

**MODIFICATION NO. 01**  
to  
**AGREEMENT NO. 08-MU-11030510-010**  
between

**USDA FOREST SERVICE,  
CORONADO NATIONAL FOREST  
and  
ROSEMONT COPPER COMPANY**

1. Purpose of the Modification: The purpose of this modification is to facilitate the administration of the Memorandum of Understanding (MOU). Specifically, the Parties desire to modify:

- a. Section F.9 of the MOU to clarify the process to provide records for information that may require protection from public release in accordance with any of the FOIA exemptions;
- b. Section III of Attachment 1 to the MOU to remove the consultant staff qualifications requirement for NEPA experience by technical specialists, add geotechnical and geologic engineering technical positions to the list of consultant staff qualifications; and
- c. Attachment 2 to the MOU with a revised timeline.

2. Change in Performance Period: None.

3. Change in Funds Available: Not applicable.

This modification is issued pursuant to Clause No. F.9, Section III of Attachment 1, and Attachment 2.

Section F.9 of the MOU is modified by deleting it in its entirety and replacing it with the following:

With regard to Freedom of Information Act (FOIA) requests related to the Project, the Forest Service will review all responsive records for information that may require protection from public release in accordance with any of the FOIA exemptions. All responsive records that are proposed to be withheld or redacted will be shared with the Company prior to release. The Company will have a minimum of 14 business days to review the information to be withheld or redacted and to advise the Forest Service of any concerns it may have about the pending release. Records will not be released to the requesting party until consensus is reached by the Forest Service and Company.

Section III of Attachment 1 to the MOU is modified by replacing the first paragraph with the following:

9/25/2008

All consultant staff must possess, at a minimum, a Bachelor's degree (or equivalent combination of experience and education) in the field of expertise for which support is provided. Experience in performing or supporting NEPA analysis is desirable. Proof of such experience will be required prior to contract award.

Section III of Attachment 1 to the MOU is modified by inserting, between the entries for "Geochemist" and "Mining Engineer," the following additional consultant staff qualifications:

"Geotechnical Engineer: equivalent to a GS-12 Engineer with at least 10 years experience in hardrock mining and reclamation"

"Geologic Engineer: equivalent to a GS-12 Engineer with at least 10 years experience in hardrock mining and mineral processing"

Attachment 2 to the MOU is replaced with the attached revised timeline.

Except as provided herein, all terms and conditions of the referenced document remain unchanged and in full force.

Rosemont Copper Company

USDA Forest Service

[Redacted Signature]

9/26/08

GIL CLAUSEN  
President and CEO

Date

[Redacted Signature]

10/7/08

JÉANINE A. DERBY  
Forest Supervisor

Date

**NOTE: Signatures redacted to protect Personal Identifying Information (PII).**

The authority and format of this instrument has been reviewed and approved for signature.

[Redacted Signature]

9/25/08

NORENE NORRIS  
Grants & Agreements Specialist

DATE

September 25, 2008

## ATTACHMENT 2

## EIS TIMELINE

## ROSEMONT COPPER PROJECT

## Notes:

1. Timeline contingent upon Proponent provision of necessary data / information.
2. Timeline contingent upon the absence of unavoidable adverse unforeseen events (e.g., complex wildfire on Forest, serious injury or illness of key player, etc.).
3. Cooperating Agency activity to occur concurrently as appropriate, and at a minimum where specifically identified within a task.
4. The U.S. Institute for Environmental Conflict Resolution to lead a Working Group through a content analysis process to identify / verify issues and alternatives for Forest consideration.

TASK	Revised Estimated Date
1. Regional predecisional review submitted of DEIS purpose and need, proposed action, and decision framework	Oct. 2008
2. Scoping comment evaluation completed	Jan. 2009
3. Forest Supervisor review draft issues from Consultant and Working Group	Jan. 2009
4. Regional predecisional review submitted of scoping results and draft issues	Feb. 2009
5. Forest Supervisor review of draft alternatives from Consultant and Working Group	Feb. / March 2009
6. Forest NFMA consistency review of alternatives	Feb. / March 2009
7. Regional predecisional review submitted of draft alternatives	March 2009
8. Forest Supervisor review of draft spatial and temporal bounds of cumulative impacts analysis and past, present, and reasonably foreseeable actions therein	March 2009
9. Chapters 1 and 2 of DEIS completed, with consideration of Proponent and Cooperating Agency input	April 2009

September 25, 2008

TASK	Revised Estimated Date
10. Forest Supervisor review of affected environment	April 2009
11. Forest Supervisor review of effects analysis	July 2009
12. Regional predecisional review submitted of draft affected environment and effects analysis	August 2009
13. Chapters 3 and 4 of DEIS completed, with consideration of Proponent and Cooperating Agency input	Sept. 2009
14. Regional predecisional review submitted of DEIS	Sept. 2009
15. Final Forest, Proponent, and Cooperating Agency review of DEIS before printing	Oct. 2009
16. Submit camera-ready DEIS to Regional Office for review / printing	Nov. 2009
17. EPA publishes Notice of Availability (NOA) of DEIS and announces 90-day public comment period	Nov. 2009
18. Public information / comment meetings, scheduled to avoid key holiday periods	Nov. 2009-Jan. 2010
19. Comment analysis	Feb. 2010
20. Regional meeting or predecisional review of comments received on DEIS and strategy to address in FEIS	March 2010
21. Responses to comments finalized and FEIS revised, with consideration of Proponent and Cooperating Agency input	April 2010
22. Regional predecisional review submitted of FEIS and draft decision rational	May 2010
23. Final revision to FEIS	June 2010
24. Submit camera-ready FEIS to Regional Office for review / printing	July 2010
25. Print and distribute FEIS	July 2010
26. EPA publishes NOA of FEIS	July 2010
27. ROD issued	July 2010