MEMORANDUM

Date: April 13, 2022

To: The Honorable Chair and Members
    Pima County Board of Supervisors

From: Jan Lesher
      County Administrator

Re: Update on Hudbay Proposed Mining Activities

On March 10, 2022, the Pima County Regional Flood Control District (District) received correspondence from Hudbay Minerals, Inc. who is the owner of the Rosemont Copper Mine. (Attachment 1) The letter stated that they plan to commence clearing, grading, and other activities necessary to prepare the site for the construction of tailings and waste rock storage facilities on privately held land on the west side of the Santa Rita Mountains. The locations of the tailings and waste rock storage facilities are different from prior proposals and, since they are located on private lands, are intended to avoid the lengthy federal regulatory process that has been litigated for many years.

Hard rock mines enjoy exemption from most local regulations and Pima County’s permitting authority is limited. The District has permitting authority over portions of the mine facility, but the Arizona Revised Statutes exempt tailings and waste rock storage from permitting, although plans must be submitted for review and comment. The correspondence received from Hudbay attempts to satisfy the plan submittal requirement. The District does not dispute that tailings or waste rock storage enjoy exemption from floodplain management regulations; however, the District’s response indicated that the information submitted was incomplete and not sufficient to make a determination regarding the applicability of floodplain management requirements for other portions of the facility.

Subsequent correspondence between Hudbay and the District included Hudbay agreeing to gather the necessary information and work collaboratively to ensure that the relevant portions of the site will meet floodplain management requirements. (Attachment 2) In addition, the District has requested confirmation that Hudbay has applied for or received other relevant state and federal permits pursuant Section 404 and 402 of the Clean Water Act, Air Quality permits, and Aquifer Protection permits.

HudBay has indicated a willingness to cooperate, but has planned to concurrently commence with the preparatory activities. As such, the public may begin to see activity on the Hudbay privately owned properties.
If you have or receive any questions regarding the mine activity or our limited authority to regulate the currently proposed mine, please contact either Suzanne Shields, Director for the Regional Flood Control District or Eric Shepp, P.E., Deputy Director and Floodplain Administrator for the Regional Flood Control District.

JKL/dym

Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator for Public Works
    Barbara Escobar, Interim Director, Department of Environmental Quality
    Linda Mayro, Director, Office of Sustainability & Conservation
    Suzanne Shields, P.E., Director, Regional Flood Control District
    Eric Shepp, P.E., Deputy Director, Regional Flood Control District
March 10, 2022

HAND DELIVERED
Regional Flood Control District
201 N. Stone Avenue, 9th Floor
Tucson, AZ 85701

RE: Rosemont Copper Company ("Rosemont") Notice of Exempt Activities

Dear Regional Flood Control District Board:

Rosemont owns certain private land in the northern Santa Rita Mountains, in an historic mining area called the Helvetia Mining District. Rosemont anticipates starting clearing, grading, stockpiling and other earthwork activities related to the construction of tailings and waste rock storage facilities on this land in April. The facilities will be used in connection with Rosemont’s future mining and metallurgical operations.

In accordance with A.R.S. § 48-3613 and Pima County Code § 16.12.020, Rosemont submits for review and comment only and not for any approval or permitting, plans for these facilities. The attached plans are being submitted for the Board’s review and comment. Specifically:

1. Figure 1: Vicinity Map
2. Figure 2: Proposed Project Facilities – Overall
3. Figure 3: Proposed Project Facilities – View 1
4. Figure 4: Proposed Project Facilities – View 2
5. Figure 5: Proposed Project Facilities – View 3
6. Figure 6: Site Water Management – Closure

Figures 2-5 show the location of the project facilities relative to Pima County’s designated floodplains in the area. Figure 6 shows the routing of stormwater around and through the site once the facilities are fully constructed.
These figures show all facilities for the project that Rosemont plans to begin permitting with various state agencies later this year. The complete project includes Tailings Storage Facilities (TSF), Waste Rock Facilities (WRF), a Heap Leach Pad (HLP), multiple open pits, and a plant site. If any of the facilities that are not exempt from floodplain permitting ultimately require development within a designated floodplain, Rosemont will submit an application for a Floodplain Use Permit at the appropriate time.

Arizona law specifies written authorization is not required for, nor shall the Flood Control District Board prohibit construction of, tailings dams and waste disposal areas used in connection with mining and metallurgical operations. A.R.S. § 48-3613(B)(3). Before the authorized construction may begin, Rosemont must submit plans to the Board for review and comment. A.R.S. § 48-3613(C). The Pima County Code similarly provides that while plans are to be submitted to Board for review and comment, the Board shall not prohibit and shall not require a flood plain use permit or require authorization for construction of tailings dams and waste-disposal areas used in connection with mining and metallurgical operations. Pima County Code § 16.12.020.

Accordingly, Rosemont submits the plans for review and comment. Rosemont requests any comments be provided within a reasonable time, not to exceed 20 days.

Sincerely,

Javier Del Rio
Vice President, South America and USA
April 12, 2022

SENT VIA E-MAIL
Eric Shepp, P.E.
Deputy Director and Floodplain Administrator
Regional Flood Control District
201 N. Stone Avenue, 9th Floor
Tucson, AZ 85701

RE: Rosemont Copper Company’s (“Rosemont”) Stormwater Management Plan

Dear Mr. Shepp:

Thank you for your April 8 email and the included attachments. We have reviewed all of the documents and, while not directly applicable to this situation, they certainly give us a better sense of the type of plans the Flood Control District (FCD) would like to see.

I was very pleased to hear that you are willing to meet with us now and on a regular basis going forward. I agree that this is the best way to ensure that the FCD is able to give meaningful input on our plans before they become detailed designs and look forward to establishing a collaborative relationship.

I am in the process of moving my family from Peru to Tucson but plan to be in Tucson full-time beginning on May 2nd. I am willing to make myself and Rosemont’s Technical Director -- Hudbay’s top mine planner in the U.S. -- available for a meeting any time from Tuesday, May 3rd through Friday, May 6th. I believe that it may be beneficial to include Pima County’s new Administrator, Ms. Jan Lesher, in this initial meeting but leave that to your discretion. Pending any further comments that you may have, I suggest that our agenda for this meeting include an overview of Rosemont’s stormwater management plans and floodplain delineation at the site.

Considering the amount of planning and commercial commitments involved with this work, I am not able to delay it any further. Our initial notice of this exempt work was sent to the FCD on March 10, 2022 and the first work in designated floodplains starts today. As emphasized in my prior letters, this work is entirely on Rosemont’s private property and will not involve any significant stormwater diversions that could impact adjacent property owners.
Once again, I look forward to your response and to developing a mutually beneficial working relationship with the FCD.

Sincerely,

Javier Del Rio
Vice President, South America and USA