



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
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C.H. HUCKELBERRY
County Administrator

September 11, 2018

Mr. Kerwin S. Dewberry
Forest Supervisor, Coronado National Forest
300 West Congress St.
Tucson, AZ 85701

Re: **Proposed Rosemont Cultural Resource Data Recovery Schedule from Hudbay Minerals, Inc.**

Dear Mr. Dewberry:

Pima County Cultural Resources office staff have reviewed the information provided by the Coronado National Forest (CNF) regarding the proposed Rosemont Mine Data Recovery Schedule prepared by Westland Resources, Inc. (WRI), for Hudbay Minerals, Inc. (Hudbay), and we offer the following comments.

The CNF has determined that "mitigation measures [described] in the Historic Properties Treatment Plan (HPTP) may not begin until the CNF approves the final Mine Plan of Operations (MPO) and the Clean Water Act Section 404 permit is issued by the US Army Corps of Engineers". Pima County supports this decision; however, Pima County has been continuously denied the opportunity to review the MPO, which impedes our ability to adequately assess the need for the newly proposed Data Recovery Schedule.

The proposed schedule also contradicts what was proposed in the HPTP. The HPTP specifically identifies that data recovery efforts will be staged in advance of construction in those areas over a multi-year time period. Correspondingly, the HPTP takes a conservative approach and only requires archaeological mitigation when and where necessary in advance of each stage of ground disturbance over this multi-year timeframe. WRI's current data recovery schedule is a fundamental change to the HPTP, as it proposes that all historic properties within the Area of Potential Effect (APE) will be subjected to data recovery in a single effort. This is a significant departure from what was understood and approved in the HPTP by the State Historic Preservation Office, Tribal Nations, and other Consulting Parties. As such, this should be proposed as an amendment to the HPTP and full consultation on the

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revised HPTP should be re-opened on this matter. Pima County, therefore, does not concur with the proposed changed schedule as archaeological mitigation should continue to be staged as defined in the HPTP, unless formally amended through a re-opened consultation process.

In addition, Pima County does not support CNF approval of the WRI schedule and implementation of the archaeological data recovery program until such time that all pending litigation associated with the Rosemont Mine has been concluded and resolved. Historic properties are nonrenewable resources that cannot be recreated once mitigation occurs. Should pending litigation alter, deter, or halt the Rosemont Mine project, these cultural resources will have been destroyed through data recovery unnecessarily, and with great detriment to Tribal objectives to preserve their ancestral and traditional cultural places. Tribal and nontribal communities value the land and the ongoing litigation against the US Forest Service (USFS) decision reflects their values and concerns. Even if the USFS is not obligated by law to wait until litigation is over, there should be some consideration given to timing any ground disturbance in relation to due process. We feel there is an obligation to protect these cultural resources from unwarranted destruction, especially when Tribal communities identify this cultural and natural landscape as a traditional cultural place comprised of numerous culturally significant sites relevant to their identity and living cultural traditions.

Ce:wi Duag or Long Mountain is a Traditional Cultural Property (TCP) as defined in the HPTP, and it represents some 7,000 acres of the Santa Rita Mountains. This is a cultural landscape comprised of natural features and cultural features, all with traditional and sacred values to the Tohono O'odham and other Tribal Nations. The TCP has been validated through historic ethnographic records and recent consultations and has been determined eligible for listing in the National Register of Historic Places. WRI's proposed schedule does not provide adequate time or any detail on how mitigation measures for this TCP outlined in the HPTP will occur prior to construction (HPTP pages 245-249).

The HPTP identifies that Rosemont Copper, now Hudbay, will provide Native American Tribal Governments access to *Ce:wi Duag*/Long Mountain and access to the historic properties that are proposed for mitigation, prior to and during mitigation. Pima County believes that Tribal Governments should have been consulted much earlier about this proposed change in the HPTP, regarding access to these ancestral sites and features of the natural landscape such as springs that are considered culturally significant. The HPTP and its proposed compressed schedule do not consider providing advanced notice to Tribes before the start of data recovery efforts. This is disrespectful and inconsistent with the position by the Tribes and other Consulting Parties who agreed that the historic properties identified in the APE should continue to be part of the cultural landscape as long as possible.

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Furthermore, this compressed schedule raises serious questions as to whether the proposed staging, schedule and time frames are even adequate to treat the resources appropriately before they are destroyed. It appears that Hudbay's intention is to eliminate all cultural resources in the APE all at once, in a very short time frame, regardless of when or whether the mine will actually be started. As a consequence of this highly-expedited schedule that will in effect eliminate all cultural resources from the APE, Pima County finds this proposal to be dismissive of Tribal concerns and the efforts of all the Consulting Parties, and it raises very serious issues that call into question how these cultural resources will actually be treated.

1. Not only is the adequate and appropriate treatment of archaeological and historic sites now questionable by this expedited schedule, there is really little consideration given to the mitigation of impacts to traditional cultural places. What efforts to consult with Tribes about access to sacred and traditional use areas will be undertaken by Hudbay, CNF, or WRI, prior to fieldwork that reflects the needs of Tribes?
2. The HPTP states that Tribes will be invited to discuss and identify how they interact with the Santa Rita Mountains and what this place means to them through oral interviews with Tribal members (HPTP pages 75–76). How does this field work schedule allow sufficient time for Tribal participation and interviews prior to the sites and sacred elements of the landscape being destroyed?
3. How will Tribes be asked to participate in “cultural sensitivity training?” The HPTP notes that crews will be comprised of four experienced archaeologists who will have undergone Tribal sensitivity training. a) How does this expedited schedule allow for sensitivity training to occur prior to data recovery efforts? b) Will Tribal archaeologists be used as suggested in the HPTP to cultivate a multi-vocal perspective (HPTP page 54)?
4. The new schedule estimation that only ten percent of the historic properties identified for Phase I testing will require Phase II excavations seems extraordinarily low and may indicate a gross underestimation of site significance. What is the justification for this? And, how will Tribal perspectives be brought into this determination? What is CNF's position with regard to this schedule should a higher percentage of historic properties require further mitigation measures?
5. Given the adverse implications of the changed schedule, why was formal consultation to amend the HPTP not reopened?

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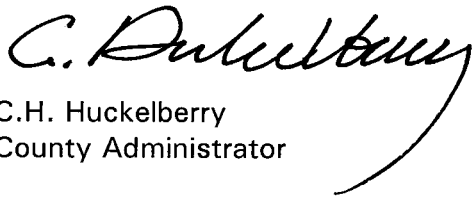
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While it is understandable that the mining proponents are seeking to eliminate the cultural resource issues as quickly as possible and the USFS has taken the position that they are required to approve the Rosemont Mine under the 1872 Mining Law, these are not excuses to disregard the public interest of protecting our national and cultural heritage under the National Historic Preservation Act and to dismiss the outcome of earlier consultations in the HPTP.

We ask that the USFS consider all the implications of this proposed expedited schedule. Allowing this to proceed will certainly destroy the cultural resources, but it will not eliminate the cultural resources issues for the mining interests, the CNF, and the greater community. It will only exacerbate the problem.

We understand this is a complex issue and we trust you will give serious consideration to the comments we have offered.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mp

c: Kathryn Leonard, State Historic Preservation Officer
David Mehalic, Archaeologist, Coronado National Forest
Linda Mayro, Director, Office of Sustainability and Conservation