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July 8, 2008

Ms. Beverley Everson, Geologist
Coronado National Forest
300 W. Congress St.
Tucson, AZ 85701

Re: Rosemont Copper Project EIS

Dear Ms. Everson:

The Arizona Game and Fish Department is responding to the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Proposed Rosemont Copper Project. The Department understands that the Forest is working through a difficult process in evaluating this large project, and we appreciate that the Forest has extended the scoping period to try to reach more interested parties.

Although there are other issues that can be discussed and could cause impacts and concerns to the citizens of southern Arizona, the Department's comments are limited to the potential impact to wildlife, wildlife habitat, and wildlife recreation. The Forest Service should consider our comments here as preliminary remarks.

The Arizona Game and Fish Department is responsible for the management of the wildlife on all lands in Arizona, and thus we request cooperating agency status so that we can provide expert advice throughout the evaluation process as to the impacts to wildlife, habitat, and recreation. The Department also requests to work with the Forest as a member of the ID team as the EIS is developed and analyzed.

We have reviewed the Mine Plan of Operations. Our preliminary review indicates that despite any and all mitigation measures, this project will result in significant adverse impacts to wildlife, wildlife habitat, and wildlife recreation. We believe that the project will render the northern portion of the Santa Rita Mountains virtually worthless as wildlife habitat and as a functioning ecosystem, and thus also worthless for wildlife recreation. Furthermore, the project has great potential to impact wildlife and habitat off the forest. We therefore do not support the development of the Rosemont Mine.

The mine plan of operations (Section 3.3.3) states, "it is anticipated that disruption to wildlife habitat and use will be minimal." Further, the mine plan of operations (Section

3.5.2.1.2) states, "loss of hunting ground is not expected to have significant impact on hunting in the area." The Department completely disagrees with both of these statements. The amount of land disturbance, traffic, noise, light, and general mining activity will completely disrupt wildlife in the area. Wildlife and hunting impacts will be much greater than the footprint of the active mine area. The mine plan of operation states that a biological report has been completed, called the Biological Resources and Mitigation Concept. We request a copy of this document for our review.

We know that Pima County has recommended that the Forest should require peer review of scientific studies written to evaluate the impacts of the mine. We concur that this is a reasonable request, given that we disagree so completely with the report on biological resources. The Forest must insure that the scientific analysis upon which they base their decisions is sound.

The Department seeks clarification on the purpose and need for the proposed action. The NOI states: "The purpose of the proposed Forest Service action is to grant permission to the Company [Rosemont Copper Company] to use NFS land for certain activities related to operation of the Rosemont Mine." It seems that the appropriate purpose should be to evaluate whether to issue a permit to Rosemont Copper Company to mine mineral resources from Forest Lands, and whether to issue a permit to dump mining waste on Forest lands, and whether to issue a permit to allow mining and other related rights of way across Forest land to facilitate mining on adjacent patented mining claims, and further to determine the appropriate management practices and mitigation to protect forest and surrounding land resources if the permits are issued.

The primary responsibility of the Forest, if the permits are issued, should be to protect Forest resources and surrounding lands and waters. The Forest should identify how you intend to protect those resources.

The Department has a number of questions regarding the Forest's management and permitting responsibility in this action:

- Must the Forest Service issue a permit for mining on Forest Land?
- Must the Forest Service allow dumping of mine waste on Forest land?
- Should the Forest allow acid leaching of mineralized rock on Forest land?
- Could the Forest require the operator to place all mineralize rock and mining waste off Forest land (on private and patented claims)?
- Can the Forest evaluate the validity of the unpatented mining claims before it permits mining use, and can the Forest deny the permit if the unpatented mining claims are not valid?
- Can the Forest deny the permits if they determine that the environmental impacts of the proposed action to Forest lands and surrounding lands are unacceptable?
- Does the No Action Alternative mean that no mine will be built? It would clarify the decision that the Forest must make if you clarified what the No Action Alternative encompasses.

- Is the Forest required to allow this one use – a mining operation, with associated ore-processing plant, tailings, waste rock and leach facilities, new roads, ore transportation systems, and test reclamation plots– if it will exclude all other forest uses? Because of the surface disturbance, allowing the use of Forest land for this mine will eliminate all other legitimate use of this Forest land. We believe that the Forest should clearly understand, state, and evaluate that this one use will exclude all other uses of the public's multiple-use land.
- Is the Forest required to allow this one use if it permanently damages Forest lands and surrounding non-Forest lands forever? Pretending that this forest land will be returned to a functioning ecosystem in 20 years is fantasy.

There are so many demands on land in Arizona. Human population and urban and rural development are growing at such a rate that there will soon be a time when the only land left for the public to use for recreation, and the only land left for wildlife, will be the public land. The Forest Service should consider that the highest value of Arizona public land is for open space, public recreation, and wildlife. Because the Arizona Game and Fish Department is charged with the management and protection of Arizona's wildlife, we cannot support any action that will mean the loss of a significant piece of wildlife habitat on public land.

We visited the Santa Rita Ecosystem Management Area during the period when the test drilling was occurring, and we were greatly concerned at the amount of noise, light, and physical disturbance that occurred. Wildlife recreationists complained to our personnel about the damage to wildlife and habitat and the damage to their wildland experience. The impact of the testing phase will be miniscule compared to the impact of the actual mine operation.

Even though we do not support development of the Rosemont Mine, we want to provide a summary of our concerns to help the Forest in the environmental analysis of the impacts as they relate to wildlife, wildlife habitat, and wildlife recreation.

We understand that Rosemont Copper Company plans to drill for water in Sahuarita, near the junction of the Santa Rita Road and Sahuarita Road. We are concerned about the cone of depression that will result, both in the Santa Cruz Valley and in the Santa Rita Mountains. We understand that Rosemont Copper Company plans to replace their ground water withdrawal with CAP water, but at least for now that replacement water is being provided into the aquifer at Avra Valley, 36 miles away from the withdrawal site. Depositing water into the Avra Valley will do nothing for the water table that supports the wildlife habitats around the Santa Cruz River and in the Santa Rita Mountains. If the water table is lowered around the Santa Cruz River or in the Santa Rita Mountains, the impacts to vegetation will adversely impact wildlife (which in turn impacts wildlife recreation). Further, there is a concern that CAP water may not be available throughout the entire life of this mine, so replacement may not occur at all times. The only way to insure that the mine does not impact water resources (and thus wildlife habitat) in the Santa Cruz water basin is for the mine to use only CAP water and be prohibited from

using ground water. Of course, any use of water in Arizona takes away another use, even if it is as remote as the Colorado River.

We also are concerned about the impacts that will occur and could occur to the surface and ground water on the east side of the proposed mine. Normal rainfall that will fall in Barrel Canyon will be diverted for 20+ years (or forever?). This will decrease the ground water and surface water that should flow down Barrel Canyon and into Davidson Canyon and Cienega Creek. Davidson Canyon and Cienega Creek are very important habitats for wildlife, and decreases in water flow to these habitats will adversely impact wildlife. This effect will be occurring off of Forest lands. The Forest should identify how you will insure that this impact does not occur.

Further, there is a great concern about spills from the mine polluting the ground water and surface water down-canyon from the mine. Although Rosemont Copper Company states that they will use state-of-the-art technologies to prevent spills and contamination, virtually all mines have had spills. The Forest should identify how you will insure that water is not polluted from the Rosemont Mine. Any pollution of waters into Davidson Canyon and Cienega Creek will have significant adverse impacts to wildlife, including federally listed and sensitive species.

We also have a concern about failure of reclamation to occur or to be adequate for the needs of wildlife. Rosemont Copper Company tells us that mining operations can be completely rehabilitated. However, we have never seen this occur in Arizona's dry habitats. There is always a legitimate reason for the lack of reclamation, e.g., the mine is staying open to extract ore in the future, or the original company declared bankruptcy and is no longer responsible. When this happens, the wildlife and the public who enjoy that wildlife are always the losers. One of the problems is the difficulty of establishing vegetation (at the level of a functioning ecosystem) in dry climates. The vegetative communities in the project area developed over hundreds of years. It is virtually impossible to establish that same vegetation in short time frame. Reclamation is not successful if the result is a low-seral stage habitat (e.g. grasses and forbs) that lack mature habitat values. Those low-seral stage habitats may hold soil, but they do not provide the same functions and values for wildlife.

One of the most significant deficiencies of other mining operations on public land is the inadequacy of the reclamation bond. Too often the original or subsequent operator finds default on the bond to be less expensive than completing the required reclamation. One of essential requirements of this project would be to require a very generous reclamation, based on dollar amount at the time of reclamation. Furthermore, the Forest should find a way to prevent reclamation delays due to claims of future interest in mining.

As we stated above, we believe that this mine will impact wildlife, wildlife habitat, and wildlife recreation in an area that is much larger than the footprint of the mine. If this mine is permitted, the entire northern portion of the Santa Rita Mountains will be virtually lost for wildlife values. We fear that the Coronado National Forest will no

longer accept the northern portion of the Santa Ritas as a functioning ecosystem management area and will seek to dispose of the whole portion of the range north of Box Canyon. The Forest could not possibly be expected to manage the fringes of this habitat, with the heart extracted.

Because of this management issue, if this mine is permitted, we believe one piece of the mitigation package should be the acquisition of a block of land (an ecosystem) contiguous to the Coronado National Forest equal in size and equal in wildlife values to all the Forest land north of Box Canyon. We would not support purchase of small inholdings for exchange for Santa Rita land. The Forest should require a large contiguous ecosystem to replace the public land that has been destroyed. Since we cannot imagine where that piece of land could be found and purchased, we do not believe it is in the best public interest to permit this mine.

As stated above, we are providing only preliminary comments in this letter. Other issues that we expect to be analyzed in the EIS include the following.

- Loss of hunting opportunity
- Loss of game and non-game habitat
- Loss of springs and streams
- Impacts to wildlife corridors that allow wildlife movement from blocks of habitat
- Impacts to threatened and endangered species and special status species
- Monitoring of impacts to ground and surface water (quality and quantity), and actions that will be taken if adverse impacts are shown
- Monitoring of wildlife impacts
- Funding for scientific monitoring for the life of the mine and beyond
- Impacts to wildlife from increased vehicular traffic, both on the Forest and off the Forest.
- Impacts to wildlife from dust and air pollution during construction, during mining operations, and after mining has stopped, both on the Forest and off the Forest
- Noise and light effects on wildlife and recreationists
- Impacts to wildlife habitats off-site
- Best Management Practices that protect wildlife, including birds and bats, from being killed by the toxic solutions on the site
- Habitat fragmentation
- Public access for wildlife recreation
- Potential impacts to wildlife from accidental spills of toxic materials, both on the Forest and off-forest
- Non-mining waste, such as sanitary waste and tires
- Visual impacts of the mine to wildlife recreationists
- State Trust Land north of Las Cienegas NCA is part of the Sonoita Valley Acquisition Planning District and may be given protected status in the State Land Initiative. This land and its wildlife could be adversely impacted by the mine.

Thank you for the opportunity to provide scoping comments on this EIS. We look forward to working closely with the Coronado National Forest as a cooperating agency and as a member of the ID team during the development of the EIS.

Sincerely,

Joan E. Scott

Joan E. Scott
Habitat Program Manager
Tucson Regional Office

cc: Josh Avey, Habitat Branch Chief
Leonard Ordway, Tucson Regional Supervisor