



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Arizona State Office
One North Central Avenue, Suite 800
Phoenix, Arizona 85004-4427
www.blm.gov/az/



February 19, 2009

In Reply Refer To:
1278 (AZ-954.56)
FOIA Number AZ-09-015

CERTIFIED MAIL - RETURN RECEIPT REQUESTED NO. 7007 3020 0000 8493 2324

Ms. Julia Fonseca
Environmental Planning Manager
Pima County Natural Resources
Office of Conservation Science
3500 West River Road
Tucson, Arizona 85741

Dear Ms. Fonseca:

This is the response to your Freedom of Information Act (FOIA) request dated October 6, 2008, and forwarded from the U.S. Forest Service to the Bureau of Land Management (BLM), on January 13, 2009.

You asked for a copy of a mineral report identified as "Mineral Report – ASARCO, Inc., Coronado National Forest, MPA Nos. AZA 26477, AZA 26478, AZA 26479, AZA 26480, AZA 26481", herein referred to as the "Mineral Report."

The original Mineral Report contained numerous pages stamped as confidential by ASARCO, Inc. (ASARCO). Those notations were made at the time the document originated in 1993. ASARCO no longer has an interest in these mining claims; the Rosemont Copper Company (RCC) is the successor in title to the patented lands that are the subject of the Mineral Report. In accordance with Department of the Interior (DOI) regulations at 43 CFR § 2.23(f), RCC was asked to review the original document and provide BLM with any objections to disclosure of the information contained therein. Upon review, RCC informed BLM that much of the information marked as confidential by ASARCO is no longer considered confidential due to the age of the document. However, RCC did indicate that all mining cut-off grades, ore grades, and commodity prices within the report should remain confidential due to the competitive sensitivity of that information. An explanation of the FOIA exemption that protects this type of information follows.

A copy of the redacted Mineral Report is provided on the enclosed Compact Disk (CD). Redactions were made where indicated with the notation "Ex. 4" and orange markings within the document. The FOIA at 5 U.S.C. § 552(b)(4), herein referred to as "Exemption 4", protects trade secrets and commercial or financial information that is privileged or confidential. Exemption 4 protects the interests of businesses who could suffer a competitive disadvantage, have an adverse financial impact, and/or cause commercial harm to the holder of the subject mining claims if commercially sensitive information were released. The redacted information is derived from and directly related to geological and geophysical information that is of a commercial confidential nature. In addition to information on the mining cut-off grades, ore grades, and commodity prices as indicated above; assay results, pit maps, geological maps, cross sections, sample location maps, and all references that are derived from or related to sensitive geological and geophysical information have been redacted. BLM has determined that release of this type of information could result in substantial harm to the competitive position of RCC.

The person responsible for this partial denial (for the redacted portions) is the undersigned, in consultation with Shari Mauney, Attorney with the Field Solicitor's Office, Phoenix Field Office. Under 43 CFR Part 2, Subpart D, you have the right to appeal this partial denial of your FOIA request by writing to:

U.S. Department of the Interior
FOIA Appeals Officer
MS-6556, MIB
1849 C Street, NW
Washington, DC 20240


Your appeal must be in writing and, in accordance with 43 CFR § 2.29(a), "must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response or 30 workdays after receipt of any records that are provided to you." To expedite the appeal process, you should include a copy of your original request and a copy of this response. The words "FREEDOM OF INFORMATION ACT APPEAL" should appear on both the envelope and the body of your appeal letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal letter should contain a statement of the reasons why you feel this decision is in error. To ensure timely receipt of your appeal, it is recommended that you fax a copy of your notice of appeal to the FOIA Appeals Officer at 202-208-6677.

There is no fee for providing the enclosed CD as the cost was less than the \$30 threshold established by the DOI for fee collection under the FOIA regulations at 43 CFR § 2.18(a).

This completes the processing of your FOIA request. If you have any questions regarding the enclosed Mineral Report, please contact Al Burch, Group Administrator for Renewable

Minerals, Arizona State Office. He can be reached via e-mail at Al_Burch@blm.gov or by telephone at 602-417-9221. If you have questions about the FOIA, please contact Toni Klimek, State FOIA Officer, via e-mail at AZ_FOIA@blm.gov or by telephone at 602-417-9364.

Sincerely,

for 
James G. Kenna
State Director

Enclosure:

1 – CD with “Mineral Report –
ASARCO, Inc., Coronado National
Forest, MPA Nos. AZA 26477,
AZA 26478, AZA 26479,
AZA 26480, AZA 26481” dated
November 1, 1994 (192 pp)

cc: Sarah A. Strunk, Esq.
Fennemore Craig, P.C.
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Phoenix, Arizona 85012-2913