained, objective effort that focused on the issues that were part of the NEPA analysis, rather than their opposition to or support of the mine itself.

Since that time, the U.S. Institute has explored whether there might be an opportunity for collaboration in another way regarding the NEPA analysis, and if so, whether the U.S. Institute's services would enhance that opportunity. The Institute has concluded that in this instance it is not feasible to conduct a productive collaborative process as part of the NEPA analysis. Although there are likely additional opportunities for public input and education, we believe those activities can be conducted by the Forest Service as part of its NEPA analysis. We understand that the Forest Service will continue to follow basic guidelines and procedures for analysis for the Environmental Impact Statement under NEPA, and will continue to engage the public as appropriate as part of its decision making process.

Finally, it is important to report progress on another aspect of our assessment – that of the potential use of computer-assisted support for citizen-based analysis of public comments. This aspect of the assessment is ongoing and almost completed. While this approach will not be used by the Institute in the Rosemont case, for the reasons outlined above, it does show potential for application in other NEPA analyses. The Institute will post the results of this second assessment to its project Website at <http://rosemontmine.ecr.gov> by January 15.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Schaefer". The signature is fluid and cursive, with the first name "Mark" being more prominent and the last name "Schaefer" written in a similar style.

Mark Schaefer
Deputy Executive Director for Environmental Conflict Resolution
Morris K. Udall Foundation