

Teresa Ann Ciapusci



"Deborah Haro"
<Deborah.Haro@pima.gov>
12/18/2009 03:39 PM

To "Jeanine Derby" <jderby@fs.fed.us>
cc tciapusci@fs.fed.us
bcc
Subject Rosemont Cooperating Agency Data Request

Hello,

Please see the attached letter from Mr. Huckelberry.

Thank you!

Debbie

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COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
(520) 740-8661 FAX (520) 740-8171

C.H. HUCKELBERRY
County Administrator

December 18, 2009

Jeanine Derby, Forest Supervisor
Coronado National Forest
300 W. Congress Street
Tucson, Arizona 85701

**Re: Rosemont Copper Project Environmental Study
Request for Cooperating Agency Data**

Dear Ms. Derby:

In your letter of November 23, 2009 (Attachment A), the Forest Service requested that cooperating agencies provide information with regard to permitting and mitigation measures required, studies or proposals planned or completed in the Rosemont area, and a list of technical reports or references required for issuance of any permits for the proposed Rosemont Copper project.

The Rosemont project location and design is not fixed, and a wide variety of alternatives involving water, power, land, and on-site mitigation are under consideration. We have previously provided you information about the general applicability of County or Regional Flood Control District permits for various components of the Rosemont project. Attachment B to this letter summarizes various permit and mitigation requirements that may be necessary for the Rosemont project. When the extent, location, and design of the components that collectively comprise the Rosemont project are known, we can provide a more comprehensive response regarding permits and the expected requirements associated with those permits.

In the meantime, we see that an increasing number of ground-disturbing activities are occurring on lands owned by the Forest Service and Rosemont Copper. These include vegetation trimming, roadway use of watercourses, well and electrical modifications, installation of monitoring devices, and earth moving. Some of these activities are reportedly occurring under Rosemont's grazing permit on Forest land. We have very little

ATTACHMENT A



File Code: 1950-3/2810

Date: November 23, 2009

Julia Fonseca
Pima County Office of Conservation Science and
Environmental Policy
201 North Stone
6th Floor, Office of Conservation Science
Tucson, AZ 85701

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER:7008183000002524208**

Dear Ms. Fonseca:

As required by our Memorandum of Understanding, I am writing to notify you of the revised schedule for completion of Rosemont Copper Project environmental study. The new schedule posted on the project website (www.RosemontEIS.us) provides for completion of the study in the 4th quarter of 2010.

I am also writing to request cooperating agencies provide data to support the ongoing analysis process. Please provide:

A list of mitigation measures (also referred to as permit terms and conditions) your agency would include in permit(s) or similar regulatory or authorizing instruments if the Rosemont Copper Project mining proposal were implemented – OR – a negative response.

A list of studies completed or planned by your agency relating to the Rosemont Copper proposal and its affected area – OR – a negative response.

A list of the technical reports or similar references your agency would rely upon in issuing an authorizing or regulatory permit or instrument – OR – a negative response.

Please send your agency responses to these data requests to my Cooperating Agency Liaison, Ms. Teresa Ann Ciapucci under your official agency letterhead by December 18, 2009. Forest Service versions of these products are posted on the project website for comparison and reference. Cooperating agency products need not duplicate information already contained in the web-posted Forest Service products.

Sincerely,

JEANINE A. DERBY
Forest Supervisor



Ms. Jeanine Derby
Re: Request for Cooperating Agency Data
December 18, 2009
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information about these and other future activities that are related to the Rosemont project but which will precede any federal record of decision about the mine plan of operation. We would appreciate you keep us apprised of these activities so that we may determine whether there is a nexus with our permitting authority.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mjk

Attachments

c: Teresa Ann Ciapusci, Forest Service Cooperating Agency Liaison

ATTACHMENT B

FOREST SERVICE DATA REQUEST OF NOVEMBER 23, 2009

Pima County Cultural Resources Department Response

Right of way use permits

Floodplain use permits

Rezoning conditions

Communications towers

List of mitigation measures (permit terms and conditions) your agency would include in permit(s) or similar regulatory or authorizing instruments if the Rosemont proposal were implemented (or negative response).

Cultural resources studies (Class 1 overviews, Survey/Inventory, Site evaluation, Impact assessment, treatment or mitigation) would be required for any land disturbances regulated by Pima County Development Services, Regional Flood Control District, Department of Transportation, or other County department issuing permits.

List of studies completed or planned by your agency relating to the Rosemont Copper proposals and its affected areas (or a negative response).

None

List of technical reports or similar references your agency would rely upon in issuing an authorizing or regulatory permit or instrument (any studies, modeling, etc., that your agency would request) (or a negative response).

Required cultural resources studies as noted above.

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Pima County Environmental Quality Department

List of mitigation measures (permit terms and conditions) your agency would include in permit(s) or similar regulatory or authorizing instruments if the Rosemont proposal were implemented (or negative response).

40 CFR Part 60 Subpart A General Provisions (§§60.7(a)(1), 60.7(a)(3), 60.7(a)(4), 60.7(a)(6), 60.7(b), 60.7(f), 60.8(a), 60.8(c), 60.8(d), 60.8(e), 60.8(f), 60.11(b), 60.11(c), 60.11(d), 60.11(e)(1), 60.11(e)(2), 60.11(e)(3), 60.11(e)(6), 60.11(e)(7), 60.11(e)(8), and 60.11(g).

40 CFR Part 60 Subpart LL Standards of Performance for Metallic Mineral Processing Plants (§§60.380, 60.382(a)(1), 60.382(a)(2), 60.382(b), 60.384(a), 60.384(b), 60.385(a), 60.385(b), 60.385(c), 60.386(a), 60.386(b), and 60.386(c)

40 CFR Part 82 Subpart F Protection of Stratospheric Ozone - Recycling and Emissions Reduction

Pima County SIP:

**Rule 224 Fugitive Dust Producing Activities (Subsections A
Rule 314 Petroleum Liquids
Rule 315 Roads and Streets (Subsections D
Rule 316 Particulates Materials (Subsections A, C, D)
Rule 321 Emissions Discharge Opacity Limiting Standards - Standards and Applicability (Includes NESHAP)
Rule 332 Compilation of Mass Rates and Concentrations (NESHAPS)
Rule 343 Visibility Limiting Standard**

Pima County Code (PCC) Title 17:

**17.16.040 Visible Emission Standards - Standards and Applicability (Includes NESHAP)
17.16.050 Visibility Limiting Standard
17.16.060 Fugitive Dust Producing Activities
17.16.090 Roads and Streets
17.16.100 Particulate Materials
17.16.110 Storage Piles
17.16.120 Mineral Tailings**

List of studies completed or planned by your agency relating to the Rosemont Copper proposals and its affected areas (or a negative response).

None at this time

List of technical reports or similar references your agency would rely upon in issuing an authorizing or regulatory permit or instrument (any studies, modeling, etc., that your agency would request) (or a negative response).

See above requirements.

FOREST SERVICE DATA REQUEST OF NOVEMBER 23, 2009

Water Quality

List of mitigation measures (permit terms and conditions) your agency would include in permit(s) or similar regulatory or authorizing instruments if the Rosemont proposal were implemented (or negative response).

Pima County does not have jurisdiction over water quality impacts.

We've previously asked that Rosemont consider impacts to sulfate plume migration on the west side. Without knowing the effects on the plume, it is premature to say what mitigation measures might be appropriate.

On the east side, there is a lack of information about water quality impacts at this time.

List of studies completed or planned by your agency relating to the Rosemont Copper proposals and its affected areas (or a negative response).

None, however we commissioned numerous studies by PAG in the Cienega and Davidson Canyon area.

List of technical reports or similar references your agency would rely upon in issuing an authorizing or regulatory permit or instrument (any studies, modeling, etc., that your agency would request) (or a negative response).

Not applicable.

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Pima County Transportation Department

List of mitigation measures (permit terms and conditions) your agency would include in permit(s) or similar regulatory or authorizing instruments if the Rosemont proposal were implemented (or negative response).

Invasive species management

Reseeding of any disturbances along Pima County ROW or roadway.

List of studies completed or planned by your agency relating to the Rosemont Copper proposals and its affected areas (or a negative response).

List of technical reports or similar references your agency would rely upon in issuing an authorizing or regulatory permit or instrument (any studies, modeling, etc., that your agency would request) (or a negative response).

Traffic engineering studies.

Size/weight of vehicles, equipment, vehicle trips per day.

Uses of any County Right of Way (needs to be public utility)

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Pima County Regional Flood Control District

List of mitigation measures (permit terms and conditions) your agency would include in permit(s) or similar regulatory or authorizing instruments if the Rosemont proposal were implemented (or negative response).

Tailings dams and waste piles used in connection with mining and metallurgical operations are exempt from floodplain regulations ARS 48-3613

All other activities and construction, on non-federal lands, that might obstruct, retard or diver the flow of water in a watercourse are regulated and would require floodplain use permits. Terms of the permit would depend on potential impacts to adjacent properties, protection of public health and safety and standard engineering practices.

Riparian habitat disturbance greater than one-third of an acre of regulated habitat as adopted in Title 16 of the Pima County Code. Mitigation requirements of 1.5 to 1 is the minimum; mitigation measures will be based upon impacts.

List of studies completed or planned by your agency relating to the Rosemont Copper proposals and its affected areas (or a negative response).

Studies that will be required from the property owner will include: a) a stormwater management plan for the overall site development including interim conditions and final closure conditions; b) floodplain analyses to demonstrate no adverse impacts to downstream property owners either by virtue of change in flow volumes, velocities or sediment; c) others hydrologic and hydraulic studies as necessary to address construction of roadways, channels, structures, etc.

All studies are the property owner's responsibility.

List of technical reports or similar references your agency would rely upon in issuing an authorizing or regulatory permit or instrument (any studies, modeling, etc., that your agency would request) (or a negative response).

**Arizona State Standards for floodplain management and flood control
FEMA regulations and standards**

Title 16 of the Pima County Code

**Various technical standards and specifications adopted by the Pima County Regional Flood Control District. These may be found on line at:
<http://www.rfcd.pima.gov/>**