



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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August 15, 2013

Mr. Jim Upchurch
Forest Supervisor
Coronado National Forest
300 W. Congress
Tucson, Arizona 85701

Dear Mr. Upchurch:

The Arizona Game and Fish Department (Department) has reviewed the Preliminary Final Environmental Impact Statement (PFEIS) for the Rosemont Copper Project. The Department is serving as one of the Cooperating Agencies in the preparation of the EIS. We take that role seriously and our comments are intended to highlight areas of potential improvement for the EIS. Our detailed, page-specific comments are provided in the attached table.

Significant elements of the Rosemont Copper Project have been changed since we last reviewed this project in the Draft EIS, making this PFEIS markedly different in some respects than the document we reviewed in January. Reviewing and providing constructive suggestions on a project and document of this size and complexity is a significant challenge. We appreciated the two week extension to the 30 day Cooperator's review. Even with that extension, it was a challenge to provide you with a thorough response. With earlier integration in interdisciplinary coordination, the Department's role would have been more productive and our recommendations and expertise could have better aided the Forest in providing an accurate and thorough product.

The full range of wildlife resources, and the habitats that support them, are resources of concern and need your full attention in this EIS. As you know, the Department believes firmly that the full range of wildlife resources are to be considered state trust species. There are effects to important state trust wildlife resources and habitats from this project, beyond effects to listed species, which need to be disclosed in the Final EIS. We have identified those areas where we believe additional attention is warranted, and offered suggestions to both disclose effects and where possible ameliorate those effects.

The Department notes Rosemont Copper's efforts to comply with federal regulatory requirements to mitigate impacts to federal wildlife trust interests and impacts to waters of the US under Section 404 of the Clean Water Act and under the Endangered Species Act. Although not mandated by federal regulations, the Department always advocates for full mitigation and compensation for effects to state trust wildlife resources. The Department is identified in the

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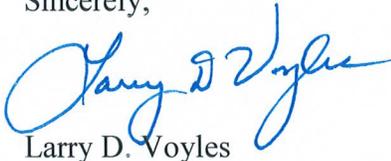
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Mitigation and Compensation section of the PFEIS as a potential conservation services provider to address some elements in that plan. That is a role that the Department can play, with the Arizona Game and Fish Commission's concurrence. In order for the Department to assume a conservation service provider role:

- the effects to state trust species must be adequately included and addressed in the mitigation and compensation plan;
- the plan's objectives and its expected conservation outcomes must be sufficiently detailed to ensure that they are achievable and success criteria/expectations can be clearly stated;
- the plan's conservation outcomes must have an explicitly described anticipated lifetime and expectations for maintenance;
- the mitigation and compensation plan must be fully financed to meet the expected conservation outcomes and maintain them for their expected lifetimes – the State of Arizona will not assume financial or other responsibility for meeting federal permit conditions or biological opinion obligations placed on Rosemont Copper, other than as a contractual service provider.

These constitute our comments on the PFEIS as currently written and structured, and augment prior comments and recommendations provided on this project. While we have identified significant recommendations for the PFEIS, we believe that these suggestions can be implemented within a reasonable time frame for finalization of the document. We believe it is possible to meet the expectations of NEPA by accurately disclosing effects, and we believe that it is possible to meet our expectations for mitigating or compensating for effects to wildlife and wildlife habitats affected by the proposed project.

Sincerely,



Larry D. Voyles

LDV:lr

attachment