



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

**MAY 12 2010**

*UM*  
*copy to*  
*1. Nicole*  
*2. Julian*  
*5/19/10*  
*no answer*

Mr. C.H. Huckelberry  
County Administrator  
Pima County Government Center  
130 West Congress  
Tucson, Arizona 85701-1317

Dear Mr. Huckelberry:

Thank you for your letter of March 25, 2010, regarding our review of the Forest Service policies and procedures related to the proposed Rosemont Copper Mine and Environmental Impact Statement.

The U. S. Department of Agriculture's (USDA) Forest Service continues to evaluate the mining proposal using currently available policies and regulations. The Forest Service's actions are continuing to be reviewed to ensure they are consistent with USDA regulations and any other applicable Federal statutes and regulations, including the 1872 mining law, which, as you know, curtails our decision space.

Some of the specific items you raised in your letter are currently being litigated, and we are unable to respond to your request. The evaluations of the mining claims prior to approval of the plan of operations and whether it is legal to deposit waste on those claims are interpretations associated with the mining laws and fall under the primary jurisdiction of the Secretary of the Interior. However, the USDA is working closely with the Department of the Interior to ensure that our interpretation of policy is consistent with current laws and regulations.

Again, thank you for writing and for your interest in the management of your national forests. Please continue your involvement in the environmental process as it proceeds.

Sincerely,

Thomas J. Vilsack  
Secretary