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To: Regional Forester
Southwestern Region
333 Broadway SE, Albuquerque NM 87102

Subj: Comments on Rosemont Copper project FEIS, responsible official Coronado National Forest Supervisor Jim Upchurch, project located in the Coronado National Forest, Nogales Ranger District

Ref (a): My initial comments of 10 December 2011 (your letter # 1957)
(b) My subsequent comments of 16 January 2012 (your letter # 12412)
(c) Final Environmental Impact Statement (FEIS) for Rosemont devastation

INITIAL OBSERVATIONS

1. Invalidity of review process

Refs (a) and (b) were submitted to the USFS in expectation they would be read, considered and answered by people, not machines. Their arguments were prepared (at some expense in time and effort) for consideration by human intelligence, not optical scanners. Your misapplication of content analysis had predictable results: 52 objections of mine (ref, (c) vol. VI app. G p. 664) appear, with 33 FEIS replies, to just 8 arguments. Because of this fragmentation of my arguments, *not one* received a reasoned response rather than parroted bureaucratese. Your unfortunate decision to “repurpose” the best reasoned efforts of thousands of local citizens into machine fodder does, however, at least serve to explain the very great erroneousness of ref (c). The FEIS as it stands can only be understood as the product of a purely mechanical process, following a set of machine rules beginning and ending with a complete misunderstanding of both the 1872 mining law and the proper role of the USFS, and thus presenting conclusions which could not have been reached by the least application of any ordinarily rational human thought. Further, the document itself was not mailed to me, as I had requested, and I was not able to obtain a copy until late January, thus drastically shortening my review, analysis and document production time, all while trying to absorb masses of new data and analysis and still adhere to a brand-new “objection” process. The entire DEIS/FEIS process, which did not produce a single substantive response to any of my substantive points, is itself for this reason alone a denial of due process to myself and all others who have participated herein. Presenting new data and analyses in great quantity in a short

review period precludes precisely the reasoned analysis which ought to be at the heart of any NEPA process. Everything which follows is thus subject to this caveat: I reserve my fundamental objection to the terribly flawed process which has brought us to the present point, as well as all of the procedural objections set out in refs (a) and (b).

2. Invalidity of analysis of detrimental project effects

My second foundational issue is taken from a parenthetical note in footnote 1 of ref (a), where I pointed out that America's largest-ever thermonuclear bomb test, Operation Castle Bravo in 1954 on Bikini, left behind a pit only one-twelfth as deep as that which is proposed for Rosemont. The best minds in the world had considered the question for years and determined the thermonuclear device would explode with about 6 megatons (MT) of energy. Because the best minds in the world failed to fully and properly consider some of the relevant factors, the resulting 15 MT explosion was *250% greater* than the predictions. The relevant point here is that Forest Service personnel and the illustrious roster of hired consultants who have produced the FEIS, however capable, are certainly less than the best minds in the world, and have reached conclusions which are biased in favor of an "approve project" result, which they were paid for. While the proposed Record Of Decision pays lip service to scientific uncertainty it does not examine the very real implications of this issue at all. This pervasive omission of the FEIS is dispositive of the question of its reliability, because it is statistically certain that the understatement of all the many possible detriments¹ and the overstatement of a few ephemeral "benefits" have combined to produce a best-case analysis which is absolutely irrelevant to any likely reality. We must, in any proper preservation of the public interest in the present question, ignore the seduction of all the "best case" scenarios and focus instead upon the reality, which is that analysis of likely cases and even more, worst cases, must also be considered in arriving at our decisions.² Because the FEIS ignores or claims to be unable to answer many critical questions, it can not and does not provide necessary analysis of the most probable scenarios, and thus it is not in any legal sense a reliable document on which to base a decision to proceed.

¹ Assume there are 100 separate Bad Things discussed in the FEIS (there are more). According to the FEIS, none of these 100 Bad Things are deemed sufficiently significant, considering both context and intensity (40 CFR sec. 1508.27 (a)-(b)), to warrant rejection of the proposed action, at a 95% confidence level. The necessary implication from these understated assumptions is that in the real world anywhere from half a dozen to half a hundred of these Bad Things will in fact eventuate, depending on the degree of bias in the FEIS analysis, which appears on this record to be a hugely confidence-deflating number.

² For example, the DEIS indicated project traffic on a small strip of Highway 83 would likely kill only a few tourists and residents yearly. But Highway 83 is also used by school buses. Maybe no school bus will ever be in an accident with an ore hauler, or worse, with a sulfuric acid tanker, but what margin of safety would you require if your children were riding that school bus? And since the FEIS has provided new information, that ore hauling will be done south to Nogales through Patagonia instead of north to I-10, what additional dangers are posed by much longer trips on rural roads? Does quintupling the daily exposure of school buses to project traffic bother anyone at all?

3. Noncompliance with 40 CFR sec. 1502.9 (c)

Third, as have many others, I must protest that the FEIS is in large and critical part based upon new information which was not made available to the public prior to the issuance of the FEIS and beginning of the objection period. In several cases of USFS response to a point I had raised, such new information is referred to as dispositive of the issue even where the new information does nothing to invalidate my argument. Because of the fragmentation of our arguments which I discussed in para. (1) *supra*, 40 CFR 1502.9: (c) provides that agencies “[s]hall prepare supplements to either draft or final environmental impact statements if: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” Here the FEIS is so deeply flawed supplementation would be useless: USFS has in effect not only completely changed the playing field, it has also thrown in a new rulebook. A large number of people have been well paid for many years to produce a result-oriented document both huge and containing very large quantities of matter not previously publicly disclosed, while a few citizen volunteers have a very few days to produce a response. It is difficult to properly characterize the degree of imbalance between these forces, but one analogy is useful: in September of 1939 Polish officers on horseback armed only with sabres charged at the invading Nazi tanks and mechanized troops. Mass and firepower prevailed there, as they seem intent on prevailing here. In this set of circumstances it is impermissible, as a matter of both due process and fundamental fairness, to go forward with the FEIS proceedings. Instead, the FEIS should be withdrawn and a new draft EIS be prepared for public comment, which new draft EIS should incorporate reasoned analysis and criticisms in support of the only sane conclusion: that no open-pit mine on public forest lands is or can ever be in the public interest.

4. Brave New World

Fourth, I congratulate Jim Upchurch, USFS generally, and all of the consultants who prepared the FEIS. It is thirty years after what George Orwell prophesied in *1984*, but George surely would have marveled at the FEIS, which is a near-perfect exemplar of Newspeak³ containing thousands of pages of “blackwhite”⁴ prose and tables, using

³ “The purpose of Newspeak was not only to provide a medium of expression for the world-view and mental habits proper to the devotees of [the ruling Party], but to make all other modes of thought impossible.”

⁴ “...this word has two mutually contradictory meanings. Applied to an opponent, it means the habit of impudently claiming that black is white, in contradiction of the plain facts. Applied to a Party member, it means a loyal willingness to say that black is white when Party discipline demands this. But it means also the ability to believe that black is white, and more, to know that black is white, and to forget that one has ever believed the contrary. This demands a continuous alteration of the past, made possible by the system of thought which really embraces all the rest, and which is known in Newspeak as doublethink.”

“doublethink”⁵ rather than logic and “duckspeak”⁶ instead of language. (The great bulk of USFS responses to objections recite that USFS “cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws.” *No one ever asked them to*. Such boiler-plate answers to unasked questions are not responses but merely quacks, a prime example of duckspeak.) I suppose we should all be grateful we lived long enough to see this parade of fictional horrors become our reality. Somehow, however, the honor escapes me. Instead, I look at the list of consultants and wonder: how many of my tax dollars were spent upon them? (See para. 3, *supra*.) Did any of the consultants ever tell you that Rosemont was just a horribly bad idea, or did you only hire those who had assured you that they were already on board with the Augusta team? In other words, were you seeking out consultants as scientists, or co-conspirators?

5. A No Kill policy for public land

The fifth and last foundational point I wish to make is this: consistent with NEPA you may in fact have the power to issue a license to wound the land, or even to bleed the land for some commercial purpose. You may not, however, issue a license to kill the land. You may not do this because the land does not belong to you but to the people. Sustainable use of our public lands is the commonly-agreed on goal, and consumptive use is (or ought to be) a far less preferred alternative in most circumstances. But the destructive “use” of public land, particularly where thousand-year-long devastation is proposed is, as I have argued herein and previously, simply impermissible under any rational interpretation of governing law. Stewardship does not imply the right to murder.

DISCUSSION

6. Unlawful foundational assumption

From the beginning of this process USFS has accepted Augusta’s assertion that because the only presently economic extraction plan is an open pit mine, there is no discretion to deny the application no matter how dire the consequences of approval are. Other types of extraction i.e., shaft mining or excavation with continuous backfill) offer a

⁵ “The power of holding two contradictory beliefs in one’s mind simultaneously, and accepting both of them... To tell deliberate lies while genuinely believing in them, to forget any fact that has become inconvenient, and then, when it becomes necessary again, to draw it back from oblivion for just as long as it is needed, to deny the existence of objective reality and all the while to take account of the reality which one denies – all this is indispensably necessary. Even in using the word doublethink it is necessary to exercise doublethink. For by using the word one admits that one is tampering with reality; by a fresh act of doublethink one erases this knowledge; and so on indefinitely, with the lie always one leap ahead of the truth.” The FEIS herein is a textbook example of a document in which “the lie [is] always one leap ahead of the truth.”

⁶ “Ultimately it was hoped to make articulate speech issue from the larynx without involving the higher brain centres at all. This aim was frankly admitted in the Newspeak word *duckspeak* . . .”

possibility of remediation of environmental damage, but an open pit is a consumptive use which necessarily results in permanent and massive environmental damage which cannot ever be remediated. The fact remediable mining operations are not economically feasible now is not to the public's problem, but Augusta's. At that future time where non-catastrophically destructive mining is possible a new mining plan may be submitted. 36 CFR sec. 228.5 (b) requires we "minimize environmental impacts . . . in accordance with the standards . . . in section 228.8." 36 CFR sec. 228.8 requires adherence to air and water quality standards, that solid waste be "disposed of or treated so as to minimize adverse impact upon the environment and forest surface resource," that scenic values be maintained, and the operator "shall take all practicable measures to maintain and protect fisheries and wildlife habitat . . . affected by the operations." (36 CFR sec. 228.8, (a)-(e).) As the Forest Service has accepted the single extraction choice that *maximizes* rather than minimizes every adverse impact conceivable, it is impossible to argue there has been substantial compliance with the cited regulations. The *de minimis* attempts at mitigating that which cannot be mitigated in any meaningful fashion is an abandonment of any pretended compliance with law. Rearranging *billions of tons* of waste rock into new piles will never begin to restore the natural beauty which now exists, and even the most pleasingly-arranged devastation is still, even with computer graphics, devastation.

7. Public health and safety

The FEIS also fails to properly evaluate public safety issues raised throughout the review process. The "best case" analysis of the DEIS indicated "only" about 50 excess deaths on SR 83 during project life.⁷ The DEIS also discussed adding 2000 tons of volatiles and 25,000 tons of NO_x to the atmosphere, which might result in 500-1000 excess deaths during the operating period of the mine, with more deaths in the following years. We learn now in the FEIS that Rosemont ore truck traffic may travel five times farther on two lane roads than the DEIS stated (this is *double* a normal "Castle Bravo deviation" from prediction). We also find in the FEIS (vol. 3 ch. 3 p. 865) the air quality burden does not include burning over a million tons of ANFO (ammonium nitrate and fuel oil) in blasting operations (160 tons per day for 150,000-350,000 tons of rock) which could release 10,000 tons of volatiles and another 40,000 tons of NO_x⁸, with this change

⁷ Following the EPA methodology set out in ref (b) p. 2 fn. 2, the economic cost of 50 lost lives is \$500M. This is a number equal to \$50K/yr salaries X 20 years X 500 people. Thus, on this single point alone the project should have been rejected at the DEIS stage as not being reasonably cost-effective. As will appear *infra*, this cost likely represents *far less than 1% of the total burden of project costs* which will be inflicted on the public generally by the Rosemont Copper proposal.

⁸ While in an ideal world stoichiometric ANFO combustion produces CO₂ and H₂O, DOD's OSTI documents indicate a probable ANFO residue of 3-4% NO_x, CO, and other toxic gasses by weight of combusted mixture under non-ideal combustion conditions, which is the normal mode of employment. And none of this considers the percentage of *2 billion tons* of earth which remains as harmful particulates in the atmosphere after it is blasted apart by the ANFO, an omission itself fatal to the FEIS/ROD.

raising Rosemont's share of this measure of Pima County pollution from 4% to over 10%, thus upping the projected Project Kill Tally into the 1,000+ range. USFS may regard 50 deaths as meaningless, but are 100 deaths also meaningless? 200 deaths? 500? Is there any point at all where, regardless of the huge economic costs proposed to be borne by society, the death toll becomes too high? I suggest once more (see ref (a) p. 2 fn.5) there must be a basic test for approval of any mining project, which is that the project must propose to employ more people than it will kill as collateral damage. *No such demonstration is possible on this record.*

8. Refusal to analyze cumulative effects of project approval

The FEIS refuses to analyze the effect that approval of the proposed mining plan will have on other area mining operations, rejecting the "cumulative impact"⁹ analysis as too speculative. The refusal to deal with the *cumulative* environmental, social and other impacts from the future permitting of many other vastly destructive mining projects in the region is, by itself, a complete reason to withdraw the FEIS. The approval of an open-pit proposal in any form is not merely a lowering of the bar, but the burial and paving over of any bar at all. If you are ready to permit reenactment of WWII in the Santa Ritas, on what basis can you possibly refuse to approve Wildcat Silver's proposed open-pit mine in the Patagonias, with its own attendant air and water and light pollution and increased truck traffic on rural roads? How will you be able to reuse to permit any obscenity at all anywhere in your jurisdiction under this standard? The entire FEIS is flawed in that it focuses upon Augusta's Rosemont proposal as if it existed in a vacuum when in fact, there are many other claims-in-progress in the near vicinity, and literally hundreds of other claims involving the CNF lands. Augusta's proposal must be considered in the context of matters as they would stand were any substantial number of these claims also be reduced to mining operations. That is, the cumulative air pollution, water usage and other foreseeable environmental impacts must be considered, rather than merely the impact of any one project in isolation.¹⁰ In sum, the

⁹ Sec. 1508.7 Cumulative impact. "Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

¹⁰ The necessity for considering a regional rather than local approach is the very nature of the land here at issue: the sky island of the Santa Ritas, the most valuable, most threatened and least replaceable habitat in the Southwest. The northern reach of this unique habitat will under the proposed action be subjected to decades of daily blasting operations. The necessary result will be, as noted in the FEIS, fragmentation of movement between mountain ranges, disruption of local habitat connectivity, and loss of genetic flow. Given this disastrous outcome, what will be the effect on the entire sky island if daily blasting operations are occurring at the same time in the southern Santa Ritas? In the Patagonias? In the Canelo Hills? Just as air quality issues cannot be restricted to onsite plant and blasting operations, but must also

present proceeding is really a harbinger of the future of southern Arizona, and perhaps much else of the West as well. Down one path before us is continuing and intensifying of current efforts to preserve the most endangered parts of our ecosystem, particularly the “sky island” communities such as the uplands of the Santa Rita range. Down the other path, of the Rosemont proposal, there lies a series of gigantic craters in a parched and dust-laden landscape of near-lunar desolation, with the end result a dismantling of critical environments on a scale not seen since the nineteenth century. When the massive pollution loading resulting from the project is also considered, it is clear the present question’s proper resolution is of the utmost importance, reaching far beyond any merely local considerations. FSM ch. 2020.2 correctly recognizes that “increasing human uses” are “large scale threats to sustainability” of NFS lands. The Rosemont proposal is a destructive “increasing human use” and one which is clearly the greatest current threat to Coronado National Forest sustainability. The effects of what is and will be certain multiplication of such large scale threats to the Coronado Forest under the FEIS is not, but must be, addressed in detail.

9. Inadequacy of greenhouse gas/carbon footprint analysis

Another area in which the FEIS does not address the core questions is in its refusal to examine the greenhouse effects necessarily flowing from the proposed mining operation. The idea that Rosemont need not account for the emissions associated with ore smelting simply because they “suggest” at this point in time that they do not plan to smelt in Arizona, is completely wrong under governing rule and statute. Smelting of ore blasted from the open pit mine and its consequent significant impact upon greenhouse gas accumulations is an indirect effect of the proposed action which must be taken in account under 40 CFR section 1508.¹¹ The ore blasted from Rosemont will necessarily be smelted somewhere, and that smelting process as well as all the carbon emissions associated with ore transportation will necessarily contribute a fully calculable quantity of greenhouse gasses *which would not otherwise exist*. That the ore smelting may be

consider also offsite transportation and smelter operations, so the potential disruption to biological and scenic resources must consider other likely regional sources of habitat and other disruption.

¹¹ Sec. 1508.8 Effects. "Effects" include:

- (a) Direct effects, which are caused by the action and occur at the same time and place.
- (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

done in China only exacerbates the harm which necessarily follows from the proposed action, and in no way relieves Rosemont of accounting for it.

10. Disruption of habitat

In refs (a) and (b) I noted the DEIS did not analyze impacts to the Mt. Wrightson Wilderness Area a few miles to the south of the proposed project. The FEIS presents us with a vast amount of revised and “updated” information in the “Biological Resources” section of the FEIS. (Vol. 3 ch. 3 pp. 570-725). The new information most commendably states that “intact blocks of habitat and animal movement corridors within and among those habitat blocks are diminishing,” and “this [is] a key topic in resource management planning in Arizona (and globally) in recent years,” but implications of this for our area are not worked out. Any application of relevant habitat preservation principles would readily require disapproval of Rosemont’s application. A basic part of operating an open pit is blasting, which is proposed to take place on a daily basis for 20 years. Ground and atmospheric disturbances from blasting are noticeable out to distances of over 20 miles. Even discounting for a moment the direct effect of blasting operations on a nearby wilderness area, there are necessarily going to be indirect effects on major mammal migration corridors, bird nesting and migration, and wildlife populations of all species in the Santa Rita uplands from 6000 days of blasting, which effects are unlikely to promote the wellbeing of any of the affected populations.¹² In ref (a) para. 3, fn 1, I noted that the proposed open pit depth would require a dozen 15-megaton thermonuclear explosions to achieve, or about 180 megatons of power. While the FEIS discusses a somewhat more efficient non-nuclear alternative to the destruction of the Rosemont area, in order to create the proposed 1.8 billion *tons* of rock (including half a billion tons of ore) it will require somewhere around 1-2 million tons of explosives, or about 100 times the power of the Hiroshima atomic bomb.¹³ This is a number larger than the entire amount of explosive dropped by the American and British bomber commands in Europe during WWII. Essentially, we are discussing either a replay of the entire 1939-1945 bombing campaign in Europe, only concentrated on a small area in SW Pima County, or a bi-monthly Hiroshima in the Santa Rita uplands. There have been small and not-so-small wars fought employing far less explosive power.¹⁴ Reconciling this vast explosive power with public interest in preservation of forest sustainability is simply impossible.

¹² The omission of any serious consideration of the effects of this major disruptive action, repeated daily over two decades, is fatal to the DEIS. (See, e.g., *Marble Mountain Audubon Society v. Rice*, 914 F. 2d 179 (9th Cir. 1990).)

¹³ This assumes a Powder Factor of 2-4..

¹⁴ In point of fact, prolonged and intensive bombing campaigns are the only real-world parallel to the proposed multi-decade blasting program. Anyone with combat experience would understand that the explosive power here at issue involves substantial and ongoing impacts far beyond the mine area itself.

11. Inadequacy of economic analysis *redux*

Overriding all the other failures of the FEIS is its stubborn refusal to deal with cost vs. benefit issues with any rational sort of economic analysis. As noted in my 2012 comments, at the December 10 hearing at the Elgin school, the Rosemont operation will kill more southern Arizonans than it will employ, The validity of this was underscored in the USFS presentation at the Elgin school on Saturday, 10 December 2012, when the presenter noted (but failed to connect) two very salient facts set out in the DEIS: With respect to Pima County only, the proposed payroll for Rosemont would be 0.1% (one tenth of one percent), while one measure of air pollution, nitrogen oxide, would increase by 4%. (As noted in para. 7 *supra*, the true figure likely exceeds 10%) Thus a single unit of a good, a worker's salary, entails the production of 40 units of an evil, air pollution. Given that the emissions associated with the project are understated, the true ratio of benefits to detriment is probably about 100:1, a two-order-of-magnitude inverse relation. Put another way, each Rosemont job entails an air and water quality burden 100 times greater than that of other jobs in the area, require using 100 times the amount of water associated with other employments, equivalently huge amounts of power, and each job will also result in the death during project life of .1-.2 drivers on Highway 83 alone, with no consideration given to project-related fatalities on other roads. We are also told that the massive volume of project-related traffic on Highway 83 will only reduce the level of service from a "B" or "C" rating to a "C" or "D" rating, and that a "C" (or "D") rating is "acceptable." The FEIS supports an action that will increase the likelihood of dying on Highway 83 by a factor of 600%. Asserting this is "acceptable" is nonsense. Will such an assertion suffice to console the families of those killed by project traffic?¹⁵ And in a stunning two-for-one, the FEIS (while asserting concern for scenic values) plans to (1) make conditions on an Arizona Scenic Highway both dangerous and unscenic, and (2) relocate the Arizona Trail, a National Scenic Trail, from scenic ridge routes now offering panoramic views of surrounding mountain ranges and watersheds, to the dry lowland mesquite bosques and sandy washes of the Cienegas area. Just as stargazers will lose dark skies to a lighting intensity similar to that of Nogales, hikers, bike and horse riders and birders alike will be denied the views from atop the ridgelines of the sky island, which will under the now-proposed action be lost to all, forevermore. What is the cost of such a loss? Is the destruction of a National Scenic Trail more or less important than the devastation of the scenic values along much of an Arizona Scenic Highway? And however one values or compares the cost of differing detriments, there is always the

¹⁵ Given the air and water pollution involved, deaths from accidents on Highway 83 are likely only in the range of .5-5% of the eventual human mortalities from direct and indirect effects of the proposed project. Any reasonable econometric model (such as, e.g., the study cited in footnote 2, *supra*) will be seen to demonstrate that, for fewer than 400 limited-term jobs, we are likely to kill 1000-10,000 humans (mostly southern Arizonans, but also many tourists), while also inflicting irremediable and permanent environmental damage. These numbers suggest a bond of at least \$100 billion would be appropriate.

central question raised by any open-pit proposal: How do you amortize a loss for eternity? There is no reason to suspect this huge disproportion between profit and loss is markedly different in any other measured spectrum. It is highly likely that each and every Rosemont job carries with it such a great toxic loading that it presents a clear and present danger to all other southern Arizonans. A total lack of any economic analysis characterizes the entire DEIS. As correctly noted in the DEIS (ch. 1, p. 6) the Forest Service may not “deny reasonable and legal mineral operations under the mining laws.” Accepting this point, the question remains: How can a decision on this proposal be claimed to be reasonable if it is not costed-out in even the most rudimentary fashion?

12. “Nonsignificance” of Forest Plan revision

The finding the Rosemont open-pit operations will require only a “non-significant” modification of the Forest Plan is perhaps the most Orwellian touch of all others in the FEIS and proposed ROD. Multiple megatons of explosives detonated over twenty years, leaving behind for all time a mile-wide sulfuric acid lake and billions of tons of waste rock, in a devastation which would require a dozen huge thermonuclear devices to emulate, simply can not be described as “insignificant” in English *or in any other language than Newspeak*. The Organic Administration Act of 1897 (16 USC sections 473-475, 477-482, 551) provides that the first purpose of a National Forest is “to improve and protect the forest within the boundaries” and authorizes the Secretary of Agriculture to make rules and regulations “to preserve the forests from destruction.” It is wholly unclear how a document such as the FEIS, providing for the degradation and destruction of National Forest lands, can possibly comport with the purposes of the basic statutes that govern the Forest Service, just as it is unclear how the Secretary of Agriculture may act to deliver the forest to destruction rather than preserve it as is his statutory mandate. I am unaware of any authority to the effect that the duty to preserve carries with it and includes the right to destroy. Such an irrational inversion of legislative intent cannot be supported. There is simply no way an open pit mine on public land can accommodate a single one of NEPA’s objectives, as there are dozens of significant and intense¹⁶ adverse effects necessarily flowing from adoption of the action proposed. The disaster proposed in the FEIS is not and cannot be made to lawful under NEPA.

¹⁶ Sec. 1508.27 "Significantly" . . . requires considerations of both context and intensity:

- (a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

CONCLUSION

13. Needs of future generations

It is a continuing irony that communications from USFS regarding the massive devastation they are planning for my forest always have the motto "Caring for the Land and Serving People." I understand this to mean USFS cares for USFS lands and for the people who enjoy them. How can a group of humans professing such a creed embark instead upon a journey whose necessary purpose is the destruction of our lands at the service of foreign corporations and countries? The Orwellian nature of USFS efforts are made even clearer by moving from the motto to the mission statement for USFS, which is "to sustain the health, diversity, and prosperity of the Nation's forests and grasslands *to meet the needs of present and future generations.*" (Ital. added.) What present need or what need of future generations, for the next millennium, can conceivably be met by a mile-wide sulfuric acid lake and 6,500 acres (more than ten sections) of some of the most beautiful land on the planet overburdened with *billions of tons* of waste rock?

14. Destruction of present treasures

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- (b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
 2. The degree to which the proposed action affects public health or safety.
 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
 10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Here is the best example of the failure of the FEIS to address the hard truths at the core of this process: you are proposing for the profit of a foreign corporation and the short-term local “benefit” of a few hundred jobs the destruction of the health, diversity and productivity of one of the Nation’s most valuable areas of National Forest. Under any possible scheme to amortize the costs of such a thousand-year destruction one point is salient: the proposed action, considered not only in terms of wasted natural resources, massive air quality degradation and the lost lives of those who will be killed in various ways by the proposed project, but also a thousand-year lost opportunity for public enjoyment of these lands, *will incur costs several orders of magnitude greater than any possible benefits*. Nothing in law, reason or morality supports the proposed action; and any imaginable economic analysis necessarily demonstrates the proposal is in fact probably the worst idea put forth for the use (in this case, destruction) of public lands so far in this century.¹⁷ USFS cannot possibly support the proposal without both flouting applicable laws and inverting its mission, all while wholly abandoning reason. People come to southern Arizona uplands in Pima and Santa Cruz counties for many reasons. The area between the San Pedro and Santa Cruz rivers where the headwaters of Babacomari Creek, the Cienegas, Sonoita Creek and the Santa Cruz river originate is a country for stargazers, horsemen, hikers, wine lovers, and birders. People come here from all over the world to enjoy the spectacle of dark night skies, dense concentrations of avian species, an excellent variety of local vintages, and the spectacular views of the land from the oak and juniper groves along the AZT in the Huachucas, the Canelo Hills, and the Santa Ritas. The common threads drawing residents and visitors alike to this stunningly beautiful environment are the serenity, the clear skies, and God’s grandeur. The USFS now proposes the extermination of all of these values, and for always.

15. Judgment Day

There are several more topics I would have addressed, but the circumstances of this objection process have made it physically impossible for me to have done so within time limits. Not only is this a denial of due process to me and others similarly situated, but it disserves the public interest. How can the public interest be served when one side of a question is presented by hosts of government employees and consultants working on the public teat for half a decade to destroy public lands, while the true public interest is relegated to a few process-impooverished volunteers scrambling madly to review and digest thousands of pages of data, analyses, and disinformation, all in a single month? For all the reasons set forth *supra*, a decision approving the Rosemont Copper open-pit proposal is more than merely unreasonable to the point of irrationality, it is nothing less

¹⁷ The only possible example of comparably poor Federal decision-making would be Operation Fast and Furious, the Phoenix DOJ/ATF “gun walking” fiasco. But the eventual body count even from Fast and Furious will certainly be much lower than the Rosemont Copper body count, and the thousand-year detrimental effects of Rosemont ensure that USFS will easily surpass ATF in the “Bad Ideas of the New Millennium” sweepstakes.

than the deliberated murder of a huge part of the living organism that is the Coronado National Forest. Thus, while my letter may be addressed to the Southwestern Regional Forester and the Coronado Forest Supervisor, in truth and fact I am writing to the Lord High Executioners, pleading for mercy for our Forest in a ceaseless effort to prevent its execution by dynamite blast. To complete this final point, I must close with a quote from Stephen King's "Green Mile," in which Paul Edgecomb (the Tom Hanks character in the movie) asks a question about executions which is so appropriate herein that we should all study upon it: "On the day of my judgment, when I stand before God, and He asks me why did I kill one of his true miracles, what am I gonna say? That it was my job?" One of God's true miracles in this part of the world is the Santa Rita uplands. I say to Mr. Upchurch one last time: neither law nor rule nor reason nor right permits, much less requires, that you approve an unspeakable act of great and everlasting destruction on this one of God's miracles. Jim, it is not your job to do this, it is and it always will be your job instead to oppose this. That you have failed your oath of office so badly shows us only that the system you serve has become quite insane. God help us all.

Karl Phaler