



## COUNTY ADMINISTRATOR'S OFFICE

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C. H. HUCKELBERRY  
County Administrator

July 11, 2008

Jeanine Derby, Forest Supervisor  
Coronado National Forest  
300 West Congress Street  
Tucson, Arizona 85701

Re: **Scoping Comments Rosemont Copper Mine Project EIS**

Dear Ms. Derby:

This letter is part of the County's continuing comments during the scoping period for the Environmental Impact Statement for the proposed Rosemont Copper Mine project. The Pima County Board of Supervisors approved the submittal of these comments at their July 1, 2008 meeting. Furthermore, at the meeting the Board asked that the Forest Service hold a public hearing in Vail, as the Vail community and surrounding communities will be directly impacted by this proposed mine. Five members of the audience addressed the Board during this item, the audio of which is enclosed on compact disk.

### **Flawed Scoping Process**

This scoping process for the proposed Rosemont Copper Mine has been fundamentally flawed from the beginning. The duty of the Forest Service during the scoping period is to provide adequate notice and begin a meaningful dialogue. However, the notice in the Federal Register was confusing. It was premature of the Forest Service to initiate the scoping process based on an incomplete mine plan of operations. Not only does this present an incomplete set of information for evaluation, but it prevents any real assessment of the cumulative impacts of the project. Cooperative agencies should have been invited to participate early on in the scoping process such that they could inform the scoping process and the selection of the EIS consultant. The purpose stated in the Federal Register notice for the proposed action is too narrow and essentially precludes the consideration of possible alternatives, including the no-action alternative.

I have sent three letters to the Forest Service since the beginning of the scoping period, expressing these concerns (attached). In addition, for similar reasons, Congressman Grijalva and Congresswoman Giffords requested that the Forest Service suspend the current EIS scoping process pending receipt of a complete mine plan of operations. These issues have still not been addressed.

### **Validity of Claims**

A question that should have been answered before the Forest Service initiated this scoping process is whether the unpatented mining claims on Forest Service land included in the mine plan of operations for waste rock disposal, are in fact valid claims. Questions have been raised about the validity of these claims, and if they are in fact not valid, then significant time and dollars spent on evaluating and commenting on this project could be saved. By letter dated December 19, 2006, I requested that the Forest Service request that Augusta Resources submit the necessary information proving the validity of the claims prior to accepting the mine plan of operations. As Forest Supervisor, you replied on February 11, 2007 that it is not common practice, nor Forest Service policy, to challenge mining claim validity except in a couple of limited circumstances. I think many would agree that just because it is not common practice or standard policy, does not mean that the Forest Service could not choose to challenge the validity of claims when dealing with such a significant mining proposal such as this. Again, I am making this request. The EIS process could take years – years of which could be saved if the claims were found to be invalid.

### **Need for Programmatic or Regional EIS**

I clearly understand our continued economic need for copper. I also clearly understand the need for the Federal government to manage copper resources in a way enables the development of this resource to meet our economic needs. What I don't understand is how the Federal government can manage such a resource without a comprehensive assessment of where such resources are likely to be located and where they can be developed with the least impacts. The confrontation occurring over the proposed Rosemont Copper Mine is caused by a lack of comprehensive planning by the Federal government. Ideally on a national level, but at least on a statewide or regional level, we need a comprehensive assessment of copper resources and the encouragement of the development of those resources in areas that do not threaten water resources, do not compromise in the quality of life for 1 million residents, meets applicable environmental laws and policies, and do not impact wildlife and scenic areas that support a thriving eco-based tourism sector of the local economy. This raises the issue of social justice – this region and community will bear the brunt of negative and perpetual impacts from the Rosemont Mine. How will the

permanent and broad impacts from this mine be mitigated by Augusta Resources who will receive the greatest benefits? How will our region be afforded fair treatment and an impartial share of the benefits of this undertaking?

The Forest Service needs to revise the purpose for this EIS and expand the scope of this EIS so that the environmental, social, and economic impacts of an action providing for the development of copper on Federal lands to meet our economic needs can be assessed on a regional level. There may be several other ore bodies in the region that the Forest Service could support development of, that have fewer impacts than this mine proposed in the Santa Rita Mountains.

### **Staff Report**

Attached is a compilation of comments from County departments. Although some of the issues raised in the staff report have previously been raised with the Forest Service over the past two years, they are repeated in order to make sure they are part of the current administrative record for the development of the EIS. Others specify in greater detail the level of analysis that we believe is necessary for an adequate understanding of potential impacts. Attachment 10 to the staff report includes two draft scopes of works for studies we think will be necessary to sufficiently determine the environmental impacts of this proposed project. Specifically, these draft scopes of work call for an analysis of hydrological impacts to the Upper Santa Cruz Basin in the Sahuarita/Green Valley area, and to the Davidson Canyon watershed. The sooner the County and others are invited into this process as cooperative agencies, the sooner these scopes of work and others can be finalized and the studies can begin.

### **Military Pilot Training Impacts**

The staff report raises a potential issue regarding the possibility of this mine interfering with military training operations. The area proposed for the Rosemont Copper Mine is within a low-level military air-training route that spans an area from the Las Cienegas National Conservation Area to the Buenos Aires National Wildlife Refuge. The attached graphic represents the military air training routes. Notably, one of the routes crosses the Santa Rita Mountains just north of the Rosemont ore deposit. The proposed mine by Augusta Resources represents a potential encroachment into the low-level pilot training routes in our area. Two aspects of the mine can affect the training routes: the first are physical encroachments, such as the power poles which would be constructed over the crest of the Santa Rita Mountains to bring electricity to the site. Second, the military may be even more concerned with radio communication bandwidth encroachments. Radio transmissions or other electronic devices, which might direct the flow of electricity, water or ore slurry might have the potential to interfere with bandwidths and communication

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systems currently used by the military. The Forest Service should consult with the Defense Department to investigate these potential impacts.

**Summary**

In summary, the scoping process for the proposed Rosemont Copper Mine is a flawed process. Scoping should be halted and started again when a complete mine plan of operations is available so that direct, indirect, and cumulative impacts can be assessed, and when cooperative agencies have been invited into the process to contribute needed expertise. In addition, the "purpose and need" for the project is so narrow that it precludes alternatives that would still meet the need of the Federal government to provide for the development of copper resources in locations that would result in far fewer environmental, social, and economic impacts. Finally, before any more time and effort is spent on analyzing the impacts of this proposed mining project, the Forest Service should investigate whether Rosemont's mining claims are valid.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/dr

Attachments

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