



DEPARTMENT OF THE ARMY  
LOS ANGELES DISTRICT, CORPS OF ENGINEERS  
TUCSON PROJECT OFFICE  
5205 E. COMANCHE STREET  
TUCSON, ARIZONA 85707

REPLY TO  
ATTENTION OF:

December 15, 2009

Office of the Chief  
Regulatory Division

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

File Number: SPL-2008-00816-MB

Dear Ms. Derby:

I am responding to your letter dated November 23, 2009 regarding the proposed Rosemont open pit copper mine. Thank you for informing us of the revised schedule for completion of the Environmental Impact Statement (EIS).

In response to your request for information, I am providing the following:

Mitigation Measures: The Corps does not develop terms and conditions of the permit until we have determined that permit issuance is in the public interest which, in this case, will occur after publication of the final EIS. However, the types of compensatory mitigation we are amenable to are (1) mitigation banks (MB), (2) in-lieu fee (ILF) mitigation, and (3) permittee-responsible mitigation. Currently, there are no MBs within Arizona. The Corps currently has ILF arrangements with the Tucson Audubon Society and also the National Audubon Society. The ILF sponsors retain the right to accept or deny receipt of ILF funds to mitigate for the impacts resulting from a project. Given the above constraints, I believe Rosemont's best approach for compensatory mitigation will be permittee-responsible which could encompass on-site replacement of lost aquatic functions/values or could be acquisition of off-site lands with similar functions/values. Permittee responsible mitigation also requires site protection in perpetuity through conservation easements or restrictive covenants, financial assurances, and long-term and adaptive management.

Planned Studies: The Corps will rely on the EIS for documentation of impacts. We do not undertake studies but would want to ensure that studies are accomplished by the applicant or its consultants including impacts to surface and groundwater hydrology, cultural resource studies, impacts to threatened/endangered species and their habitat, general wildlife impacts, water supply, aquatic resource impacts, noise/air pollution, recreation, local economics, etc. In other words, we would expect studies to be accomplished which are typically addressed in the EIS.

Technical Reports: Our decision will be based upon the public interest review conducted during our public notice comment period and the draft EIS comment period, the Section 404(b)(1) alternatives analysis, the Section 106 and Section 7 consultations, the Section 401 water quality certification, and the results of the studies conducted for the draft and final EIS.

We appreciate receipt of your letter and your ongoing coordination regarding this project. If you have questions, please contact me at (520)584-1684.

Sincerely,

A handwritten signature in black ink, appearing to read "Marjorie Blaine". The signature is fluid and cursive, with the first name "Marjorie" written in a larger, more prominent script than the last name "Blaine".

Marjorie E. Blaine  
Senior Project Manager/Biologist  
Arizona Branch, Regulatory Division