

# Objection to the Rosemont Final EIS & ROD

Dan Meyer 2/12/2014

I object to the Final EIS and ROD on the Rosemont mine because it fails to meet the Forest Service's criteria for approval, namely 1) Suitability and reasonableness of the proposed mine plan and 2) Consistency with Federal laws, regulations and policies governing the management of the National Forests.

## **Suitability and Reasonableness**

The Mining Plan calls for the destruction of more than three hundred thousand trees anchoring highly erodible desert soils and well over three thousand acres of high quality public recreation and watershed lands. The denuded area will be used to store waste rock and tailings produced by digging a crater over a mile wide and half mile deep. The material removed will be piled hundreds of feet high in the headwaters of an outstanding water resource with hundreds of feet of waste material.

The crater will eventually fill with water 700 feet deep, contaminated with heavy metals and last forever. There is a chance the contaminants may reach the aquifer, but there is no public or private agency charged with monitoring this toxic lake. The water required for the mine operation will be pumped from an adjacent watershed that is already experiencing falling water tables from over pumping due in large part to water being drawn to operate several existing copper mines. Since the State sets no limit on the water drawn by a mine once it receives a permit, the proposed Rosemont Mine can only hasten the day the aquifer can no longer support mines or the communities dependant on it. Add to that the forecast for more and longer lasting droughts in the decades ahead with the Colorado River already showing signs of running dry, approving another unlimited draw on the remaining water resource in this desert area is unwise.

The round the clock, seven day week industrial operations would be within sight and hearing of a wilderness area, and require the destruction of a good portion of a national scenic trail and State Scenic highway. Finally, there is strong evidence that the anticipated four hundred (polluting) jobs created by the mine would be at the expense of thousands of (clean) jobs in the retirement, recreation and travel industries that constitute the economies of the surrounding communities.

In a news conference on December 22, 2013, Forest Supervisor Upchurch said, "We have a project in an area with more endangered species than probably any other area in the Southwest, next to a scenic highway, in an area with a national scenic trail, a high amount of interest for astronomy, in an area with high air quality standards, next to a wilderness area." However, these weren't offered as reasons for selecting a "no action" alternative, but rather were offered as the reasons it took so long to approve the mine. If the United States Forest Service considers the placement of this mine in this area to be a reasonable proposal, what would constitute an *unreasonable* one?

Forest Service Supervisor Upchurch has stated he has no choice but to approve the Rosemont mine plan in order to comply with the Mining Act of 1872 and the Multiple Use Mining Act of 1955. He has never said why these Mining Acts take precedence over and negate the mandates and requirements contained in The Organic Act of 1897, The Multiple Use/Sustained Yield Act of 1960, The 1976 National Forest Management Act, The Endangered Species Act, The Wilderness Act, The Archeological Resources Protection Act of 1979 and The Arizona Antiquities Act of 1960.

Forest Service regulations regarding mining which uses the surface of the National Forests shall be conducted so as to *minimize* adverse impacts to those resources (Organic Act). Exactly how will the Service minimize the permanent burial of nearly four thousand acres of oak and grassland watershed under hundreds of feet of waste rock and mine tailings?

The mine plan did not comply with the existing Coronado Forest Management Plan. The Forest Service seeks to rectify this in the FEIS by amending the plan and creating a 16<sup>th</sup> management unit called the Rosemont Mine Area. The Forest Service appears to be making this drastic change in the management without the benefit of public involvement required by the National Forest Management Act. The Service may believe the requirement is met by seeking public comment on the FEIS, but these comments are not made in public forum and are restricted to those who have previously commented on the DEIS – which by design or oversight omitted any reference to amending The Management Plan by adding Unit #16. Furthermore, Unit #16 does not appear in the DEIS of the Coronado Management Plan on which the Forest Service is currently seeking public comment. Whether these omissions constitute a violation of the National Forest Management Act is for the courts to decide.

It has been the policy of the Forest Service to give more weight to the concerns of the people living closest to the resource. When did that policy change? Indications are that the majority of residents and communities closest to the mine oppose it as they feel the mine will have a significant negative impact on their quality of life and economy. Not only will the public bear the uncompensated loss of recreational use and environmental degradation, but they will bear the uncompensated additional costs of monitoring a large industrial facility that can only harm and never benefit the surrounding public and private lands.

### **Major Shortcomings of the FEIS**

One of the major shortcomings of the FEIS is that it does not draw together all the expected impacts to the resources this Mine Plan will effect. There needs to be a summary that describes: all the resources that will be irretrievably lost (e.g., 7000 acres of dispersed recreational land); all the resources that will be degraded but largely unmitigated (e.g., air quality and visibility) and all the resources that will be degraded but largely mitigated (e.g., contouring waste rock and tailings areas). In addition, the expected dollar value lost should be shown for each effected resource along with the expected cost of mitigation being proposed. Such a compilation would show at a glance

how much this proposal will cost the land owners – the U.S. public. This total dollar figure would be helpful in determining the amount of performance bond required of the permittee.

For this Mine Plan to be reasonable, it must be economically viable over the long term. Critical to that viability is the estimate of the amount of copper in the mine site. Since the applicant has every incentive to maximize this estimate, the figures used in the FEIS have to have been independently verified. Were they?

Cost estimates supplied by the applicant also need to be independently verified. To those mining costs must be added the value of resources permanently lost and degraded, and the costs of mitigating, monitoring and managing the Mine Plan Area (Unit #16). I don't see any such accounting, and absent that, one cannot know if the proposed Mine Plan is in fact reasonable.

What economic analysis there is in the FEIS doesn't inspire confidence. For instance, there have been studies indicating that the increased air and noise pollution and expected water shortages attributable to the mine will result in more jobs lost in the travel, tourism, recreation and retirement industries than those created by the mine. Pima County government believes this. Where are these data and comparisons?

Another example, the FEIS acknowledges some loss in real estate values, but states such losses would be restricted to ten miles from the mine site. Green Valley residents are upset that the proposed high voltage power line will mar their view and lower their property value. They know the applicant stated its intent to mine the holdings in their view shed and that the Forest Service has stated they have no choice but to approve such plans. That knowledge is already having a depressing effect on real estate according to realtors here - and we're a lot further than ten miles from the mine site.

## **Conclusion**

The Forest Service's myopic focus on two mining laws is preventing it from seeing and addressing its primary mandate: namely, to preserve the nation's water and forest resources (The Organic Act). Gifford Pinchot, the founding head of the Forest Service proclaimed, "All the resources of the Forest Service are for use under such restrictions only as will ensure the permanence of those resources." The Rosemont Mine Plan assures only the destruction and degradation of those resources. Approving this Mine Plan is contrary to the Forest Service's stated mission: *To sustain health, diversity and productivity of the nation's forests and grasslands to meet the needs of present and future generations* and to its motto: *Caring for the Land, Serving the People*.

