

February 5, 2014

533 Suffolk Drive
Sierra Vista, AZ 85635

Reviewing Officer
U. S. Forest Service
Southwestern Region
333 Broadway SE
Albuquerque, NM 87102

Dear Sir or Madam:

I wish to submit an objection to the Final Environmental Impact Statement (FEIS) and Draft Record of Decision (ROD) prepared by the Coronado National Forest for the Rosemont Copper Project. I am eligible to submit an objection as I had submitted comments during the public comment period for the Draft Environmental Impact Statement (DEIS). A copy of my comment letter is provided at enclosure 1 (and is also shown at this link: <https://cara.ecosystem-management.org/Public/Letter/14440?project=24544>).

Here is the information required by 36 CFR 218.8 (d):

1. Objector's name and address, with a telephone number, if available:

Objector's name: Steve Saway
Address: 533 Suffolk Drive, Sierra Vista, AZ 85635
Phone: 520-459-8959

2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection): see a scanned image of my signature at enclosure 2.

3. The name of the proposed project, the name and title of the Responsible Official, and the name(s) of the National Forest(s) and/or Ranger District(s) on which the proposed project will be implemented:

Name of the proposed project: Rosemont Copper Project
Name and title of the Responsible Official: Jim Upchurch, Forest Supervisor
Name of the National Forest and Ranger District on which the proposed project will be implemented: Coronado National Forest, Nogales Ranger District

4. A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; and supporting reasons for the reviewing officer to consider:

a. My objection pertains to the following aspects of the FEIS and Draft ROD:

(1) Impact on Recreation. The mine will have a major impact on recreation, notably the loss of off-highway vehicle (OHV) routes and opportunities in the Santa Rita Backcountry Touring Area, including the loss of over 6000 acres in the semi-primitive motorized recreation opportunity spectrum and loss of 53.5 miles of forest roads (in Preferred Alternative). See also in the FEIS, Volume 1, Executive Summary, Summary of Impacts, Barrel Alternative, Transportation/Access, the following statement: "Approximately 35 miles of existing NFSRs would be decommissioned by the mine, with an additional 18.5 miles restricted by mine operations." The FEIS and Draft ROD define Issue 9: Impact on Recreation as follows:

"This issue focuses on the effects of the mine operation on recreation on NFS land, including loss of access and recreation opportunities and loss of or reduction in solitude, remoteness, rural setting, and quiet. The mine may lead to permanent changes to recreation settings (Recreation Opportunity Spectrum) and/or the type of recreation available and may result in increased pressure on public and private lands in other places to compensate for lost opportunities."

As defined, the Issue 9 fails to mention the loss of OHV routes and opportunities, which is arguably the most prominent recreational impact of the mine considering the miles of roads lost, acres of semi-primitive motorized recreation opportunity spectrum lost, and the fact that the Rosemont area is one of the primary and the most popular off-highway-vehicle riding areas in the Santa Rita Backcountry Touring Area (see description of the Santa Rita Backcountry Touring Area in Volume 3, Chapter 3, page 848 in the FEIS). In addition, the issue as defined focuses on "loss of or reduction in solitude, remoteness, rural setting, and quiet", yet this appears inconsistent with the recreational impacts described in Table 12, Alternatives Impact Summary, on page 132, in Volume 1, Chapter 2 of the FEIS. Regarding Issue 9.4 in Table 12, the qualitative assessment of impacts to solitude in designated wilderness or other backcountry areas is stated as "little to no change to solitude because the majority of lands designated as semi-primitive motorized, designated wilderness and primitive areas are beyond 4 miles and would likely not be affected." Issue 9.1 in Table 12 also shows the number of acres that would no longer meet current forest plan Recreation Opportunity Spectrum designations. Of the 6990 acres affected (in Preferred Alternative), 6177 acres apply to the semi-primitive motorized recreation opportunity spectrum (the remainder apply to roaded modified and roaded natural). In summary, 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.

A suggested remedy is to revise Issue 9 as follows:

This issue focuses on the effects of the mine operation on recreation on NFS land, including loss of access and recreation opportunities, loss of NFS roads available for off-highway vehicle (OHV) backcountry touring, and loss of over 6000 acres of NFS lands available for use in the semi-primitive motorized recreation opportunity setting. The mine may lead to permanent changes to recreation settings (Recreation Opportunity Spectrum) and/or the type of recreation available and may result in increased pressure on public and private lands in other places to compensate for lost opportunities.

(2) Mitigation Plan. The Draft ROD includes a measure to mitigate the loss of OHV opportunities. Under Mitigation and Monitoring Requirements, one of three mitigation measures for Recreation and Wilderness is FS-RW-03, Mitigate loss of OHV use opportunities (see Mitigation and Monitoring Requirements, Recreation and Wilderness, page 39 of the Draft ROD). In Volume 5, Appendix B, page B-64, a detailed description of the mitigation measure FS-RW-03 is presented. I believe the mitigation measure as described fails to meet CEQ regulations (40 CFR 1508.20) that define mitigation measures (see Mitigation and Monitoring in Volume 1, Chapter 2, page 93 of the FEIS). The relevant CEQ mitigation measure is stated as follows: “Compensating for an impact by replacing or providing substitute resources or environments.” In terms of compensating for lost OHV opportunities, it would seem that the proposed mitigation measure would seek to replace the miles of NFS roads lost and acres of semi-primitive recreation opportunity spectrum lost, or provide substitute environments where the lost OHV opportunities could be restored. Logically this would require the designation or construction of additional roads for OHV recreation in a semi-primitive motorized recreation setting. However, the FS-RW-03 mitigation measure fails to demonstrate any intent to do so. The FS-RW-03 description is as follows:

“Rosemont Copper would provide funding for efforts to produce a plan for 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 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, 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.”

The description fails to show any intent to designate or construct additional roads, motorized routes, or areas for OHV use in a semi-primitive motorized recreation opportunity setting. While I do not disagree with the need for NEPA analysis and other mitigation proposed (construction of additional facilities, public outreach and

education, and management and enforcement), the mitigation measure as proposed does not meet the CEQ mitigation definition as it does not seek to replace the lost OHV opportunities with new OHV routes nor does it provide a substitute environment (such as an expanded Santa Rita Backcountry Touring Area) where the lost OHV opportunities could be restored. In a word, the scope of the proposed mitigation (new facilities, public outreach, education, and management and enforcement) is inadequate and will not replace lost OHV opportunities without the designation or construction of additional roads, motorized routes, or semi-primitive motorized recreation opportunity settings.

Some additional rationale is provided below:

(a) The record shows that the area affected by the Rosemont Mine had been managed by the Coronado for intensive OHV use for many years and had received significant investments (see description of the Santa Rita Backcountry Touring Area in Volume 3, Chapter 3, page 848 in the FEIS). This popular area was a hub for OHV use and provided connector roads that allowed loop rides and both east-west and north-south connections to other roads in the Santa Rita Backcountry Touring Area. This took motorized use pressure off of other areas and helped to reduce conflicts with non-motorized trail users. If the proposed mitigation plan does not replace this opportunity, then it is likely that OHV use will pressure other areas in the forest leading to increased conflicts with non-motorized trail users.

(b) The Nogales Ranger District has proposed a travel management plan that would close to public use about 131 miles of roads on the District. (See also in the FEIS, Volume 3, Chapter 3, page 870, under Cumulative Effects the following statement: "Changes to NFSR designation in the Santa Rita Management area on the Nogales Ranger District could continue to decrease access for motorized recreation opportunities.") This plan is still in process and could be re-evaluated to determine where additional OHV opportunities could be established to compensate for the lost OHV opportunities in the Rosemont area. See the Nogales District Scoping Notice, subject: Proposed Changes to Motorized Transportation System Nogales Ranger District, dated February 14, 2012 (available at this link:

http://www.fs.usda.gov/wps/portal/fsinternet!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gDfxMDT8MwRydLA1cj72BTUwMTAwgAykeaxRtBeY4WBv4eHmF-YT4GMHkidBvgAI6EdIeDXIvfdRAJuM3388jPTdUvyA2NMMgyUQQAyrgQmg!!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfs000MjZOMDcxT1RVODBJN0o2MTJQRDMwODQ!/?project=29223).

(c) The Coronado has proposed other mitigation measures that do in fact replace lost recreational opportunities. Examples: relocation and construction of 12.8 miles (in Preferred Alternative) of the Arizona National Scenic Trail and the construction of a new Sycamore Connector Road to restore public access to Sycamore Canyon. So why does the OHV mitigation measure fail to follow that same approach? The proposed FS-RW-03 mitigation measure should demonstrate the intent to replace

the loss of 53.5 miles of NFS roads (in Preferred Alternative) and over 6000 acres of the semi-primitive motorized recreation opportunity setting.

A suggested remedy is to 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.

5. A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection:

a. My comment letter of January 18, 2012 (see enclosure 1) specifically addressed the impacts of the Rosemont Mine on OHV recreation and expressed concern over the adequacy of mitigation measures.

My letter stated: “The Rosemont Project area has had a long history of recreational use and I am most concerned about the adequacy of proposed mitigation measures to be incorporated into the project design.” This directly relates to the content of my objection, specifically paragraph 4a(2) above.

I further stated: “Under the Proposed Action, over 6200 acres of National Forest lands would no longer meet the current forest plan Recreation Opportunity Spectrum designations and would be unavailable for recreational use. Of this amount, nearly 6000 acres of land in the Semi-Primitive Motorized setting would be lost and no longer available for public use. Table 123 also indicates that over 30 miles of public roads would be lost and 3.79 miles of the Arizona Trail would have to be relocated.” This also directly relates to the content of my objection, specifically paragraph 4a(1) above.

My letter also expressed the following concern: “While mitigation measures include the relocation of impacted segments of the Arizona Trail, there are no mitigation measures proposed to offset the loss of nearly 6000 acres of the Semi-Primitive Motorized Setting. Most of the public use that occurs on National Forest lands in the Rosemont Mine project area is motorized recreation. Indeed, the Forest Service has promoted and managed this area as part of the Santa Rita Backcountry Touring Area (a brochure and map has been widely distributed). In fact, the DEIS states on page 524, Chapter Three, that “The Rosemont off-highway area is one of the primary and most popular off-highway vehicle riding areas in the Santa Rita Backcountry Touring Area.” In my view, the lack of appropriate mitigation measures for the loss of motorized recreation here is a major deficiency that should be addressed in the Final EIS.” This statement directly relates to the content of my objection, specifically paragraph 4a(2) above.

Finally, my letter also proposed that the Coronado consider establishing a separate OHV trail system: “One option that should be reviewed is the feasibility of establishing an OHV trail system on State Trust Lands to the north and east of the project area (to be funded by Rosemont Copper). Without appropriate mitigation measures, the demands for OHV recreation could pressure other nearby Forest Service and BLM lands and could cause conflicts with non-motorized users.” This statement directly relates to the content of my objection, specifically paragraph 4a(2) above and demonstrates my concern that the OHV mitigation measure compensate for the loss of roads and acres of semi-primitive motorized recreation opportunity setting by establishing a separate OHV trail (or route) system at a suitable location (with the intent of avoiding and minimizing conflicts with non-motorized users).

In summary, I appreciate the improvements made in the FEIS in response to public comments submitted after the DEIS was published. Considering the lack of OHV mitigation measures in the DEIS, the FS-RW-03 mitigation measure is a significant step in the right direction. However, to be truly effective, it must address the core need to replace the lost OHV opportunities with additional OHV opportunities, i.e., additional miles of roads and additional acres of semi-primitive motorized recreation opportunity setting. I believe the Coronado can and should do this in collaboration with interested members of the OHV community.

Thank you for the opportunity to submit these comments. I look forward to a positive dialog with Forest Service officials to resolve my concerns and reach a mutually agreeable solution.

Sincerely,

//signed//

Steve Saway

Enclosures:

1. Saway Comment Letter on Rosemont DEIS, dated January 18, 2012
2. Scanned image of Steve Saway signature