To: Albright, David[Albright.David@epa.gov]
Cc: Johnson, AudreyL[Johnson.AudreyL@epa.gov]
From: Torres, Tomas
Sent: Mon 11/13/2017 8:22:49 PM
Subject: RE: Gunnison Copper Project Draft UIC

Ex. 5 - Deliberative Process

Thanks!

Tomás

From: Albright, David
Sent: Monday, November 13, 2017 10:49 AM
To: Torres, Tomas <Torres.Tomas@epa.gov>
Cc: Johnson, AudreyL <Johnson.AudreyL@epa.gov>
Subject: FW: Gunnison Copper Project Draft UIC

Tomas,

Ex. 5 - Deliberative Process

From: Consoli, Carla [mailto:CConsoli@lrrc.com]
Sent: Monday, November 13, 2017 9:41 AM
To: Johnson, AudreyL <Johnson.AudreyL@epa.gov>; Albright, David

<Albright.David@epa.gov>; Torres, Tomas <Torres.Tomas@epa.gov>
Cc: Stephen Twyerould <stwyerould@excelsiormining.com>; baggiore.trevor@azdeq.gov; Rebecca Sawyer (rsawyer@excelsiormining.com) <rsawyer@excelsiormining.com>
Subject: RE: Gunnison Copper Project Draft UIC

Ms. Johnson-

We understand that you are planning an "informational" meeting with Earthworks. Due to the concerns raised below, your stated desire to provide information to Earthworks and the requirements of transparency, Excelsior expects to be included in the meeting so that accurate and complete information can be provided to Earthworks which information must include the interplay between the APP and the UIC to be fully explanatory of the protection of the groundwater resource as well as the overall environment.

Please provide the call in or other details of the meeting in advance so that Excelsior and its technical staff can be prepared and timely present for the meeting.

Regards,

Carla Consoli. Esq.

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From: Rebecca Sawyer [mailto:rsawyer@excelsiormining.com]
Sent: Tuesday, November 07, 2017 10:35 AM
To: Johnson.AudreyL@epa.gov; Albright.David@epa.gov
Cc: Stephen Twyerould; baggiore.trevor@azdeq.gov
Subject: Gunnison Copper Project Draft UIC

Audrey;

Thank you for getting back to me in response to the email I sent to Nancy Rumrill. We filed a FOIA on Monday.

In regards to the comment period extension request, it should be considered that Earthworks was provided with the Gunnison UIC permit application almost immediately after it was submitted in February 2016. In addition to having the complete application, Pete Dronkers and the Earthworks hydrology consultant, Tom Meyers, have both been provided with a site tour by Excelsior. During that tour, Stephen Twyerould, Excelsior's CEO, spent significant time discussing the Gunnison Project and addressing their questions.

Since the tour, Excelsior has made multiple offers to Earthworks, and the local individuals and entities they claim to represent, to discuss the permits, both the APP and the UIC, both before, during and after (in the case of the APP), the comment periods. In addition, during the APP comment period, the ADEQ offered to meet and discuss the APP with Earthworks and others. On October 31st we had a conference call with Pete Dronkers, Tom Meyers, Ellen Cohen and Christine Szuter of the Amerind. During that call we offered to meet, review the permits, and discuss their concerns. To date, none of the parties has taken us up on this offer. In fact, Excelsior has conducted numerous information sessions, site tours, and meetings over the past year that have been consistently attended by local, state and federal elected officials, business leaders, local residents and stakeholders. However, the Amerind Foundation has not attended any of these sessions discussing project operations and the permits.

Therefore, it is clear to us, that the intent is to delay the Gunnison Project, rather than, in good faith, understand the Project, operating conditions and both the APP and UIC permits. Excelsior's openness and transparency to Earthworks even extend to Excelsior providing Earthworks the APP application information directly

and providing them the link to the UIC draft permit immediately, so they could review in a timely manner within the 30 day comment period.

I am unclear on what an "informational meeting" is. Is this the same as a Public Hearing? This project has been developed and modified during 18 plus months of arduous and extensive work on the part of ADEQ, EPA, EPA's contractor, Excelsior and Excelsior's consultants. We see no justification for further delay, in the form of an extension to the comment period or an informational meeting.

Please call to discuss at your earliest convenience.

Thank you,

Rebecca A. Sawyer

Vice President, Sustainability

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