

THE EMPIRE RANCH FOUNDATION
Letter of Formal Objection to Rosemont Copper FEIS
Environmental Impact Statement (FEIS)
Submitted by the Board of Directors of the Empire Ranch Foundation

February 2, 2014

TO: Reviewing Officer
USFS Southwest Region
333 Broadway SE
Albuquerque, NM 87102

From: Carla Kerekes Martin – Empire Ranch Foundation
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Hard Copy Via: USPS

On behalf of the Empire Ranch Foundation, I hereby submit a formal objection to the proposed Rosemont Copper project in the Coronado National Forest, Nogales Ranger District. The responsible official is Jim Upchurch. This objection concerns new information contained in the FEIS which became available after the designated comment opportunities for this project.

Issue: The proposed Rosemont Copper project FEIS has not addressed substantial concerns as stated in Letter # 14253 relating to the effects of seismic disturbance/degradation of historic buildings of Empire Ranch Headquarters on Las Cienegas National Conservation Area (LCNCA) and mitigation measures for these structures.

To Whom It May Concern:

The historic buildings of the Empire Ranch were originally constructed in the early 1870's.

The main 22 room ranch house is listed on the National Register of Historic Places.

The Empire Ranch Foundation has determined serious issues with the FEIS:

FEIS Concern Statements:

423: The Coronado National Forest should revise the EIS to provide a more robust analysis of noise impacts to humans, facilities and structures, livestock, and wildlife over a wider analysis area, and discuss appropriate mitigation measures to reduce those impacts.

424: The USFS should address impacts to private and historic structures from noise and vibration – particularly from blasting. Methods of mitigation and restoration should be discussed.

323: The EIS should include additional mitigation and preservation measures for cultural sites, and describe how applicable federal laws would be met.

OBJECTIONS

The DEIS does not include seismic studies detailed enough to elevate concerns about blasting. Seismic properties of the rock in the surrounding area of the proposed mine site and into the Sonoita Plain and the speed, depth and transference of the subsequent tremors and earthquakes produced by this continual blasting have not been done to the proper radius. These studies must be required to determine the potential for structural damage to the historic buildings located at the Empire Ranch as well as the damage to the water table, wells, seeps, and springs at that location.

As mandated by the National Historic Preservation Act, when adverse effects are present, is to develop a historic properties treatment plan to specify the measures to be taken to mitigate the project's adverse effects on historic properties.....this plan would be developed by the Coronado in consultation with Arizona State Historic Preservation Office, cooperating agencies....etc. It would be attached to a memorandum of agreement signed by these parties..... The Rosemont Copper Company has not provided, in writing, any information regarding mitigation or how restoration of these buildings would be assessed and completed due to damage that may result from the continued blasting that Rosemont Copper Company has previously stated and documented as would be occurring.

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The USFS Response in FEIS Volume 2, Chapter 3, Noise (p. 984): The USFS did not respond to this concern about possible damage from ground or air vibrations to the historic structures at the Empire Ranch headquarters by conducting requested additional studies by independent experts. Rather, they chose to accept the very limited study of airborne and ground vibrations conducted by a Rosemont contractor, Tetra Tech: “Airborne and ground vibrations caused by blasting were also modeled. Subsonic vibrations are of concern only with respect to property damage; therefore, results are compared only with the nearest residential receptor to the southeast (House A) and northeast (House H)...”

Additionally, the completely ludicrous response to this concern in the USFS Response in FEIS 424 to this exact issue as mentioned in Alison Bunting’s Letter # 12411 was:

Tetra Tech concluded that the vibrations would “be well below the threshold for any kind of cosmetic building damage and would generally be below the threshold of human perception at almost all residential locations.” NRHP-eligible historic properties within the security fence are within the 1.5-mile radius and adverse effects will have been mitigated prior to construction of the mine. No historic structures on lands other than those owned by Rosemont are located within this radius.

The Reviewing Officer for the FEIS should understand that modern residential housing, as mentioned above; have no basis in comparison to the 140 year old Adobe buildings at the Empire Ranch Headquarters which are listed on the National Historic Register. The assertion that only a radius of 1.5 miles for this study is necessary is absurd when you have documented evidence that residents all the way into the town of Sonoita had their windows rattled and could hear the sound of blasts occurring from the Rosemont site. The Empire Ranch site is much closer to the proposed site for this mine and we have documented study information from Mel Green as stated in my letter #14253 with attachment letter from

Mel Green:

I responded that the steady ground disturbances from blasting, similar to small earthquakes, would most likely precipitate the deterioration of the mortar between the adobe blocks. This loss of mortar has two effects. The first is the increased maintenance of the buildings through more frequent repointing of the adobe. Further there is a continuing cycling probable, almost a rocking of the block due to ground motion. While the amplitudes are small the continued vibration will have a deleterious effect on the adobe walls.

The FEIS Response to all my other stated concerns in Letter # 14253 was:

“The Empire Ranch headquarters is more than 8 miles distant from the mine operations area.”

As stated in Letter # 14253 - The Empire Ranch Headquarters are located within Las Cienegas National Conservation Area (LCNCA) administered by BLM **which is located 6.88 miles from the Rosemont Copper blasting area.**

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The DEIS stated the following:

In Chapter 2: Alternatives, Including the Proposed Action, pp. 66

Production and Operation Blasting Plan states:

“Rosemont Copper would prepare a production and operation blasting plan that would require that Rosemont Copper and any successors in interest or ownership of the mine be required to repair or otherwise pay for all damages to area residential, historical, or other structures resulting from blasting associated with mining activities. A blast monitoring program would be included in the blasting plan, with monitoring points located between the areas to be blasted and sensitive receptor sites. Results of blast monitoring would be available to agencies and local residents upon request.

It is extremely unprofessional and shows a decided lack of responsibility to the history of Southern Arizona, to the collective history of the United States and a total lack of concern by the United States Forest Service to ignore the above mentioned concerns and all the concerns as stated in Letter #14253. To “brush them off” with such irrelevant and uninformed answers as was given by the USFS response documents; #323, #423 and #424 to concerns submitted by the Empire Ranch Foundation and it’s member’s and other concerned individuals or concerned parties, who have submitted letters directly concerned with the Empire Ranch and the Las Cienegas National Conservation Area overall is morally unacceptable.

The concern for a mitigation plan (bond or other financial instrument) was completely dismissed as stated in the USFS response Document 322: “Because the proposed project **is not expected** to impact these structures, there is not any mitigation for restoration required.” Since the USFS is not certain that the project will impact the structures how can in cavalierly state that ...”not any mitigation for restoration required.”

The wording, **“is not expected”** is totally unacceptable. It may not be expected but it could very well happen. What if these structures are impacted??? This is such an out of hand dismissal and lack of concern for the people and historic places surrounding the proposed Rosemont mine site and its affected areas without any proper studies done by outside providers; not ones working for Rosemont mine, is far beyond what is considered reasonable.

REMEDY:

1. The ERF requests that the Forest Service and the State Historic Preservation Office (SHPO) include the Empire Ranch Foundation as a party to the Section 106 Agreement.
2. The USFS must conduct a proper and independent study on the effect of vibrations, both airborne and ground on the Empire Ranch Headquarter Buildings and on the Las Cienegas National Conservation Area.
 - A. The National Landscape Conservation System (NLCS) unit whose mission is:
to conserve, protect, and restore these nationally significant landscapes that are recognized for their outstanding cultural, ecological, and scientific values.
 1. Further within the nationally designated LCNCA, the Empire Ranch contains historic properties listed on the National Register. The Empire Ranch Foundation, under agreement with the BLM, is charged with specific roles in protecting these resources.
3. A mitigation plan (bond or other financial instrument) must be established for the Historic Buildings of the Empire Ranch, its implementation and funds must be administered by a neutral, third party, nonprofit organization.
4. The USFS should abandon this version of a FEIS and prepare and circulate for public review and comment a Revised DEIS or Supplemental Draft EIS.

Respectfully Submitted,

Carla Kerekes Martin

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Empire Ranch Foundation/Vice President