



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
(520) 740-8661 FAX (520) 740-8171

C. H. HUCKELBERRY
County Administrator

January 13, 2009

The Honorable Raúl Grijalva
United States House of Representatives
1440 Longworth House Office Building
Washington, D.C. 20515

Re: Rosemont Mineral Validity Exam

Dear Congressman Grijalva:

On October 6, 2008, Pima County requested a copy of the mineral validity exam that was conducted by ASARCO around 1994. This request was submitted to the United States Forest Service under the Freedom of Information Act (FOIA) and is relevant to deliberations concerning the disposition of Coronado National Forest land for mine waste disposal or conservation.

In December 2008, we received notice that our FOIA request had been reviewed by ASARCO and Rosemont for proprietary information (Attachment 1). The redacted report was sent to Albuquerque for further review.

Yesterday we received notice that our request has been referred to Ms. Toni Klimek at the Bureau of Land Management (Attachment 2). Ms. Klimek is unable to provide Pima County a time frame for releasing the report, and noted that she has received legal comments from two apparently different attorneys at Fennemore Craig. Ms. Klimek tells us that she is still working on a larger request for the same document from an environmental organization in the eastern United States from a year ago.

I believe that a timely release of the document is relevant to the national interest.

Sincerely,

A handwritten signature in cursive script that reads "C. H. Huckelberry".

C.H. Huckelberry
County Administrator

CHH/jj
Attachments

c: The Honorable Chairman and Members, Pima County Board of Supervisors



United States
Department of
Agriculture

Forest
Service

Coronado National Forest
Supervisor's Office

300 W. Congress
Tucson, Arizona 85701
Phone (520) 388-8300
FAX (520) 388-8305
Deaf & Hearing Impaired 711

File Code: 6270-1/2800

Date: December 10, 2008

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

Dear Ms. Fonseca:

**FREEDOM OF INFORMATION ACT (FOIA) ID R3-COR-09-003: ROSEMONT MINE,
MINERAL (VALIDITY) REPORT**

I am writing today to provide you with a status report on the subject FOIA request, which you submitted to the Coronado National Forest in an electronic mail (email) message to Ms. Beverley Everson, Forest Geologist, on October 6, 2008. Receipt of your request for "the Mineral Validity Report" for the Rosemont Mine was acknowledged that same day in an email from Ms. Andrea Campbell, Forest FOIA Officer. In her response, Ms. Campbell advised you that the report may contain proprietary and/or personal information protected from public release by FOIA exemptions, and that we must review the report prior to release to identify such information. Ms. Campbell further advised you that it was also necessary that the report be reviewed by the mining claimants, the Rosemont Copper Company and ASARCO, LLC, for their input regarding contents considered to be proprietary and/or confidential.

On November 18, 2008, the Rosemont Copper Company (Company) provided its review comments and a copy of the report on which potentially proprietary and/or confidential information were noted. ASARCO, LLC, provided us with no comments.

Following our receipt of the Company's comments, Ms. Everson reviewed the report to confirm that what the Company recommends for withholding indeed meets the criteria for such, in Exemption 4 of the FOIA. Concurrently Mr. Marc Kaplan, Forest FOIA Coordinator, reviewed the report to identify personal information protected by Exemption 6 the FOIA.

We are now at the point where we must submit the report, with recommended redactions, to the Forest Service, Region 3 FOIA Liaison, for review and subsequent release to you. We expect to have the redacted report to Region 3 by December 12, 2008.

Your point of contact at Region 3 is Ms. Paula Barnhill, Acting FOIA Liaison. Should you have any questions or concerns, please feel free to contact Ms. Barnhill at your convenience. Her email address is pbarnhill@fs.fed.us, and her telephone number is (505) 842-3890. Please remember to refer to the alphanumeric FOIA ID provided in the subject line above.

With this letter, we are concluding the Forest's involvement in processing your FOIA request.

Sincerely,

JEANINE A. DERBY
Forest Supervisor





United States
Department of
Agriculture

Forest
Service

Southwestern Region
Regional Office

333 Broadway SE
Albuquerque, NM 87102
FAX (505) 842-3800
V/TTY (505) 842-3292

File Code: 6270-1

Date: January 7, 2009

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

RE: Freedom of Information Act Request, Control No. R3-RO-09-011/R3-COR-09-003

Dear Ms. Fonseca:

This is our final response to your Freedom of Information Act (FOIA) request dated October 6, 2008. Your request was referred by the Coronado National Forest to the Southwestern Region FOIA Requester Center on December 15. You asked for "the 1993-1994 mineral examination" for the Rosemont Mine.

The Bureau of Land Management (BLM) issues the patent claims and the minerals report is a BLM required component of that patent application. Therefore, we have determined that BLM is the lead agency with control of the document that you requested. By copy of this letter, we are referring your request to the FOIA Coordinator at the Arizona State Office of the BLM. To check on the status of your request, you may contact BLM, Arizona State Office, Toni Klimek, FOIA/PA Coordinator, One N. Central Avenue, Suite 800, Phoenix, AZ, 85004-4427, (602) 417-9364, FAX (602) 417-9556, or AZ_FOIA@blm.gov.

Pursuant to Title 7 Code of Federal Regulations (CFR), Subtitle A, Part 1, Subpart A, Appendix A, there is no charge because the amount for search and review time falls below the minimum amount required for the Forest Service to collect fees.

We feel that this fully satisfies your request with the Southwestern Region FOIA Requester Center.

Sincerely,

fn
CORBIN L. NEWMAN, JR.
Regional Forester

cc:

Ms. Sarah Strunk, Fennemore Craig, P.C.
Andrea Campbell, Coronado NF

