

## Rosemont Copper Mine

### Objection Review

**Objection # (s):** 0010-BManderscheid; 0011-CKestler; 0033-ArizonaTrailAssoc; 0048-RBarthelson; 0058-NWall; 0084-SSSR; 0094-NMcCoy; 0115-KChristian

**Resource Area(s):** Recreation – General (REC-1)

**Objection Issue:**

- 0058-1: The impact on tourism if this mine is allowed to proceed will be immense. The Santa Ritas are one of the most popular recreation spots in Southern Arizona, a virtual mecca for hikers, birders, and those who just enjoy being in the mountains.
- 0094-2: The FEIS treatment of The Arizona National Scenic Trail is likewise something that would have been better presented in the Draft, but was not. The proposals offered in the FEIS ROD p. A-20 Figure A25 sacrifice “scenic and primitive experience” to the interest of convenience and cost. Shortest distance between two points, however, is not a Trail construction guideline. The FS should finally offer alternatives that move the Trail away from the mine and off Rosemont private parcels. These should be offered in another draft or supplemental EIS. If there is some reluctance to run the Trail across BLM, this reasoning should be explained as well.
- 0115-6: The resulting negative impacts on tourism and recreation are truly incalculable.
- 0033-3: The project does not include any improvements to SR83, the Oak Tree Canyon Road and the Hidden Valley Ranch Road intersections with State Route 83. Both will have increased use due to mine activity and the new trailheads (paraphrased from the original).
- 0048-11: ...none of the remediation and mitigation that is included in the FEIS can address the impacts to economies of the small communities of Sonoita, Elgin, and Patagonia because of the loss of the scenic and recreational value of the impacted areas.
- 0011-9: It is likely that heavy but well-managed off-road vehicle use in the Rosemont area would be scattered to other areas nearby, including Cienega Creek, which provides habitat for several additional imperiled species.
- 0033-4: The project does not include rerouting portions of the existing ANST south of the Rosemont project area that are located on roads open to motorized use, which will receive greater levels of motorized use due to displacement from the project (paraphrased from the original).
- 0010-10: Most of the treasured visitor sites in Southeastern Arizona will be affected by this mine, including the incredible Chiricahua National Monument and Forest.
- 0033-2: The two easements for private Rosemont properties (one to allow the ANST to cross, and one for conservation purposes as described in the Biological Opinion) need to be coordinated.

- 0084-22: Even if there is no legal requirement for a Recreation Specialist's Report, the CNF should have prepared one for this FEIS. See (FEIS Appendix G at G-49.)

**Remedy Supplied by Objector** (if any):

0115:6: Mine must be denied.

0033-3: ADOT should sturdy these intersections and determine needed safety features such as turning lanes, acceleration lanes, reduced speed limits, additional signing, etc.

0011-9: Deny Rosemont Copper's permit application.

0033-4: The ANST should be rerouted off Forest Service roads along 20 miles (14 miles of road between Patagonia and the perimeter fence, and 6 miles from Temporal Gulch Trail Head to Walker Basin Trail Head).

0033-2: FS-BR-21 should include language stating that there will be an easement for ANST on the same lands for the benefit of ANST users.

0084-22: Withdraw the draft Record of Decision, prepare a Recreation Specialist's Report.

**Law, Regulation and/or Policy:** The National Trails System Act of 1968 (Public Law 90-543; 16 U.S.C. 1244(a), as amended by the Arizona National Scenic Trail Act; Council on Environmental Quality (CEQ) Regulations at 40 CFR 1500-1508.

**Review Team Member Response:**

Response to objection issues 0058-1, 0115-6, 0048-11, 0010-10

It is important to understand that the Forest Service's legal authority regarding mining proposals is limited. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS and consider those in the final decision, and may reasonably regulate mining activities to protect surface resources. However, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation, but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. Impacts and benefits of the proposed project have been analyzed using the best available information available, and the results are disclosed in the FEIS [PR 047511\_7, pp. G-48, G-59].

Impacts to tourism and recreation economies are difficult to predict because decisions concerning recreation, tourism, and quality of life are based on highly personal, subjective judgments [PR 047511\_7, p. G-7; PR 047511\_4, p. 1109]. However, the Forest worked with industry specialists to devise a scientifically sound approach that attempts to predict these impacts [PR 047511\_7, p. G-7; PR 047511\_4, pp. 1083-1087, 1109-1113]. The FEIS discloses that all action alternatives would impact the quality of life of local residents and communities [PR 047511\_7, p. G-48, G-59; PR 047511\_4, pp. 1109-1113]. Some mitigations that are directly related to the issue factors of socioeconomics are listed in the FEIS [PR 047511\_4, p. 1129].

However, loss of jobs in the local tourism and outdoor recreation industries cannot be avoided or fully mitigated [PR 047511\_4, p. 1137].

Similarly, the FEIS discloses that there will be impacts to some visitor sites in southeastern Arizona. For example, a section of the Arizona National Scenic Trail runs through the project area, and will have to be relocated [PR 047511\_4, pp. 51-53]. There would be varying levels of impact to air quality in southeastern Arizona [PR 047511\_3, pp. 249-287], and impacts to dark skies [PR 047511\_4, pp. 751-765]. There would also be impacts to visual resources [PR 047511\_4, pp. 767-833] and to recreation and wilderness [PR 047511\_4, pp. 833-875]. Numerous measures have been introduced to mitigate these impacts, but none of the measures would eliminate impacts [PR 047511\_4, pp. 1133, 1135-1136, 1140-1141; PR 047511\_6, pp. B-55 to B-65].

#### Response to objection issue 0094-2

The option to relocate the ANST to the east side of SR 83 was not in the DEIS. The Forest worked with the Arizona Trail Association after the DEIS was released to determine this alternate location (east side of SR 83) for the ANST [PR 047511\_7, p. G-47, PR 046516, p. 8-10]. This potential re-route was added for the Barrel, Barrel Trail and Scholefield-McCleary alternatives in the FEIS. This option was added to the FEIS in order to better preserve and maintain the nature and purposes for which the trail was established, and to reduce impacts on recreational experiences for trail users [PR 047511\_4, p. 833].

The ANST re-route in the proposed action and the Phased Tailings alternative would be located between the permitter fence and SF 83. User experiences of this re-route would be dominated by the sights and sounds of an industrial mining operation and the trail would have to be highly engineered with many manmade structures, such as steps, further detracting from national scenic character [PR 047511\_4, pp. 859-860, 862, 871-872].

The other ANST re-route option (further east of SR 83) was selected to reduce views of mining operations and maximize the user experience along the route. This re-route would provide trail users with an experience that would be dominated by natural views and would be further removed from the sights and sounds of the mine, thus better meeting user expectations for the ANST. However, it would be longer and would require two crossings of SR 83. There are proposed trailheads where the trail crosses SR 83 [PR 047511\_4, pp. 864-865, 867, 872]. This re-route would require locating the trail across two private parcels of land owned by Rosemont Copper, but Rosemont Copper has agreed to provide a trail easement to allow for construction of the trail.

Other re-route options for the ANST were considered, including one that moved the trail far to the east onto BLM-managed public lands and AZ State Trust lands [PR 015196]. However, the re-route in the FEIS that locates the ANST on the east side of SR 83 was selected based on considerations of feasibility, sustainability, and biological, paleontological, cultural, noise and visibility conditions [PR 047511\_4, p. 837].

### Response to objection issue 0033-3

SR 83 is important for accessing NFS lands, but is managed by ADOT, which means the Forest Service does not have jurisdiction over SR 83 [PR 047511\_4, p. 923]. Mitigation measure OA-TA-01 is a measure required by permits or approvals under the jurisdiction of some other regulatory or permitting agency (in this case ADOT) [PR 047511\_6, pp. B-75, B-90]. The Forest Service has no authority, obligation, or expertise to determine or enforce compliance with other agencies' laws or regulations [PR 047511\_2, p. 94]. So, the Forest Service cannot compel ADOT to improve the intersections of Oak Tree Canyon Road and SR 83, and the intersection of Hidden Valley Ranch Road with SR 83.

### Response to objection issue 0011-9

The FEIS recognizes that southeastern Arizona is a popular recreation destination and offers diverse opportunities for outdoor recreation activities. However, there is little quantitative information available on recreation use levels and trends in the analysis area. It is assumed that the displacement of the public from the project area would result in increased visitation to nearby lands, but specifically where the public will go is unknown [PR 047511\_4, p. 837].

The FEIS and Draft ROD also include a measure to mitigate the loss of highway-vehicle use opportunities (FS-RW-03). Rosemont Copper would provide the funding for efforts to produce a plan for developing facilities and managing OHV use that would be displaced from the project area [PR 047511\_7, p. G-49].

### Response to objection issue 0033-4

As stated in the FEIS, the term "project area" refers to an area that is composed of the open pit, waste rock facility, tailings facility, heap leach facility, plant site and ancillary facilities, fenced area around the mine (perimeter fence), and mine primary access road [PR 047511\_2, p. 25]. A map of the project location and area are located in the FEIS [PR 047511\_2, p. 2]. A re-route of the Las Colinas portion of the ANST was identified as a connected action because it runs through the project area [PR 047511\_2, p. 9]. Areas south of the mine are not part of the project area and were not identified as a connected action, so these areas are not within the scope of the project.

### Response to objection issue 0033-2

The description of mitigation measure FS-RW-02 is as follows: "The relocation of the Arizona National Scenic Trail (ANST) would require locating the trail across two private parcels of land owned by Rosemont Copper. A trail easement would be required before trail construction could commence. These are the same land parcels described in FS-BR-21 (corrected from FS-BR-20 in the errata). Coordination between future land uses allowed under the restrictive covenant developed for FS-BR-21 and those appropriate for the National Scenic Trail corridor would occur to provide for the nature and purposes and primary uses of the trail." According to this mitigation measure, the easement would allow for construction of a segment of the ANST [PR 047511\_6, p. B-64]. This language for FS-RW-02 is repeated in the FEIS [PR 047511\_4, p. 872] and in the Draft ROD [p. 39].

These same two parcels are discussed in mitigation measure FS-BR-21, which requires a recordation of a restrictive covenant or conservation easement to mitigate for loss of habitat for listed species on the same two parcels discussed in FS-RW-02. The description of the of measure FS-BR-21 allows for managed grazing, cultural, and some low-impact public use (hiking, bird watching, minor forms of hunting, etc.) in some locations. However, it is not specifically stated in measure FS-BR-21 that construction of the ANST would occur on these same two land parcels.

Per the objector's suggestion, the two easements (one to allow the ANST to cross, and one for conservation purposes as described in the Biological Opinion) for the two private land parcels in Davidson Canyon need to be coordinated.

Response to objection issue 0084-22.

As the objector stated, there is no legal requirement that separate specialist reports be prepared for NEPA documents. Specialist reports are used in some NEPA projects and not in others. For the Rosemont Copper Project, all pertinent information regarding the recreation analysis is provided in the FEIS, and so a separate specialist report was deemed unnecessary [PR 047511\_7, p. G-49].

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

This remedy is for objector 0033, issue 0033-2.

The objector's remedy, or something similar to what they suggest, has merit. The objector suggests that the two easements (the trail easement and the restrictive covenant) need to be coordinated. Here is the objector's remedy, from their objection letter: "FS-BR-21 should include a statement similar to that contained in FS-RW-02 that future land uses under the restrictive covenant or conservation easements developed will be coordinated with the nature, purposes, and primary uses of the ANST corridor for hikers, mountain bikes, and equestrians. This would ensure that the nature, purposes, and uses are accommodated on the ANST and for the connecting trail from the Hidden Valley Ranch Road trailhead" [p. 6].

Recommend additional language or clarification to FS-BR-21 in the FEIS and/or the ROD.

**Review Team Member:** Kyung Koh, RHWR

# Rosemont Copper Mine

## Objection Review

**Objection # (s):** 0029-SSaway

**Resource Area(s):** Recreation – NEPA (REC-2)

**Objection Issue:**

- 0029-2: ...mitigation measure (FS-RW-03) as described fails to meet CEQ regulations (40 CFR 1508.20) that define mitigation measures ... as it does not seek to replace the lost OHV opportunities with new OHV routes nor does it provide a substitute environment.

**Remedy Supplied by Objector (if any):**

0029-2: Revise the FS-RW-03 mitigation measure as follows:

Rosemont Copper would provide funding for efforts to produce a plan for restoring off-highway vehicle recreational opportunities that were lost due to the mine footprint. The plan would include designating or constructing additional roads and motorized routes, developing facilities, and managing off-highway-vehicle use that would be displaced from the project area. Rosemont Copper would enter into a voluntary collection agreement to provide funding up to \$800,000 for uses that include the NEPA analysis and decision process to determine where additional roads and motorized trails should be designated or constructed, and where facilities are warranted and appropriate in addition to implementation of the off-highway-vehicle mitigation. Rosemont Copper would contribute an initial \$100,000 to the Coronado within 6 months of the MPO approval with up to an additional \$700,000 for additional work, which could include NEPA analysis, designation and construction of roads and motorized routes, construction of off-highway-vehicle facilities, public outreach and education, and management and enforcement. The collection agreement would be in place at the time the final MPO is approved. This measure may be refined with further details once the collection agreement is finalized and approved by both parties.

**Law, Regulation and/or Policy (if any):** Council on Environmental Quality (CEQ) Regulations at 40 CFR 1500-1508

**Review Team Member Response:**

The FEIS is clear that a direct loss of acreage available for recreation activities would occur under all action alternatives, and that there would be a direct loss of National Forest System roads available for motorized recreation [PR 047511\_4, pp. 854, 857]. Mitigation measure FS-RW-03 is proposed to mitigate the loss of off-highway vehicle use opportunities [PR 047511\_4, p. 872, PR 047511\_6, pp. B-64-65].

As the objector states, the definition of “mitigation” does include “compensating for the impact by replacing or providing substitute resources or environments” (40 CFR 1508.20). Mitigation measure FS-RW-03 does meet the definition provided in the Council of Environmental Quality (CEQ) regulations, since it is proposed to mitigate the loss of off-highway vehicle use opportunities. However, any recreation use that will be displaced from the mine area will be addressed and analyzed under a separate NEPA process, which Rosemont Copper has agreed to help fund. This separate planning effort will be the time to identify areas and infrastructure to accommodate displaced OHV use, and development of facilities for OHV use [PR 047511\_7, p. G-49].

**Recommended Remedy by Review Team Member** (if any): In his proposed remedy, the objector essentially seeks clarification of what would be included in a plan for developing facilities and managing off-highway vehicle use. It is not clear to the objector if such a plan would include the designation or construction of additional roads, motorized routes, or semi-primitive recreation opportunity settings.

Although the objection issue does not appear to have merit, the suggested remedy does. The reviewer suggests clarifying in proposed mitigation FS-RW-03 whether designation or construction of additional roads, motorized routes, or semi-primitive recreation opportunity settings would be included in any future planning effort.

**Review Team Member:** Kyung Koh, RHWR

# Rosemont Copper Mine

## Objection Review

**Objection # (s):** 0033-ArizonaTrailAssoc; 0036-Rosemont; 0084-SSSR

**Resource Area(s):** Recreation – Mitigation (REC-4)

**Objection Issue:**

- 0033-1: In FS-RW-01 there is a contradiction regarding timing of closure of the Arizona National Scenic Trail (ANST). The Description of the Performance Criteria conflicts with the Description of the Responsible Party, in that the performance criteria says the relocated trail segment would be pioneered and available for public use at the time the existing trail segment is closed to public use; while the responsible party elements says that the trail location is completed before mine related activities close the existing trail to public use (partially paraphrased, and emphasis added). The objector believes a pioneered reroute would present safety hazards for all users.
- 0036-25: There are conflicting statements concerning when public closure to the mine property is allowed in relation to AZ trail construction. The agreement Rosemont and the Forest Service reached for this element is that the new trail would be pioneered and available for recreational use before the construction activities close access to the old trail. Rosemont objects to a requirement for final completion of the new trail before closure of the existing trail. (Volume 5, Appendix B, FS- RW-01, Page B-63)
- 0084-29: The USFS failed to adequately respond to our comment requesting that the new trail segments are completed and open to the public before work can begin on the Rosemont Mine. The FEIS provides conflicting information regarding the timeline for closing the existing segment of the Arizona Trail and constructing the new segment.

**Remedy Supplied by Objector (if any):**

0033-1: FS-RW-01 performance criteria should be changed to require completion of reroute prior to closing the existing trail.

0084-29: Modify Mitigation Measure FS-RW-01 and related sections of the FEIS to prohibit implementation of the MPO until the new Arizona Trail segments are completed, pioneered and open to the public; and to ensure that the existing trail remains fully open and accessible to the public until the new Arizona Trail segments are completed, pioneered and open to the public.

**Law, Regulation and/or Policy:** National Trails System Act (P.L. 90-543), as amended through P.L. 111-11, March 30, 2009; FSM 2300 – Recreation, Wilderness, and Related Resource Management, Chapter 2350 – Trail, river and Similar Recreation Opportunities

**Review Team Member Response:**

The objectors are correct in noticing that mitigation measure FS-RW-01 in the FEIS contradicts itself regarding the timing for closure of the Arizona National Scenic Trail (ANST) [PR 047511\_6, p. B-63]. The Forest Service noticed this inconsistency, and it was corrected in the FEIS Errata Sheet as of February 18, 2014 [PR 047940, p. 5]. In the Errata Sheet, the following correction is made:

Mitigation Measure FS-RW-01 (page B-63) inconsistently states the timing for implementation of the mitigation measure. The description contained in the “Performance Criteria” section of the mitigation measure, where the reader first encounters this information, is correctly stated. The description contained in the “Responsible Party” section of the mitigation measure is not consistent with the previous description and should be changed as follows:

“Rosemont Copper is responsible for providing funds to the Arizona Trail Association to ensure that trail relocation occurs in accordance with Forest Service specifications and is pioneered ~~completed~~ before mine related activities close the existing trail to public use, and that final construction of the relocated trail and associated facilities is completed within 1 year of the time the existing trail is closed to the public” [PR 047940, p. 5].

The objectors also object to the timing of the closure of the ANST. Objectors 0033 and 0084 request that the closure of the existing ANST not occur until after the relocated segment is completed and open for public use, whereas objector 0036 objects to a requirement for final completion of the new trail before closure of the existing trail. There is no requirement in law, regulation or policy that requires trail re-routes to be complete and open to the public prior to closing a national scenic or historic trail. The requirement in the National Trails System Act is that “reasonable efforts shall be made to provide sufficient access opportunities to such [national scenic or national historic] trails, and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established.” In this case, the Forest Service could not avoid activities incompatible with the purposes of the ANST, because the Forest Service cannot categorically prohibit mining or deny reasonable and legal mining operations under the mining laws, and it also does not have the authority to deny the project because it will impact the Arizona Trail [PR 047940, p. 9; PR 047511\_7, p. G-47]. The Forest Service is also making a “reasonable effort” to provide sufficient access opportunities to the ANST. The ANST will be relocated, and the relocated trail will be pioneered before the existing trail is closed to public use. Additionally, as mitigation FS-RW-01 states, the “final construction of the ANST will be completed within 1 year of the time the existing trail is closed to the public” [PR 047940, p. 5].

**Recommended Remedy by Review Team Member** (if any): The remedies suggested by the objectors are not warranted. No remedy is required.

**Review Team Member:** Kyung Koh, RHWR

# Rosemont Copper Mine

## Objection Review

**Objection # (s):** 0084-SSSR; 0029-SSaway

**Resource Area(s):** Recreation – Effects (REC-5)

**Objection Issue:**

- 0084-26: The USFS failed to analyze the impact of the mine on public investments made to develop and protect recreation opportunities in the project area. The agency failed to analyze the availability of funds to develop and/or manage the recreation use that is expected to be displaced from the project area to other areas in a way that both provides replacement recreation opportunities and protects the areas that where the displaced recreationists go.
- 0084-28: The FEIS does not provide a full analysis of the Arizona National Scenic trail relocation alternatives based on site specific field evaluations. (See FEIS at Appendix G-49.) It does not appear that the agency conducted a site-specific field evaluation of the new alternative that includes an analysis of noise, scenery, and other mine-related impacts that will be experienced by trail users on the new segment. Finally, it does not appear that a site-specific field evaluation was conducted to analyze the impacts of trail construction and use on wildlife, vegetation and other resources across the new segment.
- 0084-30: The FEIS fails to provide adequate information about the cost of the Arizona Trail relocation, or to provide key information about Rosemont's funding commitment. The USFS failed to respond to this comment and also failed to adequately analyze or provide any information about the cost of the Arizona Trail relocation, how much Rosemont has committed to pay for the trail relocation, whether that funding commitment has been reduced to writing, or where funds for the trail relocation will come from if Rosemont's commitment falls short.
- 0084-25: There is no indication that the USFS actually modeled noise impacts related to OHV use and incorporated those into an analysis of the impacts of displaced OHV recreation into other locations on the CNF or in adjacent areas.
- 0084-23: The FEIS provides an inadequate analysis of the impacts that displaced recreation will have on other public lands. The USFS failed to analyze the direct, indirect and cumulative effects of displaced recreation from the project area to other nearby lands. The USFS failed to conduct a quantitative assessment of the cumulative impacts of closing access to OHVs in the project area together with potential motorized road closures or restrictions elsewhere in the area.
- 0084-24: It is not acceptable - nor does it constitute mitigation - for the USFS to analyze the impacts of displaced OHV recreation on other areas through a future NEPA process

that would be initiated at an unspecified time in the future through a yet-to-be signed funding agreement with Rosemont.

- 0084-27: The FEIS fails to adequately analyze impacts to designated Wilderness and Inventoried Roadless Areas, and fails to discuss reasonable mitigation for those impacts.
- 0029-1: Issue 9 as defined fails to recognize the most prominent recreational impact (loss of OHV opportunities) and seems to over-emphasize the impact to solitude, remoteness, rural setting, and quiet. In my view this deficiency should be corrected so that mitigation efforts can be more accurately focused.

**Remedy Supplied by Objector (if any):**

0084-26: Provide a full analysis of the impacts of the mine on public investments that have been made to develop and protect recreation opportunities in the project area, as well the availability of public funding to develop and/or manage the recreation use that is expected to be displaced from the project area.

0084-28: Conduct a comprehensive, site-specific field evaluation of the alternative trail locations, as well as a similarly comprehensive site-specific evaluation of potential construction-related issues, mine-related impacts on trail users, and impacts on wildlife, vegetation and other resources.

0084-30: Provide a detailed analysis of what the trail relocation will cost and disclose how much Rosemont has committed to pay for the relocation, whether that commitment has been reduced to writing, and where the relocation funds will come from if Rosemont's commitment falls short.

0084-25: The USFS needs provide a full analysis of the admittedly significant environmental and economic impacts of displaced OHV use on other areas of the CNF and adjacent public lands, including an analysis of noise-related impacts in those areas.

0084-23: Develop a full analysis of the significant direct, indirect and cumulative environmental and economic impacts of displaced recreation use on other areas of the CNF and adjacent public lands, including an analysis of pending and/or potential management actions, such as restrictions on use that might be necessitated to protect those areas from increased visitor use.

0084-24: Provide a full analysis of the environmental and economic impacts of displaced OHV use on other areas of the CNF and adjacent public lands, including a comprehensive cumulative effects analysis with a quantitative assessment of other pending and/or potential road closures or vehicle restrictions and an analysis of noise-related impacts in those areas. Identify adequate and enforceable mitigation measures that will address these impacts.

0084-27: The FEIS fails to adequately analyze impacts to designated Wilderness and Inventoried Roadless Areas, and fails to discuss reasonable mitigation for those impacts.

0029-1: Revise Issue 9 according to his suggestions (see objection letter).

**Law, Regulation and/or Policy:** Council on Environmental Quality (CEQ) Regulations at 40 CFR Parts 1500-1508; FSH 1909.15, Chapter 10; FSM 7703.26

**Review Team Member Response:**

Response to objection issue 0084-28

The FEIS does analyze the Arizona National Scenic Trail (ANST) relocation alternatives across resources (including soils, water and vegetation), and generally found the level of impact from the proposed trail re-routes would be relatively minor [PR 047511\_2, pp. 180, 427, 573; PR 047511\_3, pp. 669]. The impact of the trail re-route on wildlife does vary depending on the species and the re-route location [PR 047511\_3, pp. 682, 685, 692, 694, 698, 701, 703, 705-709, 721]. Scenery trail users would see from the proposed trail re-routes is also discussed [PR 047511\_3, pp. 777, 781, 793-794, 801, 813-814]. The potential for noise to reach recreation areas is also analyzed in the FEIS [PR 047511\_3, pp. 835, 837, 859-860, 862, 864-865, 867, 871-872, 968-969, 981, 986-987].

Response to objection issue 0084-30

The objector states that the FEIS does not provide adequate information about the cost of the Arizona National Scenic Trail (ANST) replacement, and that it does not provide information about Rosemont's funding commitment. Mitigation FS-RW-01 states that "Rosemont Copper is responsible for providing funds to the Arizona Trail Association to ensure that trail relocation occurs in accordance with Forest Service specifications... Details of the agreement for fund disbursement and trail construction are contained in an agreement between Rosemont Copper and the Arizona Trail Association" [PR 047511\_6, p. B-63]. The written agreement between Rosemont Copper and the Arizona Trail Association (ATA) is located in the project record, and includes a list of the individual projects needed to successfully complete the trail relocation, in addition to listing anticipated expenses (compiled by the ATA). In the agreement, Rosemont has committed to providing \$650,000 for the trail relocation project [PR 017356].

Response to objection issues 0084-26, 0084-23, and 0084-25

The Forest Service did an adequate analysis of the impacts of displaced recreation on other lands. The analysis area for assessing direct, indirect and cumulative impacts to recreation and wilderness includes the project area; the forest unit encompassing the Santa Rita Mountains of the Coronado NF, including the Mount Wrightson wilderness and the Las Colinas section of the ANST; the BLM administered Las Cienegas National Conservation Area east of the forest unit; Santa Cruz County; and eastern Pima County. The analysis also provides quantitative and qualitative comparisons (depending on available data and nature of the impact) of impacts of the alternatives, and describes the intensity of those impacts in the context of the existing environment (emphasis added). The FEIS also states that there is little quantitative information available on recreation use levels and trends in the analysis area (emphasis added). So the Forest assumed that the displacement of the public from the project area would result in increased visitation to nearby lands [PR 047511\_4, pp. 836-837]. Additionally, the noise analysis does not include an evaluation of displaced recreators because where the recreators would go is

speculative at this time [PR 047511\_7, CD, PCS 535, p. 4]. The Forest did, however, include a qualitative assessment of the impacts displaced recreation would have on other public lands [PR 047511\_4, pp. 858, 860, 862, 864-865, 867].

Additionally, the Forest is currently working on travel management plans across all the districts, which includes Nogales, Sierra Vista and Santa Catalina Ranger Districts. This is a separate analysis, and through this process the Forest will propose to add, decommission, close or change designation of roads and prohibit off-road motorized travel for dispersed camping in certain areas [PR 047511\_4, pp. 869-870]. However, before any roads are added or removed from the national forest road system, they must undergo travel analysis. Travel analysis considers the values affected by roads, including access to and use, protection, and administration of NFS lands; public health and safety; valid existing rights; and long-term road funding opportunities and opportunities (emphasis added). The Forest has completed travel analysis requirements, and roads on private land and roads under the jurisdiction of entities other than the Forest Service are not required to undergo travel analysis [PR 047511\_4, p. 927].

The FEIS and ROD also includes a measure to mitigate the loss of highway-vehicle use opportunities (FS-RW-03). The Forest will consider any recreation use (specifically OHV use) that will be displaced from the mine area in this separate NEPA process (which Rosemont Copper agreed to fund), and to produce a plan for developing facilities and managing the displaced OHV use [PR 047511\_7, p. G-49].

#### Response to objection issue 0084-24

Mitigation measure FS-RS-03 is proposed to mitigate the loss of off-highway vehicle use opportunities [PR 047511\_4, p. 872, PR 047511\_6, pp. 64-65]. However, any recreation use that will be displaced from the mine area will be addressed and analyzed under a separate NEPA process, which Rosemont Copper has agreed to help fund. There is no requirement in law, regulation, or policy that mandates how or when the mitigation must be implemented, so it is appropriate to implement this mitigation subsequent to additional NEPA analysis [40 CFR Parts 1500-1508].

#### Response to objection issue 0084-27

The FEIS includes an adequate analysis of impacts to designated Wilderness and to inventoried roadless areas (IRAs). As stated in the FEIS, only Mount Wrightson wilderness and Saguaro wilderness are discussed because of their proximity to the project area and the potential direct and indirect impacts to these wilderness areas. Similarly, only Santa Rita IRA and Whetstone Mountains IRA are included in the analysis because of their proximity to the project area and the potential direct and indirect impacts to these IRAs [PR 047511\_4, pp. 844-845]. However, there would be no direct impacts to designated wilderness or roadless areas as a result of any of the action alternatives. There would be some views of the Rosemont Copper Mine from several trails and overlooks in some of these areas, but this is disclosed and analyzed in the FEIS. There could be noise impacts to visitors in these areas, but only if above a 40-dB threshold (the designated wilderness and roadless areas are located outside the 40-dB contour) [PR 047511\_4, pp. 855-

856]. Mitigations are proposed to reduce the impact to scenic quality [PR 047511\_4, pp. 829-831; PR 047511\_6, pp. B-60-B-62].

Mount Wrightson wilderness area was not specifically included in the air quality modeling because it is not a federally listed Class I area, and thus is considered a Class II area. Air quality modeling showed that all Class II areas would have ambient air concentrations less than the modeled maximum [PR 047511\_7, p. G-46]. Saguaro wilderness is a Class I area, and updated analysis indicates that NAAQS would be met at all Class I areas. There are concerns with visibility and deposition at Class I area, and applicable thresholds that determine whether modeled impacts are significant were exceeded for Saguaro National Park East, Saguaro National Park West, and the Galiruo Wilderness. However, unlike NAAQS, modeled exceedance of these thresholds does not indicate a violation of federal law or regulation; rather it triggers the federal land manager to coordinate with those Class I areas and ensure that all appropriate mitigation has been implemented. This process has been undertaken by the Coronado National Forest [PR 047511\_4, p. G-28].

#### Response to objection issue 0029-1

It is the objector's opinion that the most prominent recreational impact is loss of OHV opportunities, and that the impact to solitude, remoteness, rural setting and quiet is over-emphasized. The Coronado NF received thousands of comments during the scoping period, and they identified twelve significant issues after content analysis of the scoping comments. An issue is defined as a point of disagreement, debate, or dispute with a proposed activity based on some anticipated effect, and they are described in terms of cause and effect [PR 047511\_2, pp. 13-14]. One of the twelve issues identified is the impact on recreation, which focuses on the effects of the mine operation on recreation on NFS lands, including loss of access and recreation opportunities and loss of or reduction in solitude, remoteness, rural setting, and quiet. The identification of this issue is a reflection of the comments received related to recreation. Commenters were concerned both with the loss of access and recreational opportunities, and with the loss of or reduction in solitude, remoteness, rural setting and quiet. Loss of OHV opportunities is encompassed in the description of the issue (i.e., loss of access and recreation opportunities), and loss of OHV use is more specifically addressed in two of the seven issue factors (factors 2 and 7) [PR 047511\_2, p. 23]. Similarly, the recreation and wilderness analysis in the FEIS analyzes direct and indirect impacts to both loss of access and opportunities, and to solitude, remoteness, rural setting and quiet [PR 047511\_4, pp. 833-874]. Additionally, a measure to mitigate the loss of off-highway vehicle use opportunities was included in the FEIS and in the ROD (FS-RW-03) [PR 047511\_4, p. 872; PR 047511\_6, pp. B-64-65].

**Recommended Remedy by Review Team Member** (if any): The remedies suggested by the objectors are not warranted. No remedy is required.

**Review Team Member:** Kyung Koh, RHWR