



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

OCT 13 2010

Mr. Ray Carroll
Pima County Supervisor, District 4
Pima County Board of Supervisors
130 West Congress, 11th Floor
Tucson, Arizona 85701-1317

Dear Mr. Carroll:

Thank you for your letter of August 19, 2010, requesting clarification on the U.S. Department of Agriculture's (USDA) position regarding the No Action Alternative with respect to the Rosemont Copper Mine environmental analysis. I apologize for the delayed response.

The USDA's Forest Service continues to evaluate the Rosemont Copper Mine proposal under current laws and regulations, including laws governing mining. The formulation of the No Action alternative as a "no project alternative" provides the baseline against which to compare the effects of the action alternatives and is consistent with National Environmental Policy Act and its implementing regulations. As such, we will analyze the no action alternative. Of course, it would be premature to comment on any decision outcome, as it relates to the proposed Rosemont Copper proposal, until we have completed a thorough review of the proposed mine, the mine plan of operations, and any required mitigation.

Again, thank you for writing. I appreciate your involvement and dedication in the environmental process, helping USDA to make the most informed decision possible. I encourage you to continue to stay in engaged as it progresses.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Vilsack". The signature is fluid and cursive, with the first name being the most prominent.

Thomas J. Vilsack
Secretary



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RAY CARROLL
COUNTY SUPERVISOR
DISTRICT 4

August 19, 2010

The Honorable Tom J. Vilsack, Secretary
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, D.C. 20250

Re: Rosemont Mine and the "No-Action" Alternative

Dear Secretary Vilsack:

The purpose of this letter is to seek clarification on the Agriculture Department's position regarding the validity of the U.S. Forest Service's position that appears to eliminate the "No-Action" alternative in the draft Environmental Impact Statement (EIS) now under preparation.

My enquiry is prompted by the first chapter draft of the EIS which the County recently received as one of the cooperating agencies in the National Environmental Policy Act (NEPA) review process.

In the draft, the Forest Service states it, "may reasonably regulate mining activities to protect surface resources, but there are statutory and constitutional limits to its discretion when reviewing and approving a Plan of Operations. The Forest Service may reject an unreasonable or illegal Plan of Operations, but cannot categorically prohibit mining activity or deny reasonable and legal mineral operations under the mining laws." This statement appears to me to have a chilling effect on the possibility of the draft EIS considering the "No-Action" alternative.

This chilling effect is reinforced by a further statement that, "The Forest Supervisor will select the Proposed Action or an alternative that allows for orderly development of the mineral resource while reducing environmental impacts... Using the analysis in the Final Environmental Impact Statement (FEIS) and supporting documentation, the Forest Supervisor will make the following decision(s) regarding National Forest System Lands: whether to approve the PPO as submitted by Rosemont Copper or an alternative considered in detail in the FEIS. The final decision may include a blend of components within the range of alternatives considered."

While the statements do not absolutely preclude a "No-Action" alternative, they seem to bend over backwards to indicate it is not being considered. In addition, they seem to directly contradict the spirit if not the exact words of your October 23, 2009 letter to Congresswoman Gabrielle Giffords where you wrote, "The Forest Service is reviewing the issues surrounding the Rosemont Project as part of its obligations under the National Environmental Policy Act. As part of that review, the Forest Service is examining both the proposed mine and a "No-Action" alternative in its Environmental Impact Statement. No

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decisions have been made with respect to issuing a record of decision for the proposed mine and none will be made until we have completed a thorough review of the proposed mine, the mine plan of operation and any required mitigation." These same sentiments were echoed by your Deputy Under Secretary, Jay Jenson, when he visited Pima County last October.

The August 18, 2010 article on the front page of the *Arizona Daily Star* states, "The U.S. Forest Service has said once again, this time in a draft report, that it can't legally say "no" to the Rosemont Mine if it meets environmental laws." In the same article, your Southwest Regional Forester, Francisco Valenzuela, states that, "The Forest Service hasn't made a clear decision on which way we are going." He then states that, "we will listen to public comment and opinion."

This sounds to many, including myself, as if the decision to reject the "No-Action" alternative has already been made, since the next opportunity for public comment will be after the complete draft EIS is made public. If this is so, the draft EIS will have dug the grave for the "No-Action" alternative, and all that will remain is for the final EIS to bury it.

As you know, the Pima County Board of Supervisors has unanimously opposed this mine; the County Administrator, Mr. Huckleberry, and the County staff have diligently provided the Forest Service with information regarding the detrimental effects this mine would have on the environment and the economy of Pima County; and literally thousands of citizens, including those in my District where this mine would be located, are apprehensive about the forthcoming decision of the Forest Service.

For all of the above reasons, I ask you to clarify the Forest Service's position on the "No-Action" alternative. I appreciate your personal interest in this subject, and I look forward to hearing from you.

Sincerely yours,



Ray Carroll

Pima County Supervisor, District 4

- C: The Honorable Raul Grijalva M.C.
 The Honorable Gabrielle Giffords M.C.
 The Honorable Chairman and Members, Pima County Board of Supervisors
 C.H. Huckelberry, County Administrator, Pima County
 Reta Laford, Acting Forest Supervisor, Coronado National Forest
 Gayle Hartman, President, Save the Scenic Santa Ritas
 Elizabeth Webb, President, Empire-Fagan Coalition
 Stan Riddle, President, Green Valley Community Coordinating Council
 Tom Ward, Manager, Green Valley Area Office, Pima County District 4