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# MEMORANDUM

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Date: July 10, 2013

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

From: C.H. Huckelberry  
County Administrator *CHH*

Re: **Rosemont Mine Preliminary Administrative Final Environmental Impact Statement Update**

On June 26, 2013, I provided the Board of Supervisors with an update on the proposed Rosemont Mine permitting process showing that a number of permits and approvals are still needed. At that time, we were uncertain about the status of the U.S. Forest Service's Environmental Impact Statement (EIS). Since then, the Forest Service has released what they are calling a Preliminary Administrative Final EIS, and has requested comments from Cooperating Agencies on the document by July 31, 2013. Pima County is a Cooperating Agency, and staff are currently reviewing the document, as well as new supplemental documents provided by the Forest Service.

### Rushed Review and Lack of Additional Public Comment on Significant Changes

The Forest Service held a meeting on July 1 with Cooperating Agencies to discuss the timeline for review and some of the changes made in this version of the EIS. The Forest Service is limiting the Cooperating Agency review period to 30 days even though this version of the Final EIS apparently contains significant changes to the last version, because federal regulations regarding appeal procedures will change at the beginning of the new federal Fiscal Year (October 1). It appears the Forest Service is rushing to complete the Final EIS and issue a Record of Decision by the end of September. The Forest Service had a choice to issue either a Final EIS with no additional public comment period or a Supplemental Draft EIS with an additional public comment period. They appear to have chosen the Final EIS with no additional public comment even though this version of the document apparently includes significant changes and additional information that was not included in the draft version – changes upon which the public will now be unable to comment.

### Initial Input from Staff Review of Preliminary Administrative Final EIS

Transportation. There is still no disclosure of impacts to city and county roads, including traffic volumes and increased road maintenance costs.

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: Rosemont Mine Preliminary Administrative Final EIS Update  
July 10, 2013  
Page 2

Air Quality. The mine could cause ozone levels to reach or exceed federal thresholds, which could result in significant costs for businesses, industries, and the general public throughout Pima County due to federal requirements that would be imposed to address the increased ozone levels.

Dark Skies and Impacts to Observatories. The document now explicitly and incorrectly states that Rosemont is not subject to Pima County's outdoor lighting code. Although the document states Rosemont will be in compliance with the code, an exception is provided in the case of lighting needs for mine safety – a large loophole with significant consequences to the astronomy industry.

Mine Design Changes. Pima County's past comments and the appeal of the State's Aquifer Protection Permit resulted or contributed to significant improvements to the mine design, including removal of storm drains under tailings, deletion of the heap leach from the Barrel Alternative, improvements to heap leach construction in the other alternatives, and additional water quality and sediment monitoring requirements. These changes appear to be included in this version of the Final EIS. Pima County's involvement in the Rosemont Mine review process has resulted in a better mine design providing increased water quality protections.

Reclamation and Bonding. Neither Pima County nor the public will have an opportunity to comment on the reclamation plan, the mine closure plan, or the bonding for the project because these would be completed only after the Forest Service issues the Final EIS and Record of Decision. No backfilling of the pit is proposed; meaning that a pit lake would drain water from the aquifer after closure.

Statements Included in the Preliminary Administrative Final EIS have been Mischaracterized

The Forest Service website clearly discloses that this version of the document was drafted from the perspective that certain processes and documents were completed, even though they are not yet completed. This includes the US Fish and Wildlife Service Biological Opinion on impacts to threatened and endangered species, the National Historic Preservation Act Section 106 memorandum of agreement and treatment (mitigation) plan, and the US Army Corps of Engineers Clean Water Act Section 404 permit alternatives analyses and Habitat Mitigation and Monitoring Plan. These are significant processes that are not yet complete; and based on discussions at the Cooperative Agency release meeting, as well as meetings County staff have had with the relevant parties concerning these issues, there appear to be many outstanding issues regarding historic and cultural resources, as well as quantification of impacts to streams and connected mitigation proposals. The US Environmental Protection Agency (EPA) in 2012 blasted the Forest

The Honorable Chairman and Members, Pima County Board of Supervisors  
Re: **Rosemont Mine Preliminary Administrative Final EIS Update**  
July 10, 2013  
Page 3

Service for the inadequacy of the draft EIS, and five staff from the EPA Region 9 Office were present via telephone and actively participated at the Cooperating Agency meeting.

Summary

If the Forest Service continues to pursue this substantially changed document as a Final EIS rather than a supplemental EIS, then Pima County and other Cooperating Agencies may be the last groups to have an opportunity to comment on the document before the Forest Service Supervisor issues his Record of Decision. The public will not have an opportunity to comment on this EIS. This makes this agency comment period all the more important, even though the Forest Service has chosen to allow only 30 days for review and comment.

County staff are actively reviewing the document, and we will meet the July 31 deadline. In the past, some in the community have questioned whether Pima County should be spending staff time reviewing this proposed mining project. However, it is clear that the County's involvement has contributed to a better mine design and increased water quality protection.

CHH/mjk

c: Nicole Fyffe, Executive Assistant to the County Administrator  
Julia Fonseca, Environmental Planning Manager, Conservation and Sustainability  
Office