

# Rosemont Copper Mine

## Objection Review

**Objection # (s):** 0036-Rosemont; 0100-TohonoOodhamNation

**Resource Area(s):** Environmental Justice – Effects (EJ-5)

**Objection Issue:**

- 0036-18: The section on environmental justice (DROD, page 63, 5th paragraph) appears to be the same as the cultural section and does not recognize positive or negative impacts to the Hispanic community in Rio Rico, Santa Cruz County and South Tucson. Rosemont requests that the DROD be expanded to include the other communities identified in the FEIS.
- 0100-15: The FEIS does not adequately analyze Environmental Justice issues. The Forest Service fails to evaluate or develop alternatives that would not have a disproportionate impact on the Nation. Instead, all action alternatives will have a disproportionate impact on the Nation and its members. FEIS at 1098-99.

**Remedy Supplied by Objector** (if any): None

**Law, Regulation and/or Policy:** Executive Order 12898

**Review Team Member Response:**

Response to comments in the FEIS (Appendix G, PR 047511\_7, G-60 and G-61) states: “In its consideration of environmental justice, the Forest Service considered Executive Order 12898 and available US Environmental Protection Agency as well as Department of Housing and Urban Development guidance. Based on that guidance, the Forest Service determined that the communities that meet the criteria for identification as environmental justice community because of minority populations, low income, or living below poverty level include the Hispanic population of *Santa Cruz County, the Pascua Yaqui Tribe, and the Tohono O’odham Nation*. The analysis of environmental justice issues associated with these communities is described in the Socioeconomics and Environmental Justice section of Chapter 3 in the FEIS [PR 047511\_4, p. 1053-1131]. The Forest has reviewed the environmental justice effects, and found that the analysis complies with federal direction. The description of outreach efforts and analysis findings has been updated in the FEIS [PR 047511\_4, p. 1092-1097; 1122-1125].” The environmental section of the FEIS (p. 1122) also identifies the Hispanic communities of *South Tucson and Rio Rico* as meeting criteria for environmental justice communities.

The FEIS evaluates the potential for disproportionate impacts in relation to the five environmental justice communities (including the three Hispanic communities of Santa Cruz County, South Tucson, and Rio Rico), associated with 20 resource areas, and concludes that “the

only resource anticipated to have a disproportionate adverse impact on an environmental justice community is ‘cultural resources’. The “Cultural Resources” section [PR 047511\_4, p. 1014-1053] indicates that during consultation with Native American tribes, “The Tohono O’odham Nation and Pascua Yaqui Tribe...expressed concern over potential disturbance of ancestral villages, human remains, sacred sites, and traditional resource-collecting areas...Compliance with existing laws and regulations (e.g., Section 106 of the NHPA...) may alleviate some of the adverse impacts...to the point where the impacts are no longer disproportionate to the communities. However ...it is unlikely that compliance and/or mitigation would substantially relieve the disproportionality of the impacts to the Tohono O’odham Nation and Pascua Yaqui Tribe” [FEIS, PR 047511\_4, p. 1125]. Mitigation measures for environmental justice [FEIS, PR 047511\_4, p. 1130-1131] for reducing or compensating for impacts to Native American tribes “help to partially mitigate for impacts” but “would not modify the finding of disproportionate adverse impacts on the Tohono O’odham Nation” [PR 047511\_4, p. 1131]. Disproportionate impacts to Tribes are acknowledged as disclosed and irretrievable in the FEIS [PR 047511\_4, pp. 1134 and 1142].

As noted in the FEIS [PR 047511\_4, p. 1125], the analysis of environmental justice effects concludes that, “The Hispanic communities of Santa Cruz county, South Tucson, and Rio Rico, as well as the community of South Tucson as a whole..., are not expected to experience disproportionate impacts as a result of the action alternatives. Adverse impacts...would have equal effects on many communities...and would not be limited or disproportionate to these environmental communities.” These conclusions are based on evidence provided in Table 238 in the FEIS [PR 047511\_4, p. 1123].

**Recommended Remedy by Review Team Member (if any):**

In the Errata, correct the statement on page 1122 of the FEIS that says there are “six communities who have the potential to be disproportionately impacted.” Only five communities are listed.

In the Errata, clarify whether conclusions about “disproportionate adverse impacts to the Tohono O’odham Nation” on p. 1131 of the FEIS also apply to the Pascua Yaqui Tribe, and make the correction if necessary. This applies to discussion of environmental justice on p. 1142 as well.

In the ROD, consider adding text to the environmental justice summary on p. 63 that states ‘The Hispanic communities of Santa Cruz County, South Tucson, and Rio Rico meet criteria for environmental justice communities but are not expected to experience disproportionate impacts’. This would clarify confusion noted in objection issues.

**Review Team Member:** Chris J. Miller, Economist, NFS-WO