



## SAVE THE SCENIC SANTA RITAS ASSOCIATION

### Press Release

### For Immediate Release

October 22, 2018

### **SSSR Requests Army Corps to Deny Rosemont Clean Water Act Permit or Conduct Required Environmental Study on the Mine's Mitigation Plan**

(Tucson, Ariz.) With a permit decision looming, [Save the Scenic Santa Ritas \(SSSR\)](#) is requesting the U.S. Army Corps of Engineers deny a crucial permit needed for the proposed Rosemont Mine because of the project owners' failure to present a mitigation plan that compensates for the project's impacts to southern Arizona's critical drinking water, wildlife, and other public values as required by the [Clean Water Act](#) (CWA).

"Toronto-based Hudbay Minerals Inc. has failed to submit a mitigation plan that legally and adequately compensates for the massive destruction of wetlands, springs and seeps and other important, functioning aquatic resources that meet the CWA's requirements under Section 404 of the law," SSSR President Gayle Hartmann says. SSSR requested the Corps last December to conduct a Supplemental Environmental Impact Statement on Hudbay's 800-page mitigation plan, but that hasn't occurred.

"At this crucial juncture, the evidence is clear: The Corps must deny the Rosemont 404 permit," Hartmann states in a letter to the Corps. "Short of that, the only other appropriate and legally defensible option is for the Corps to compel the initiation of a Supplemental Environmental Impact Statement (SEIS).

SSSR released an [index](#) of detailed technical concerns included in the extensive record of federal, state, local and tribal objections against constructing the proposed open-pit copper mine. This includes the Corps' letter to Hudbay in December of 2016 acknowledging the Corps' Los Angeles District office's July 2016 recommendation to deny the permit.

The Santa Rita Mountains are one of the world's most important biological treasures providing renewable water supplies to the Tucson metropolitan area and which are sacred to Native American tribes. The proposed mile-wide, half-mile deep open-pit copper mine would dump waste rock and mine tailings on more than 2,500 acres of Coronado National Forest, destroy habitat for a dozen threatened and endangered species and threaten water supplies that provide a significant amount of groundwater recharge in the Tucson basin.

*Save the Scenic Santa Ritas is a non-profit, community organization working to protect the Santa Rita Mountains from environmental degradation caused by mining and mineral exploration activities. For more information, go to [ScenicSantaRitas.org](#), [RosemontMineTruth.com](#), [Facebook](#), and [Twitter](#).*



# SAVE THE SCENIC SANTA RITAS ASSOCIATION

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October 19, 2018

Brig. General D. Peter Helmlinger  
Commander, Northwestern Division  
U.S. Army Corps of Engineers  
P.O. Box 2870  
Portland, Oregon 97208-2870

RE: Hudbay Minerals Section 404 Permit and SEIS

Dear General Helmlinger:

As you prepare to render your final decision on the Rosemont Section 404 Clean Water Act permit application, we want to remind you of the overwhelming record of governmental opposition at every level against this project, including the 2016 recommended permit denial from the Corps' Los Angeles District and repeated deep concerns expressed by US EPA Region IX.

Governmental opposition is supported by widespread public opposition to the proposed Rosemont Mine that is rooted in the indisputable evidence that Hudbay Minerals Inc. has failed to present a mitigation plan that complies with the CWA. Consequently, the most appropriate action for you to take is to deny this permit. Short of that, the only other appropriate and legally defensible option for you to take is to compel the initiation of a Supplemental Environmental Impact Statement that we urged the Corps to undertake last December.

In support of our position, we have provided a detailed index of the extensive record of federal, state, local and tribal government objections to this permit and the various iterations of the proposed mitigation plans offered by Rosemont including the current version.

Should you have any questions or need further information, please feel free to contact me.

Sincerely,

Gayle Hartmann, President  
Save the Scenic Santa Ritas

General Helmlinger  
October 19, 2018  
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attachment

c.c.: The Honorable Edward Manuel, Chairman, Tohono O'odham Nation  
The Honorable Robert Valencia, Chairman, Pascua Yaqui Tribe  
Mr. Raymond Suazo, Director, Arizona State Office, Bureau of Land Management  
Mr. Chuck Huckelberry, County Administrator, Pima County

## **Regulatory Concerns About the Sec. 404 permit for the Rosemont Mine.**

The mine's devastating impacts to the Santa Rita Mountains watershed and Rosemont's failure to meet CWA standards have long been the subject of significant county, state, tribal and federal regulatory concerns. These concerns are outlined below:

**January 5, 2012:** In a letter to the Army Corps, the U.S. Environmental Protection Agency (EPA) stated that Rosemont has not "demonstrated" it will be able to comply with watershed protection guidelines for "Davidson Canyon and Cienega Creek, both designated as 'Outstanding Waters' by the state of Arizona."

The EPA suggested the permit be reviewed at the Washington headquarters for the Army Corps and the EPA.

[\(EPA Letter to Army Corps - 1/5/2012\)](#)

**February 13, 2012:** The EPA sent a letter to the Army Corps stating that the deficiencies in Rosemont's Clean Water Act Section 404 application "could provide an adequate basis for permit denial..."

[\(EPA Letter to Army Corps - 2/13/2012\)](#)

**January 25, 2013:** In a letter to the Army Corps, the EPA strongly criticized Rosemont's proposed plans to mitigate the damage caused by the mine stating that the "methods used to assess aquatic functions at the project site and proposed mitigation sites are scientifically flawed, and therefore fail to adequately identify and quantify those functions."

[\(EPA Letter to Army Corps - 1/25/2013\)](#)

**August 15, 2013:** In a letter to the U.S. Forest Service, the U.S. Bureau of Land Management (BLM) expressed strong concerns about the proposed mine's impacts on the Las Cienegas National Conservation Area (NCA). The BLM stated that the proposed mine would be "detrimental to the purposes for which the Las Cienegas NCA has been established..." When Congress established the Las Cienegas, it did so to protect the riparian and water resources of the area.

[\(Letter from BLM to the Coronado National Forest - 8/15/2013\)](#)

**November 7, 2013:** In a letter to the Army Corps, the EPA recommended denial of Rosemont's Clean Water Act permit application stating Rosemont's mitigation plan "was insufficient to avoid 'significant degradation' of the aquatic ecosystem."

[\(Letter from EPA to the Army Corps of Engineers - 11/7/2013\)](#)

- December 30, 2013:** In a letter to the Army Corps, Pima County stated that the Rosemont mitigation proposal fails because it cannot produce the necessary mitigation credits due to an unpredictable and insufficient long-term water supply.  
([Letter from Pima County to the Army Corps - 12/30/2013](#))
- February 14, 2014:** The Arizona Game and Fish Department provided comments to the Forest Service raising concerns about the “the potential effects of mine waste rock stormwater runoff and tailings seepage on the downgradient watersheds, including the water quality of the Outstanding Arizona Waters in Davidson Canyon, Cienega Creek, riparian and aquatic species...”  
([Letter from Arizona Game and Fish Dept. to Coronado National Forest - 2/14/2014](#))
- February 28, 2014:** The Army Corps sent a letter to Rosemont Copper Company stating that Rosemont failed to provide a mitigation plan that focuses on restoration and enhancement of watersheds to compensate for the destruction of about 70 acres of wetlands that would occur by construction of the mine. The letter gave Rosemont a specific deadline to submit such a plan.  
([Letter from Army Corps to Rosemont Copper - 2/28/2014](#))
- April 4, 2014:** Pima County wrote the Arizona Department of Environmental Quality regarding ADEQ’s certification that Rosemont would not violate the Clean Water Act. The County said the certification was based on “faulty information” in the Coronado National Forest’s (CNF) Final Environmental Impact Statement (FEIS) and “unsubstantiated opinions in documents provided by Rosemont Copper Company.”  
([Letter from Pima County to ADEQ 4/4/2014](#))
- April 7, 2014:** EPA similarly wrote to ADEQ regarding the certification issued by the state agency stating that it “believes the draft... certification and supporting information provide an insufficient basis from which to conclude existing water quality will be maintained”, that ADEQ’s proposal would not “prevent water quality degradation in Davidson Wash and Cienega Creek,” and that “the risk of water quality degradation remains high.”  
([Letter from EPA to ADEQ - 4/7/2014](#))
- May 13, 2014:** The Army Corps once again put Rosemont on notice that its plan to mitigate the impacts to southern Arizona’s water resources from the proposed mine fall short. The Army Corps stated, “that the proposed compensatory mitigation would not fully compensate for the unavoidable adverse impacts that

would remain after all appropriate and practicable avoidance and minimization measures have been achieved.”

[\(Letter from Army Corps to Rosemont Copper – 5/13/2014\)](#)

**July 29, 2016**

According to published reports, the Army Corps’ Los Angeles District Engineer recommended denial of the Clean Water Act permit for the proposed Rosemont mine. The recommendation is under consideration by the Army Corps’ regional office in San Francisco.

[\(The Arizona Daily Star - July 29, 2016\)](#)

**October 21, 2016**

Pima County sent a letter to the U.S. Army Corps of Engineers San Francisco Division headquarters to uphold the Corps’ Los Angeles district recommendation to deny Rosemont Copper’s Clean Water Act permit request.

[\(Letter from Pima County to the Army Corp – October 21, 2016\)](#)

**December 28, 2016**

The Commander of the US Army Corps of Engineers’ South Pacific Division sent a letter to Hudbay Minerals reiterating the agency’s reasons for recommending denial of the Sec. 404 permit for the proposed Rosemont Mine.

Additionally, in this letter the Corps addressed Hudbay recently raised questions about regulatory jurisdiction noting that jurisdiction was initially asserted by Rosemont’s own consultants and accepted by the Corps.

[\(Letter from the South Pacific Division to Hudbay Minerals – December 28, 2016\)](#)

**June 29, 2017**

Pima County sends a letter to the Arizona Department of Environmental Quality strongly criticizing Hudbay’s apparent lobbying to remove the Outstanding Water designation for Davidson Canyon and Cienega Creek – waters that would be devastated by the construction of the proposed Rosemont Mine.

[\(Letter from Pima County to the Arizona Department of Environmental Quality – June 29, 2017\)](#)

**November 7, 2017**

Pima County sent a letter to the U.S. Army Corps of Engineers challenging Hudbay Minerals attempts to have federal regulators reclassify two desert streams that will be impacted by its proposed Rosemont Mine as fleeting, short-lived, watercourses rather than as intermittent waterways that have continuous water for extended periods.

[\(Letter from Pima County to the US Army Corps of Engineers – November 7, 2017\)](#)

**November 28, 2017**

The Tohono O’odham Nation sent a letter to the U.S. Army Corps of Engineers demanding that the agency engage in “government-to-government” consultations with the tribe

before deciding whether to issue a crucial Clean Water Act permit needed to construct the Rosemont copper mine.

[\(Letter from the Tohono O'odham Nation to the US Army Corps of Engineers – November 28, 2017\)](#)

**November 30, 2017**

The U.S. Environmental Protection Agency sent a letter to the U.S. Army Corps of Engineers that Hudbay Minerals' environmental mitigation plan for the proposed Rosemont Copper Mine fails to address its impacts to southern Arizona's water resources and fails to meet regulatory requirements under the Clean Water Act.

[\(Letter from EPA to the U.S. Army Corp of Engineers, November 30, 2017\)](#)

**December 4, 2017**

Pima County sent letters to state and federal environmental regulators stating that Hudbay Minerals' application for a Clean Water Act permit needed for its proposed Rosemont Mine violates federal law because it fails to describe the actual mitigation the company is planning.

[\(Letter from Pima County to the US Army Corps of Engineers – December 4, 2017\)](#)  
and [Letter from Pima County to the Arizona Department of Quality – November 17, 2017\)](#)

(Note: This information and corresponding documents can be found at: <http://www.rosemontminetruth.com/key-documents/rosemonts-clean-water-regulatory-history/>)