

February 3, 2014

Sent Via Email

United States Forest Service Southwestern Region
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Albuquerque, NM 87102

Email Address: objections-southwestern-regional-office@fs.fed.us

Attention: Reviewing Officer, Objections to the Rosemont Copper Project FEIS

Subject: FORMAL OBJECTIONS TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED ROSEMONT COPPER PROJECT

Dear Sir/Madam:

Augusta Resource Corporation, the parent company of Rosemont Copper Company, submitted a preliminary Mine Plan of Operations to the Coronado National Forest (CNF) in 2007. The proposed Rosemont Copper Project mine site is located in the CNF on the east side of the Santa Rita Mountains of the Nogales Ranger District in Pima County, Arizona. Jim Upchurch, Forest Supervisor of the CNF, is the Responsible Officer for the subject Final Environmental Impact Statement (FEIS).

The formal objections to the FEIS set forth in this document have been prepared and submitted by Dr. Wade A. Bunting (Objector), P. O. Box 310, Sonoita, AZ 85637, Ph. 520-455-4657. Each of the numbered objections is formatted as follows: (1) one or more comments from one or more numbered DEIS Comment Letters previously submitted by the Objector, (2) the numbered FEIS Public Concern Statement by which the CNF categorized the Objector's comment(s), (3) the CNF's Response to the numbered FEIS Public Concern Statement, and (4) the Objector's objection(s) which may also incorporate by reference documents in the Appendices. The objection numbers were assigned by the Objector. The Objector's Comment Letter numbers and Public Concern Statement numbers were assigned by the CNF. The objections are generally directed toward (1) the CNF's identification/categorization of the Objector's DEIS comments, (2) the CNF's response to the Objector's DEIS comments, (3) the CNF's environmental impact analyses, and/or (4) the CNF's withholding from public review and comment—until first published in the FEIS—new and important information that significantly affected the CNF's final analyses and decisions. Following the formal objections is the Objector's formal comment on new information that the CNF first made public after the DEIS was published and the public comment period had closed.



Respectfully submitted by:

Wade A. Bunting

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FORMAL OBJECTIONS

OBJECTION 1:

Objector's Comment from Letter 7672:

Impact on Visual Resources: This issue focuses on the visual impacts that would result from the mine pit, placement of tailings and waste rock piles, and development and use of other facilities. The proposed mine tailings and waste rock piles would create significant changes to the landscape. The piles may block valued mountain views.

Objector's Comment from Letter 7672:

The region's exceptional visual resources are vital to attracting people and businesses and growing the region's economy. Degrading these key visual resources will degrade the region's dynamic urban and rural economies.

FEIS Public Concern Statement 227 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to go forward because of impacts to scenic quality of the Santa Rita mountains, and resulting visual impacts to residents, tourists, and nature lovers.*

Response: *Although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. The Forest Service has assessed and disclosed potential social and environmental impacts in an EIS, including effects to scenic quality. Even though the DEIS and FEIS state that all action alternatives would have significant, permanent impacts to scenic quality, the project would comply with applicable laws and regulations.*

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 227 are attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to these comments had he not come upon them by accident.

(B) Additional formal objections to the analyses of socioeconomic impacts in Chapter 3 of the FEIS are set forth in Appendix A of this document. These additional objections were prepared by Dr. Thomas M. Power, an expert consulting economist in the field of mining economics, at the

request and for the benefit of a coalition of organizations and individuals who have collectively and/or individually submitted previous comments regarding the DEIS. The Objector, as a signatory of previous collective (i.e., Save the Scenic Santa Ritas et al., DEIS Comments Letter, dated January 18, 2012) and individual comment submissions regarding the analyses of socioeconomic impacts in the DEIS, hereby incorporates Appendix A into his formal individual objections.

(C) The analysis of socioeconomic impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 2:

Objector's Comment from Letter 10600:

The DEIS fails to quantify and determine the probabilities of reasonably foreseeable environmental impacts occurring with confidence. It is well known that hard-rock mining poses serious environmental risks. Only one such risk is quantified in the DEIS, "Based on the latest 2002 assessment, resident cancer, neurological, and respiratory risks from hazardous air pollutants in the project area are estimated to be low (average total risk is 21 in 1 million)." (DEIS p. 174) The analytical problems that the DEIS does not address, but must address, are: (1) how best conceptually to define an impact so that its degree of adversity to the environment can reliably be mathematically measured, (2) how best to determine the threshold of adversity beyond which an adverse impact will be deemed unacceptable, and (3) how best to determine the mathematical probability that an unacceptable adverse impact will occur to the environment. The most important question, namely, "What is the probability that one or more unacceptable adverse environmental impacts will occur during the lifetime and/or after closure of the proposed project?" has not been analyzed, discussed, or answered in the DEIS. Absent an answer to this paramount question there is no rational justification for approval of the proposed project or alternatives.

Objector's Comment from Letter 10600:

The intent of the foregoing has been (1) to focus attention on the DEIS's reliance on research methods, measurements, and interpretations that

lack sufficient scientific rigor to analyze satisfactorily a number of possibly significant adverse environmental impacts, (2) to recommend remedies for the insufficiencies, and, thereby, (3) to raise the empirical and methodological quality of the DEIS. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review an assessment of the proposed project's environmental impacts that has overcome the methodological and analytical deficiencies of the current draft. It is unacceptable to defer public review of and comment on such substantially revised information until the FEIS is issued.

FEIS Public Concern Statement 230 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because long-term environmental impacts will outweigh any short-term economic benefits.*

Response: *It is important to understand the Forest Service role in terms of decision space and legal sideboards regarding the Rosemont Copper Project. The Forest Service legal authority regarding mining proposals is limited. As stated in the DEIS and FEIS, Although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws.. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS and can require reasonable modifications to mine plans of operation and mitigation measures. The Socioeconomic impact analysis has been updated since release of the DEIS. It acknowledges that all action alternatives would impact the quality of life or local residents and communities, and could result in loss of jobs in some aspects of the economy, such as tourism. A number of other analyses were also updated, and additional mitigation and monitoring measures identified. The Forest is required to disclose environmental impacts and benefits in the NEPA document and consider those in the final decision. Impacts and benefits of the proposed project have been analyzed using the best information available, and the results disclosed in the FEIS.*

Additional Response: *Not all impacts can reasonably, nor need to be mathematically measured. The analyses disclosed in the FEIS contains the use of appropriate analysis methods for the issues and resources being analyzed, including the use of a number of mathematical models. In the case of the Rosemont Copper Project, the "threshold of adversity beyond where an adverse impact will be deemed unacceptable" is primarily whether the project can be implemented in compliance with*

applicable federal laws and regulations, such as the Clean Air Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, etc. The FEIS clearly draws conclusions regarding legal compliance with applicable law and regulation based upon the analysis conducted.

Objection:

(A) The focus of the comments were on the analytical problems that the DEIS does not address, but must address. Namely: (1) how best conceptually to define an impact so that its degree of adversity to the environment can reliably be mathematically measured, (2) how best to determine the threshold of adversity beyond which an adverse impact will be deemed unacceptable, and (3) how best to determine the mathematical probability that an unacceptable adverse impact will occur to the environment.

(B) The most important question, namely, “What is the probability that one or more unacceptable adverse environmental impacts will occur during the lifetime and/or after closure of the proposed project?” has not been analyzed, discussed, or answered in the FEIS. Absent an answer to this paramount question there is no rational justification for approval of the proposed project or alternatives.

(C) The FEIS declares that its standard for analyzing environmental impacts relies on the “best science” and that its standard for assessing mitigation measures relies on the “best available technology and practices.” There is clear evidence that it does neither. The concepts of “best available science” and “best available technology and practices” in the context of hard rock mining are highly debated and remain suspect. Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

(D) The analysis of socioeconomic impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project’s reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 3:

Objector's Comment from Letter 7672:

Socioeconomic Impacts This issue relates to the socioeconomic impacts of the proposed mine operation. The mine operation may have negative and positive socioeconomic impacts that may change over time. Issue 11A: *Regional Socioeconomics* The mine facilities and operation may result in changes over time to local employment, property values, tax base, tourism revenue, and demand and cost for road maintenance and emergency services.

FEIS Public Concern Statement 231 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because of adverse impacts to multiple (environmental, social, and/or cultural) resources.*

Response: *The Socioeconomic impact analysis has been updated since release of the DEIS, and quality of life issue addressed in more detail. It acknowledges that all action alternatives would impact the quality of life or local residents and communities. However, although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS, including impacts to quality of life, and can require reasonable modifications to mine plans of operation and mitigation measures.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 231 is attributed incorrectly to "Wade Burting." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) Additional formal objections to the analyses of socioeconomic impacts in Chapter 3 of the FEIS are set forth in Appendix A of this document. These additional objections were prepared by Dr. Thomas M. Power, an expert consulting economist in the field of mining economics, at the request and for the benefit of a coalition of organizations and individuals who have collectively and/or individually submitted previous comments regarding the DEIS. The Objector, as a signatory of previous collective (i.e., Save the Scenic Santa Ritas et al., DEIS Comments Letter, dated January 18, 2012) and individual comment submissions regarding the analyses of socioeconomic impacts in the DEIS, hereby incorporates Appendix A into his formal individual objections.

(C) The analysis of socioeconomic impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 4:

Objector's Comment from Letter 7672:

Historic Properties: Mine construction, operations, and closure would bury, remove, or damage historic properties, including traditional cultural properties, archaeological sites, historical structures, districts, and landscapes.

Objector's Comment from Letter 7672:

Vibrations from blasting and drilling may damage historical structures in the immediate and adjacent areas. This may also result in the loss of or reduction in the future research and public interpretation potential of known and yet-to-be-discovered sites, along with the permanent alteration of cultural landscapes important to the ongoing cultural practices of Native American tribes and other communities with cultural or historic ties to the project area.

Objector's Comment from Letter 7672:

Sacred Sites Tribal consultation has identified springs, high vision points, and many natural resources in the project area as having sacred ceremonial functions. Mine construction, operation with concurrent reclamation, and closure may preclude access to or destroy or degrade these types of resources.

Objector's Comment from Letter 7672:

Traditional Resource Collecting Areas Native Americans and the ranching, mining, and Mexican American communities use the Rosemont area to collect and process natural resources for food, medicines, firewood, and traditional crafts. Mine construction, operation with concurrent reclamation, and closure may preclude access to or destroy or degrade these types of resources.

FEIS Public Concern Statement 247 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper EIS to move forward because of impacts to cultural, historical and archaeological sites; areas sacred to Native American tribes; Traditional Cultural Properties; and plants and other materials important to Native American and Hispanic communities.*

Response: *There is no doubt that implementation of the proposed mine project would have short-term, long-term, and permanent impacts to the cultural resources and traditional uses mentioned. However, it is important to understand the decision space that the Forest Service has for this project. As stated in the DEIS and FEIS under mining laws although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. . The Forest Service has consulted with culturally affiliated federally-recognized tribes and developed a Historic Properties Treatment Plan (HPTP) outlining the mitigation and monitoring measures that will address the adverse impacts, and developed a Plan of Action that will be implemented if any human remains are disturbed by the project. These documents are incorporated into a Memorandum of Agreement signed by the proponent, the Forest, the Arizona State Historic Preservation Officer, and others. The Forest continues to facilitate wherever possible access to traditionally important resources and sacred sites on Forest lands.*

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 247 are attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to these comments had he not come upon them by accident.

(B) Although the CNF has consulted with the "affiliated federally recognized tribes," none of these tribes have executed memoranda of understanding with the Federal government regarding nor agreed to the CNF's Historic Preservation Treatment Plan or the Plan of Action.

OBJECTION 5:

Objector's Comment from Letter 7672:

Vegetation The pit, plant, tailings and waste piles, road and utility corridors, and other facilities may result in a permanent change to the

vegetation, and reclamation may not restore vegetation to preproject conditions.

FEIS Public Concern Statement 253 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because Rosemont Copper Company cannot or is unwilling to restore and reclaim the landscape.*

Response: *It is the policy of the US Forest Service that all lands disturbed by mineral activities shall be reclaimed to a condition that is consistent with forest land and resource management plans, including applicable State air and water quality requirements. The Coronado has also decided the desired condition that will be used to gauge reclamation success, as described in the FEIS. The Final Reclamation and Closure plan for the Rosemont Copper Project, is designed to achieve these goals. That plan will be subject to final approval as part of the Final MPO submitted to the Coronado after the Record of Decision. It is important to understand that reclamation does not necessarily indicate an ability to restore lands to their pre-mining condition. In the case of the Rosemont Copper Project and other open pit hard-rock mines, restoring pre-mining conditions is not feasible for technical, economic, and environmental reasons.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 253 is attributed incorrectly to "Wade Burting." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(C) The FEIS declares that its standard for analyzing environmental impacts relies on the "best science" and that its standard for assessing mitigation measures relies on the "best available technology and practices." There is clear evidence that it does neither. The concepts of "best available science" and "best available technology and practices" in the context of hard rock mining are highly debated and remain suspect. Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

OBJECTION 6:

Objector's Comment from Letter 1694:

Please find attached a study that recently came to our attention. It is important in that it reinforces the economic analysis prepared by Dr.

Thomas Power, commissioned by the Mountain Empire Action Alliance, and submitted to the Coronado Nation Forest as a scoping comment under the NEPA review of the proposed Rosemont copper mine. As you will see, the attached study further documents the significant contributions made to our state's employment base and economy by the public's attraction to and recreation on our beautiful public lands—contributions that far exceed those promised by the proposed Rosemont copper mine.

FEIS Public Concern Statement 256 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because of negative impacts to tourism.*

Response: *While impacts to tourism and recreation economies are difficult to predict, the Forest worked with industry specialists to devise a scientifically sound approach that attempts to predict these impacts. That analysis and the predicted project impacts are described in the Socioeconomics section of Chapter 3. It is important to understand that the Forest Service's legal authority regarding mining proposals is limited. As stated in the DEIS and FEIS, although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS and consider those in the final decision. Impacts and benefits of the proposed project have been analyzed using the best information available, and the results disclosed in the FEIS.*

Objection:

(A) The analysis of socioeconomic impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

(B) Additional formal objections to the analyses of socioeconomic impacts in Chapter 3 of the FEIS are set forth in Appendix A of this document. These additional objections were prepared by Dr. Thomas M. Power, an expert consulting economist in the field of mining economics, at the

request and for the benefit of a coalition of organizations and individuals who have collectively and/or individually submitted previous comments regarding the DEIS. The Objector, as a signatory of previous collective (i.e., Save the Scenic Santa Ritas et al., DEIS Comments Letter, dated January 18, 2012) and individual comment submissions regarding the analyses of socioeconomic impacts in the DEIS, hereby incorporates Appendix A into his formal individual objections.

OBJECTION 7:

Objector's Comment from Letter 7672:

Impact on Recreation This issue focuses on the effects of the mine operation on recreation on National Forest System and Bureau of Land Management administered lands, including loss of access and recreational opportunities and loss of or reduction in solitude, remoteness, rural setting, and quiet.

FEIS Public Concern Statement 257 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper EIS to move forward due to the loss and destruction of recreation opportunities and reduced access. The DEIS does not adequately address the impact, loss and destruction of recreational uses and opportunities, including birding and wildlife observation; bicycle riding; equestrian use; driving for pleasure; recreational access from Highway 82; displaced and lost OHV use; hunting; hiking; experience and use of the Arizona Trail; and impacts to recreation and tourism.*

Response: *Forest Service legal authority regarding mining proposals is limited. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS, and can require reasonable modifications to mine plans of operation and mitigation measures. The DEIS and FEIS state that all action alternatives would have impacts to recreational activities and opportunities, some for the life of the mine, and some permanently.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 257 is attributed incorrectly to "Wade Burting." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The analysis of socioeconomic impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the

DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

(C) Additional formal objections to the analyses of socioeconomic impacts in Chapter 3 of the FEIS are set forth in Appendix A of this document. These additional objections were prepared by Dr. Thomas M. Power, an expert consulting economist in the field of mining economics, at the request and for the benefit of a coalition of organizations and individuals who have collectively and/or individually submitted previous comments regarding the DEIS. The Objector, as a signatory of previous collective (i.e., Save the Scenic Santa Ritas et al., DEIS Comments Letter, dated January 18, 2012) and individual comment submissions regarding the analyses of socioeconomic impacts in the DEIS, hereby incorporates Appendix A into his formal individual objections.

OBJECTION 8:

Objector's Comment from Letter 7672:

Given the projected significant increases in traffic, traffic accidents, and traffic fatalities on SR83 (i.e., up to 356 percent increase in traffic; up to 356 percent increase in traffic injuries; up to 600 percent increase in traffic deaths), it is incomprehensible that the DEIS does not consider these adverse impacts to be grave and of the highest concern.

Objector's Comment from Letter 7672:

The processing plant and transportation and utility corridors may affect visual resources in the area. The character of the State Route 83 designated scenic corridor and the views from it may change. The scenic quality of the landscape may be permanently degraded.

Objector's Comment from Letter 7672:

This issue focuses on the impact of increased traffic from the mine site on construction, operation, and maintenance of new and reconstructed roadways. Hazardous materials would be transported, which may increase the risk of a spill or other public safety impact.

Objector's Comment from Letter 10411:

Yet later, in the Potential Accidents and Fatalities section on page 652, the DEIS states that: ... under current traffic conditions roughly 30 accidents

per year occur on State Route 83, with a fatality occurring approximately once every 3 years. Total traffic is projected to increase from 10 to 88 percent during construction, from 128 to 290 percent during year 5, and from 204 to 356 percent during year 20 (Tetra Tech 2009b). Assuming the same accident rates, based on projected increases in traffic (population growth as well as mine-related), in year 20 (the year with the highest increase in traffic volume) approximately 61 to 107 accidents per year could occur on State Route 83, with fatalities occurring between one and two times per year.” (p. 652) In plain language, by year 20 of the proposed project, traffic volume, Accidents, and injuries on SR83 are projected to increase by as much as 356 percent (from 30 to 107 per year) and traffic fatalities are projected to increase by as much as 600 percent (from 0.33 to 2 per year). The DEIS does not state whether or not these significant increases in traffic volume, accidents, injuries, and deaths are “acceptable.” A reasonable person, however, can reasonably conclude from the two contradictory DEIS excerpts cited above that (1) the predicted significant increases in traffic accidents, injuries, and deaths on SR83 are not “acceptable” and, therefore, (2) the predicted increases in traffic volume that result in the increases in traffic accidents, injuries, and deaths on SR83 are also not “acceptable.”

FEIS Public Concern Statement 258 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because of increases in road deterioration, maintenance costs, traffic volume, commuting times and public safety concerns, as well as impacts to the “scenic road” designation of State Route 83.*

Response: *In response to public comments on the DEIS, the Transportation section of Chapter 3 has been updated with additional analysis and details on mitigation measures. In the FEIS, transportation impacts are now labeled as an individual Issue Statement rather than being listed under Public Health and Safety and other Issue Statements. This change is reflected in Chapter 1 and the revised Transportation section of Chapter 3 in the FEIS. New traffic analysis was completed as a result of updated anticipated delivery truck and commuter trip numbers. Traffic conflicts and accident incidents has been updated per the revised traffic analysis. The Bounds of Analysis has been expanded to include routes between SR83 and the Port of Tucson, as well as potential routes from the mine site to ports of entry on the Arizona/Mexico border. Updates to mitigation measures have also been made, including the removal of carpooling as a mitigation measure, new agreements between Rosemont Copper and ADOT regarding pavement resurfacing and general road repair, and school bus pullouts details from an agreement between Rosemont Copper and school districts. Other sections of Chapter 3 have also been updated to clarify anticipated traffic impacts, including the*

removal of sulfuric acid deliveries to the mine site for the Preferred Alternative as a result of the removal of the heap leach and SX/EW facilities. These clarifications are included in the traffic analysis and also analyzed in the Public Health and Safety and Hazardous Materials sections of Chapter 3 in the FEIS. It is important to note that the mine site has been determined to not impact SR 83's scenic roadway designation as per the visual analysis and ADOT's scenic roadway criteria. Emergency response services are funded by local governments, and Rosemont Copper would contribute to local government tax revenue that pays for these services. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS and can require reasonable modifications to mine plans of operation and mitigation measures. The Forest is required to disclose environmental impacts and benefits in the NEPA document and consider those in the final decision. However, as mentioned, although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. Impacts and benefits of the proposed project have been analyzed using the best information available, and the results disclosed in the FEIS.

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 258 are attributed incorrectly to "Wade Burtin." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to these comments had he not come upon them by accident.

(B) Like the DEIS, the FEIS also does not state whether or not the significant increases in traffic volume, accidents, injuries, and deaths are "acceptable." The predicted significant increases in traffic accidents, injuries, and deaths on SR83 are, in fact, not "acceptable."

(C) The analysis of traffic and safety impacts in Chapters 1 and 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse traffic and safety impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 9:

Objector's Comment from Letter 7672:

Impact on Air Quality: Construction, mining, and reclamation activities at the mine and along transportation and utility corridors would increase dust, airborne chemicals, and transportation related (mobile) emissions in the affected area. Air quality standards could be compromised.

FEIS Public Concern Statement 308 and Response:

Public Concern Statement: *The Coronado National Forest should revise the EIS to more fully disclose the amounts and constituents of dust (including such compounds as lead, arsenic, chromium, cadmium, and nickel) that would be generated from traffic; the transportation of materials such as ore; blasting; tailings piles, stockpiled soil, and other surface disturbances; and appropriate mitigation measures to reduce impacts to acceptable levels.*

Response: *The EPA defines particulate matter (PM) as a complex mixture of extremely small particles and liquid droplets. Particle matter is made up of a number of components, including acids (such as nitrates and sulfates), organic chemicals, metals, and soil or dust particles. The size of particles is directly linked to their potential for causing health problems. EPA is concerned about particles that are 10 micrometers in aerodynamic diameter or smaller because those particles generally pass through the throat and nose and enter the lungs. Once inhaled, these particles can affect the heart and lungs and cause serious health effects. EPA groups particle pollution into two categories: • PM10 –“Inhalable coarse particles,” such as those found near roadways and dusty industries, are larger than 2.5 micrometers and smaller than 10 micrometers in diameter. • PM2.5 – “Fine particles,” such as those found in smoke and haze, are 2.5 micrometers in diameter and smaller. These particles can be directly emitted from sources such as forest fires, or they can form when gases emitted from power plants, industries and automobiles react in the air. The federal air quality standards (i.e., NAAQS) established maximum concentrations in ambient air for suspended PM10 and PM2.5. These standards were adopted by the U.S. Environmental Protection Agency to protect public health (primary standards) and public welfare against decreased visibility as well as damage to animals crops, vegetation and buildings (secondary standards). These primary standards provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly. The Forest Service has reviewed the revised modeling analysis, which included a number of additional mitigation measures. These additional mitigation measures would further control fugitive PM10 emissions (which could presumptively contain such compounds as lead, arsenic, chromium, cadmium, and nickel). The*

revised analysis indicates that the preferred alternative would meet all federal air quality standards. Determination of the constituents of particulates is not a standard analysis conducted when evaluating particulate emissions. For the purposes of this analysis, it is presumed that if compliance with the PM10 and PM2.5 NAAQS is achieved, public health would be protected from the toxic metals compounds within the particulate emissions as well. Please refer to the Air Quality and Climate Change section in Chapter 3 of the FEIS for further detail.

Additional Response: *With respect to the criteria pollutants generated by the haul trucks, these emissions are associated with the re-entrainment of existing particulates (i.e., dust on roadways, tire/brake wear, and tail-pipe emissions). The air quality impact analysis the EIS Chapter 3 was revised to include estimates of criteria pollutant emissions generated by worker commuting and haul trucks. The Coronado has evaluated estimates on the mass emissions of criteria pollutant and GHG emissions resulting from construction, worker commuting, and project operations for comparison to that of the Pima County emission inventory total.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 308 is attributed incorrectly to "Wade Buring." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The FEIS declares that its standard for analyzing environmental impacts relies on the "best science" and that its standard for assessing mitigation measures relies on the "best available technology and practices." There is clear evidence that it does neither. The concepts of "best available science" and "best available technology and practices" in the context of hard rock mining are highly debated and remain suspect. Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

OBJECTION 10:

Objector's Comment from Letter 7672:

The mine operations may modify and/or fragment wildlife habitats and/or reduce connectivity between habitats.

Objector's Comment from Letter 7672:

Animal Behavior: Mine operations, including drilling and blasting, may result in noise and vibrations, which may impact animal behavior and result in negative impacts on wildlife.

FEIS Public Concern Statement 316 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because of impacts to general wildlife populations, movement, and habitat.*

Response: *The duration of impacts (temporal bounds of analysis area) and impacts on biological resources has been updated and addressed in the Biological Resources and Required Disclosures sections of Chapter 3 in the FEIS. Under federal law and regulation, it is the responsibility of the Forest Service to analyze and disclose the social and environmental impacts that would result from implementation of the proposed mining project. Updated analyses of impacts owing to changes in surface and groundwater quality and quantity (including seeps and springs), dust and air pollutants, noise and vibrations, artificial night lighting, and increased vehicular traffic on special status and threatened and endangered species, migratory birds, and the Santa Rita Important Bird Area can be found in the Biological Resources section of chapter 3 of the FEIS. Further, consultation with the U.S. Fish and Wildlife Service for species listed under the Endangered Species Act has been completed. The updated analysis addresses habitat loss and modification, movement corridors, and habitat fragmentation among other factors. Impacts from climate change and current trends such as the ongoing drought are also analyzed in this section. Updated mitigation measures for impacts to biological resources have been incorporated into the FEIS; refer to the mitigation and monitoring appendix of the FEIS for a description of mitigation measures, and the Biological Resources section of Chapter 3 for a discussion of mitigation effectiveness. The list of reasonably foreseeable future actions and the cumulative effects discussion in the Biological Resources section has been updated in Chapter 3 of the FEIS. As stated in the DEIS and FEIS, although the Forest Service may reasonably regulate mining activities to protect surface resources, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws. .Refer to the Biological Resources section of Chapter 3 in the FEIS for further information.*

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 316 are attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade

Bunting”) and could have resulted in his not discovering the CNF’s response to these comments had he not come upon them by accident.

(B) The analysis of biological resources impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project’s reasonably foreseeable significant adverse biological resources impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 11:

Objector’s Comment from Letter 7672:

The mine operations may impact habitat for species of concern. Species of concern include those afforded protection under the Endangered Species Act, Forest Service and Bureau of Land Management sensitive species, Forest Service management indicator species, migratory birds of conservation concern, Arizona Game and Fish Department’s wildlife of special concern in Arizona, and Sonoran Desert Conservation Plan priority vulnerable species.

FEIS Public Concern Statement 317 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because of impacts to special status or threatened and endangered species.*

Response: *The Forest Service has analyzed special status species according to applicable laws and regulations. Forest Service sensitive species were analyzed in a Biological Evaluation that determined the potential impacts to the viability of these species. Analyses of species that have special status under other jurisdictions, such as BLM, State or County, in addition to Forest Service sensitive species, have been updated in the FEIS. The U.S. Fish and Wildlife Service (USFWS) is responsible for administering the ESA, a federal law that requires Federal agencies (e.g., Forest Service) to use their authority to conserve endangered and threatened species. Section 7(a)(2) of the ESA requires Federal agencies to consult with the USFWS to ensure that the actions they authorize, fund, or conduct are not likely to jeopardize the continued existence of any listed species or modify designated critical habitat of such species. The Forest Service determined that the proposed Rosemont Copper Project may affect species that are listed as threatened and*

endangered under ESA, and initiated formal consultation with USFWS in June 2012. This consultation process has been completed, and the USFWS determined that the Forest Service preferred alternative would not jeopardize the continued existence of any listed species or modify designated critical habitat of such species. The USFWS issued a Biological Opinion with a number of nondiscretionary conservation measures, reasonable and prudent measures, and terms and conditions that must be implemented in order to remain compliant with the ESA. These requirements will be incorporated into the Forest Service Record of Decision. Refer to the Biological Opinion, which is contained in the appendix of the FEIS, for further information. Updated analyses of special status and threatened and endangered species can be found in the Biological Resources section of the FEIS.

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 317 is attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The analysis of biological resources section of the FEIS and the Biological Opinion in its appendix do contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse biological resources impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 12:

Objector's Comment from Letter 7672:

Impact on Water Resources This group of issues relates to the effects of mine construction, operation, closure, and postclosure on the quality and quantity of water for beneficial uses, wells, and stock watering.

FEIS Public Concern Statement 325 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward because of general impacts to the quality and quantity of surface water as well as the groundwater water table and aquifers.*

Response: *Potential impacts to water resources is covered in several sections of the FEIS. Impacts to groundwater resources and groundwater quantity, including expected impacts to domestic and public supply, are addressed in Chapter 3, Groundwater Quantity. Potential impacts to groundwater quality are addressed in Chapter 3, Groundwater Quality and Geochemistry. Potential impacts to surface water quality are addressed in Chapter 3, Surface Water Quality, as are permits required for Clean Water Act compliance. Potential impacts to surface water quantity and runoff are addressed in Chapter 3, Surface Water Quantity. Potential impacts to perennial streams, springs, and riparian habitat are addressed in Chapter 3, Seeps, Springs, and Riparian Areas. Potential impacts to biological resources, including T&E species as a result of changes in water resources is addressed in Chapter 3, Biological Resources. Any mitigation with respect to water resources, including the recharge of CAP water, is detailed in Chapter 2 and the effectiveness of that mitigation is addressed in the appropriate resource section. The potential cumulative effects of climate change on water resources are also addressed in each resource section.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 325 is attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The analysis of water resources impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse water resources impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 13:

Objector's Comment from Letter 7672:

The DEIS must include an analysis of traffic, traffic accidents, and traffic fatalities that factors out the contribution of population increases to determine the adverse impacts to emergency service costs on SR83 attributable solely to the proposed action. Instead, the DEIS misleadingly

concludes that a change in population will have no significant impact on emergency service costs on State Route 83.

Objector's Comment from Letter 7672:

The DEIS states that a change in population will have no significant impact on emergency service costs on State Route 83, but neglects to analyze and discuss the adverse impacts of the proposed action, itself, on these costs. "Impact on Public Safety This issue focuses on the impact of increased traffic from the mine site on construction, operation, and maintenance of new and reconstructed roadways. Oversized vehicles and the transport of personnel, equipment, supplies, and materials related to the mine operation have the potential to increase traffic and reduce public safety. Hazardous materials would be transported, which may increase the risk of a spill or other public safety impact." (p. 643)

FEIS Public Concern Statement 326 and Response:

Public Concern Statement: *The Coronado National Forest should consider the costs from increased emergency services and mitigation for impacts to emergency service resulting from the increase in accidents related to mining traffic on State Route 82.*

Response: *The discussion of additional emergency services needs to cope with increased accidents on State Route 82 has been updated in the FEIS. Please refer to the Public Safety section in Chapter 3 of the FEIS for further information.*

Additional Response: *The Rosemont Copper project would contribute tax revenue to local governments that provide emergency response services to the project site and State Route 83. Should a hazardous material spill occur during transportation, the financial liability for the response and clean up would be incurred by either Rosemont Copper, or the delivery company hired to deliver the hazardous material. It should be noted that, since the publication of the DEIS, the Preferred Alternative has been refined, which resulted in removal of the heap leach and SX/EW facilities. Therefore, the transportation of hazardous materials would greatly decrease under this alternative. Refer to the updated Hazardous Materials, Public Health and Safety, and Transportation sections in Chapter 3 of the FEIS for further details on hazardous materials shipments, increase in traffic, and traffic incidents.*

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 326 are attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to these comments had he not come upon them by accident.

(B) The analysis of traffic and public safety impacts in the Hazardous Materials, Public Health and Safety, and Transportation sections in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse traffic and public safety impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 14:

Objector's Comment from Letter 10411:

The DEIS fails adequately to evaluate all reasonably foreseeable significant adverse impacts on the environment. Current regulations require agencies, when important information is not available at a reasonable cost, to include in the DEIS: "(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the environment; and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community." The regulations define "reasonably foreseeable" to include impacts "which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason." The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse impacts on the environment. It is unacceptable to defer public review of and comment on this required information until the FEIS is issued.

Objector's Comment from Letter 10600:

The DEIS fails adequately to evaluate all reasonably foreseeable significant adverse impacts on the environment. Current regulations require agencies, when important information is not available at a reasonable cost, to include in the DEIS: "(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably

foreseeable significant adverse impacts on the environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the environment; and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community." The regulations define "reasonably foreseeable" to include impacts "which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason." The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse impacts on the environment. It is unacceptable to defer public review of and comment on this required information until the FEIS is issued.

FEIS Public Concern Statement 334 and Response:

Public Concern Statement: *The Coronado National Forest should augment the existing cumulative impact analysis in the EIS to include an expansion of the list of past, present, and reasonably foreseeable projects considered in the area.*

Response: *Council of Environmental Quality regulations define cumulative impacts: "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 (40 CFR 1508.7). NEPA does not require consideration of every conceivable impact. The Forest Service relies on the "reasonably foreseeable" element to determine what future actions are included in cumulative effects analysis, and to exclude future actions that are speculative or remote. In order to analyze the impacts of a future action, there must be some reasonable assurance that the action will take place and is not a speculative concept; and that enough details exist about the action to enable meaningful impact analysis. The Coronado has reviewed known and suggested past, present and reasonably foreseeable actions and screened them to identify (1) those that could incrementally contribute to impacts resulting from the Rosemont Proposed Action or alternatives; and (2) future actions that are reasonably foreseeable. Past, present and reasonably foreseeable actions that meet these criteria have been compiled into a list and addressed as appropriate in the cumulative effects analyses that are described and disclosed in Chapter 3 of the FEIS.*

Objection:

(A) The Objector's above two comments, categorized under Public Concern Statement 334, **are not** directed to the issue of "Cumulative Impacts" which is the substance of Public Concern Statement 334 and the CNF's responses. The comments are, rather, directed to the issue of "reasonably foreseeable significant adverse impacts on the environment." **The Objector's above two comments are, therefore, miscategorized under Public Concern Statement 334 and, consequently, the CNF's responses to them are unresponsive.** Moreover, the FEIS contains no evidence that any serious effort has been made to correct the deficiencies identified in the comments.

(B) The analyses of cumulative impacts in Chapter 3 of the FEIS do not contain all reasonably foreseeable actions including future mining activities in the Rosemont and Patagonia areas as discussed in announcements to the public and shareholders by Augusta Resource Corporation and others.

(C) As with the DEIS, the FEIS fails adequately to evaluate all reasonably foreseeable significant adverse impacts on the environment. Current regulations require agencies, when important information is not available at a reasonable cost, to include in the DEIS: "(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the environment; and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community." **The FEIS does not do this and therefore does not comply with current federal regulations.** The regulations also define "reasonably foreseeable" to include impacts "which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason." **the FEIS also does not do this and, therefore does not comply with current federal regulations.**

(D) The analyses of cumulative impacts in Chapter 3 of the FEIS do contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite the reasonable and appropriate requests contained in the Objector's above two comments, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse impacts on the environment. It

is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 15:

Objector's Comment from Letter 7672:

Disturbance of Human Remains: Human remains have been discovered in previous archaeological excavations of prehistoric and historical sites in the Rosemont area. Additional burials are present in previously excavated and unexcavated historic properties and may be present in as-yet undetected historic properties.

FEIS Public Concern Statement 345 and Response:

Public Concern Statement: *The Coronado National Forest should discuss impacts to burial sites and disturbance of human remains.*

Response: *Disturbance to burial sites and human remains was identified as an issue and as a factor in alternative comparison in the DEIS (Chapter 3, pages 661, 662, 670, 679, 683, 684, 695). Through consultation with the culturally affiliated federally recognized tribes, the Arizona State Historic Preservation Office, cooperating agencies, and the proponent, the Forest Service developed a Historic Preservation Treatment Plan (HPTP) and a Plan of Action (POA). The HPTP specifies measures to be taken to mitigate adverse effects on NRHP-eligible historic properties, including those properties that contain burial sites. The POA specifies the treatment of all human remains encountered during mitigation and project implementation, including those discovered through intentional or inadvertent discovery, as required by law.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 345 is attributed incorrectly to "Wade Burting." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) Although the CNF has consulted with the "affiliated federally recognized tribes," none of these tribes have executed memoranda of understanding with the Federal government regarding nor agreed to the CNF's Historic Preservation Treatment Plan or the Plan of Action.

OBJECTION 16:

Objector's Comment from Letter 7672:

The DEIS fails to recognize that visual resources have a significant intrinsic economic value. The DEIS does not, therefore, adequately address these impacts on the local and regional tourism, hospitality, and accommodation economic sectors specifically and on the industrial and financial economic sectors related to business, retirement, and other in-migration of population generally. The DEIS must assess the intrinsic economic value of the region's visual resources and include an analysis of the proposed action's adverse impacts on the region's urban and rural economies due to degradation of visual resources.

Objector's Comment from Letter 10600:

The DEIS does not adequately address these impacts on the local and regional tourism, hospitality, and accommodation economic sectors specifically and on the industrial and financial economic sectors related to business, retirement, and other in-migration of population generally. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review the proposed project's adverse impacts on the region's urban and rural economies due to degradation of critical visual resources. It is unacceptable to defer public review of and comment on this vital information until the Final Environmental Impact Statement (FEIS) is issued.

FEIS Public Concern Statement 347 and Response:

Public Concern Statement: *The Coronado National Forest should fully analyze the economic values associated with public lands, landscape amenities, recreation, visual resources, and local tourism and recreation communities such as Patagonia and Sonoita.*

Response: *The Socioeconomic analysis has been updated in the FEIS to better address impacts to local tourism and recreation economies. While impacts to tourism and recreation economies are difficult to predict, the Forest worked with industry specialists to devise a scientifically sound approach that attempts to predict these impacts. That analysis and the predicted project impacts are described in the Socioeconomics section of Chapter 3. It is important to understand that the Forest Service's legal authority regarding mining proposals is limited. The Forest Service is required to assess and disclose potential social and environmental impacts in an EIS and consider those in the final decision. However, as mentioned, the Forest Service may reasonably regulate mining activities to protect surface resources. However, there are statutory and constitutional limits to its discretion. The Forest Service may reject an unreasonable Mine Plan of Operation but cannot categorically prohibit mining or deny reasonable and legal mineral operations under the mining laws.. Impacts and benefits of the proposed project have been analyzed using the best information available, and the results disclosed in the FEIS.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 347 is attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The analysis of socioeconomic impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite the reasonable and appropriate requests contained in the Objector's above two comments, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

(C) Additional formal objections to the analyses of socioeconomic impacts in Chapter 3 of the FEIS are set forth in Appendix A of this document. These additional objections were prepared by Dr. Thomas M. Power, an expert consulting economist in the field of mining economics, at the request and for the benefit of a coalition of organizations and individuals who have collectively and/or individually submitted previous comments regarding the DEIS. The Objector, as a signatory of previous collective (i.e., Save the Scenic Santa Ritas et al., DEIS Comments Letter, dated January 18, 2012) and individual comment submissions regarding the analyses of socioeconomic impacts in the DEIS, hereby incorporates Appendix A into his formal individual objections.

OBJECTION 17:

Objector's Comment from Letter 7672:

What is missing, among other things, are a definition of the level to which adverse environmental impacts must be reduced to be acceptable, what constitutes undue or unnecessary degradation of public lands, how environmentally damaging must an alternative be for it to be unacceptable, and what is a rational definition of practicable. Also largely missing in the DEIS is the employment of research methodologies for analyzing impacts that are empirical, quantitative, and meet the highest scientific standards for rigor, validity, and reliability.

Objector's Comment from Letter 7672:

The intent of this and the other comments that appear below is to focus attention on the DEIS's reliance upon research methods, measurements,

and interpretations that are insufficient to analyze satisfactorily a number of possibly significant adverse environmental impacts. The analytical problems the Coronado National Forest (CNF) must address are: (1) how best conceptually to define an impact so that its degree of adversity to the environment can reliably be mathematically measured, (2) how best to determine the threshold of adversity beyond which an adverse impact will be deemed unacceptable, and (3) how best to determine the mathematical probability that an unacceptable adverse impact will occur to the environment. The most important question, namely, , "What is the probability that one or more unacceptable adverse environmental impacts will occur during the lifetime and/or after closure of the proposed project?" has not been analyzed, discussed, or answered in the DEIS. Absent an answer to this paramount question there is no rational justification for approval of the proposed project or alternatives.

Objector's Comment from Letter 7672:

We sincerely believe that the above comments identify serious if not fatal flaws in the DEIS that must be addressed, corrected, and published in the form of a revised DEIS for public comment before the Final Environmental Impact Statement can be issued. Then, and only then, can the CNF issue a Record of Decision that will be based on the best science, methodologies, and analyses of impacts and that will be worthy of the public's confidence and respect.

Objector's Comment from Letter 7672:

"What is the probability that one or more unacceptable adverse environmental impacts will occur during the lifetime or after closure of the proposed project?" has not been analyzed, discussed, or answered in the DEIS. Absent an answer to this quintessential question, there is no rational justification for approval of the proposed action.

Objector's Comment from Letter 10411:

The DEIS draws conclusions from 196 numerical tables without discussing the tables' associated uncertainty, explaining why the data presented were selected for inclusion, or how they lead unambiguously to the presented conclusions. The DEIS relies on myriad large, seemingly factual tables of numbers to support conclusions and decisions without also indicating the magnitude of the tables' associated uncertainties. There is also no discussion that explains why the data presented were selected for inclusion and how they lead unambiguously to the conclusions presented in the DEIS.

Objector's Comment from Letter 10411:

There are twenty-four possible adverse impacts identified in the DEIS. Therefore, the analysis of environmental effects must include, for each of the possible adverse impacts identified in the DEIS, an empirically based,

historically derived, and/or rationally estimated probability of an unacceptable adverse impact actually occurring during the lifetime and after closure of the proposed project and all other action alternatives. And, if the probability is unknown or unknowable, the impact analysis must state the justification for deeming the unacceptable adverse impact an acceptable risk. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a dynamic "no action" alternative that will serve as the baseline against which to evaluate impacts of the proposed project and other action alternatives. It is unacceptable to defer public review of and comment on this vital information until the Final Environmental Impact Statement (FEIS) is issued.

Objector's Comment from Letter 10411:

The DEIS draws conclusions from 196 numerical tables without discussing the tables' associated uncertainty, explaining why the data presented were selected for inclusion, or how they lead unambiguously to the presented conclusions. The result is a public that is more confused than enlightened by a DEIS that raises more questions than it answers. Hundreds of undiscussed and unexplained numbers are no substitute for valid, verifiable, and well presented research results. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper analysis of the 196 numerical tables included in the assessment of the proposed project's impacts. It is unacceptable to defer public review of and comment on this information until the FEIS is issued.

Objector's Comment from Letter 10411:

Large-scale industrial projects on public lands will inevitably pose risks to human welfare and the natural environment. Central to evaluating these risks, informing decision makers and the public, and making the right decisions is the environmental impact statement (EIS). Producing an EIS with predictive value, however, is quite problematical. Historically, EISes accurately predict actual environmental consequences less than one-third of the time. In one significant example a federal court found that a contested EIS set forth a "reasonably thorough discussion of the significant aspects of the probable environmental consequences," which "is all that is required by an EIS." Subsequently, construction of the Teton Dam (the proposed action of the contested EIS) proceeded and, two years after completion, collapsed causing eleven deaths and vast environmental destruction. The problem-it is difficult to predict and quantify environmental impact risks with confidence. To do so requires the application of good science by qualified and independent subject matter experts and the time and sufficient funding to achieve valid and verifiable results. Not surprisingly, federal agencies have a poor record in their treatment of uncertainty in EISes. Without a full discussion of the assumptions and

uncertainties that underlie the methodologies, analyses, and conclusions presented in an EIS, the entire exercise is nothing more than pseudo science masquerading as real science. Unfortunately, reliance on pseudo science in making possibly life- and environment-threatening decisions can give federal agencies the appearance of being concerned more with assuring approval of proposed industrial projects on public land than with addressing legitimate public concerns. Regrettably, the Rosemont Copper Project Draft Environmental Impact Statement (DEIS) suffers from an insufficiency of scientific rigor and an apparent reliance on what can only be described as pseudo science.

Objector's Comment from Letter 10411:

The scientific foundation of the DEIS must be significantly strengthened to restore public confidence in its analyses and conclusions. To predict and quantify environmental impact risks with confidence requires the application of good science by qualified and independent subject matter experts and the time and sufficient funding to achieve valid and verifiable results. To strengthen the scientific foundation of the DEIS's evaluation of environmental impacts, conclusions, and recommendations, the DEIS must incorporate the following: (1) Confidence intervals must be provided for critical data. (2) When analyses rely on formal modeling, validation issues must be fully discussed. (3) Whether or not formal models are used, the limitations of the current understanding of system dynamics and conflicting models found in the scientific literature must be fully discussed. (4) Rather than relying solely on model output as a basis for evaluating risk, model uncertainty must be fully discussed. (5) The reasoning employed in the DEIS should be transparent and model assumptions must be fully discussed. (6) When a major project is being proposed, and catastrophic environmental impacts are possible, even if their probability of occurrence is low, a peer review of the associated impact analyses and risk assessments must be obtained from a qualified independent body and included in the DEIS. CONCLUSION and Recommendation: The intent of the foregoing has been (1) to focus attention on the DEIS's reliance on research methods, measurements, and interpretations that lack sufficient scientific rigor to analyze satisfactorily a number of possibly significant adverse environmental impacts, (2) to recommend remedies for the insufficiencies, and, thereby, (3) to raise the empirical and methodological quality of the DEIS. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review an assessment of the proposed project's environmental impacts that has overcome the methodological and analytical deficiencies of the current draft. It is unacceptable to defer public review of and comment on such substantially revised information until the FEIS is issued. Thank you for the opportunity to comment on the Rosemont Copper Project Draft Environmental Impact Statement. We sincerely believe that the above comments identify serious if not fatal flaws in the DEIS that must be

addressed, corrected, and published in the form of a revised DEIS for public comment before the Final Environmental Impact Statement can be issued. Then, and only then, can the CNF issue a Record of Decision that will be based on the best science, methodologies, and analyses of impacts and that will be worthy of the public's confidence and respect.

Objector's Comment from Letter 10411:

The DEIS fails to quantify and determine the probabilities of reasonably foreseeable environmental impacts occurring with confidence. It is well known that hard-rock mining poses serious environmental risks. Only one such risk is quantified in the DEIS, "Based on the latest 2002 assessment, resident cancer, neurological, and respiratory risks from hazardous air pollutants in the project area are estimated to be low (average total risk is 21 in 1 million)." (DEIS p. 174) The analytical problems that the DEIS does not address, but must address, are: (1) how best conceptually to define an impact so that its degree of adversity to the environment can reliably be mathematically measured, (2) how best to determine the threshold of adversity beyond which an adverse impact will be deemed unacceptable, and (3) how best to determine the mathematical probability that an unacceptable adverse impact will occur to the environment. The most important question, namely, "What is the probability that one or more unacceptable adverse environmental impacts will occur during the lifetime and/or after closure of the proposed project?" has not been analyzed, discussed, or answered in the DEIS. Absent an answer to this paramount question there is no rational justification for approval of the proposed project or alternatives.

Objector's Comment from Letter 10411:

The intent of the following comments is (1) to focus attention on the DEIS's reliance on research methods, measurements, and interpretations that are insufficient to analyze satisfactorily a number of possibly significant adverse environmental impacts, (2) to recommend remedies for the insufficiencies, and (3) thereby, to help the Coronado National Forest (CNF) regain the public's confidence in its assessment of the proposed Rosemont Copper Project's environmental impacts.

Objector's Comment from Letter 10600:

Given the many possible serious risks to public health and safety, and to the environment, and given the lack of rigorous quantitative risk assessment in the DEIS, a methodologically appropriate assessment of risks must be undertaken. The DEIS must then be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper assessment of risks. It is unacceptable to defer public review of and comment on this vital information until the Final Environmental Impact Statement (FEIS) is issued.

Objector's Comment from Letter 10600:

Regrettably, the Rosemont Copper Project Draft Environmental Impact Statement (DEIS) suffers from an insufficiency of scientific rigor and an apparent reliance on what can only be described as pseudo science.

Objector's Comment from Letter 10600:

There are twenty-four possible adverse impacts identified in the DEIS. Therefore, the analysis of environmental effects must include, for each of the possible adverse impacts identified in the DEIS, an empirically based, historically derived, and/or rationally estimated probability of an unacceptable adverse impact actually occurring during the lifetime and after closure of the proposed project and all other action alternatives. And, if the probability is unknown or unknowable, the impact analysis must state the justification for deeming the unacceptable adverse impact an acceptable risk. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a dynamic "no action" alternative that will serve as the baseline against which to evaluate impacts of the proposed project and other action alternatives. It is unacceptable to defer public review of and comment on this vital information until the Final Environmental Impact Statement (FEIS) is issued.

Objector's Comment from Letter 10600:

The DEIS draws conclusions from 196 numerical tables without discussing the tables' associated uncertainty, explaining why the data presented were selected for inclusion, or how they lead unambiguously to the presented conclusions. The DEIS relies on myriad large, seemingly factual tables of numbers to support conclusions and decisions without also indicating the magnitude of the tables' associated uncertainties. There is also no discussion that explains why the data presented were selected for inclusion and how they lead unambiguously to the conclusions presented in the DEIS. There are 196 such tables in the DEIS.

Objector's Comment from Letter 10600:

The DEIS draws conclusions from 196 numerical tables without discussing the tables' associated uncertainty, explaining why the data presented were selected for inclusion, or how they lead unambiguously to the presented conclusions. The result is a public that is more confused than enlightened by a DEIS that raises more questions than it answers. Hundreds of undiscussed and unexplained numbers are no substitute for valid, verifiable, and well presented research results. The DEIS must be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper analysis of the 196 numerical tables included in the assessment of the proposed project's impacts. It is unacceptable to defer public review of and comment on this information until the FEIS is issued.

Objector's Comment from Letter 10600:

The scientific foundation of the DEIS must be significantly strengthened to restore public confidence in its analyses and conclusions. To predict and quantify environmental impact risks with confidence requires the application of good science by qualified and independent subject matter experts and the time and sufficient funding to achieve valid and verifiable results.

Objector's Comment from Letter 10600:

To strengthen the scientific foundation of the DEIS's evaluation of environmental impacts, conclusions, and recommendations, the DEIS must incorporate the following: (1) Confidence intervals must be provided for critical data. (2) When analyses rely on formal modeling, validation issues must be fully discussed. (3) Whether or not formal models are used, the limitations of the current understanding of system dynamics and conflicting models found in the scientific literature must be fully discussed. (4) Rather than relying solely on model output as a basis for evaluating risk, model uncertainty must be fully discussed. (5) The reasoning employed in the DEIS should be transparent and model assumptions must be fully discussed. (6) When a major project is being proposed, and catastrophic environmental impacts are possible, even if their probability of occurrence is low, a peer review of the associated impact analyses and risk assessments must be obtained from a qualified independent body and included in the DEIS.

Objector's Comment from Letter 10600:

Thank you for the opportunity to comment on the Rosemont Copper Project Draft Environmental Impact Statement. We sincerely believe that the above comments identify serious if not fatal flaws in the DEIS that must be addressed, corrected, and published in the form of a revised DEIS for public comment before the Final Environmental Impact Statement can be issued. Then, and only then, can the CNF issue a Record of Decision that will be based on the best science, methodologies, and analyses of impacts and that will be worthy of the public's confidence and respect.

FEIS Public Concern Statement 551 and Response:

Public Concern Statement: *The Coronado National Forest should issue and make available for public comment a supplemental EIS because the information contained in the EIS is insufficient to satisfactorily analyze potential impacts and make an informed decision.*

Response: *Federal regulations regarding supplementing an EIS are contained at 40 CFR 1502.9: (c) Agencies: Shall 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. The Forest Service reviewed comments and changes between the DEIS and FEIS in light of these regulations and determined that substantial changes to the proposed action have not occurred; and there are no significant new circumstances or information relevant to environmental concerns. Therefore a supplemental EIS is not required.

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 551 are attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to these comments had he not come upon them by accident.

(B) The Objector's above 19 comments, categorized under Public Concern Statement 551, **do not** focus on the issue of "regulations regarding supplementing an EIS" which is the substance of Public Concern Statement 551 and the CNF's response. The obvious substance and focus of the comments are, rather, directed to the issue of the fatal deficiencies in "the scientific foundation of the DEIS's evaluation of environmental impacts, conclusions, and recommendations." Any recommendation contained in the comments pertaining to supplementing the DEIS are obviously secondary to and a reasonable consequence of the significantly flawed scientific foundation of the analyses presented in the DEIS. **The Objector's above 19 comments are, therefore, miscategorized under Public Concern Statement 551 and, consequently, the CNF's responses to them are unresponsive.** Moreover, the FEIS contains no evidence that any serious effort has been made to correct the fatal deficiencies identified in the comments.

(C) The analysis of environmental impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite the reasonable and appropriate requests contained in the Objector's above 19 comments, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse environmental impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

(D) The FEIS declares that its standard for analyzing environmental impacts relies on the "best science" and that its standard for assessing

mitigation measures relies on the “best available technology and practices.” There is clear evidence that it does neither. The concepts of “best available science” and “best available technology and practices” in the context of hard rock mining are highly debated and remain suspect. Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

OBJECTION 18:

Objector’s Comment from Letter 7672:

The no action alternative serves as the baseline against which to evaluate impacts of the proposed action and other action alternatives. Existing uses such as grazing and recreation would continue at current levels.” (pp. xiii-xiv) Discussion: The last sentence of this excerpt is a false assumption and identifies a serious flaw in the basic methodology underlying the analyses of impacts in the DEIS. The region that would be affected by the proposed action is not now, nor will it ever be, static. The affected region’s environment, population, and economy are dynamic and will evolve continually and reasonably predictably over time in the absence of the proposed action. The “no action” alternative, therefore, cannot be characterized by a set of variables whose values are frozen in time. Rather, the impacts of the proposed action in the affected region must be evaluated against a “no action” alternative characterized by a set of variables whose values change over time and have been rationally projected through a timeframe that extends far beyond closure of the proposed action.

Objector’s Comment from Letter 10411:

The “no action” alternative cannot be characterized by a set of variables whose values are frozen in time The impacts of the proposed project are inadequately evaluated in the DEIS by comparing them with those of a “no action” alternative that is frozen in time. “The no action alternative serves as the baseline against which to evaluate impacts of the proposed action and other action alternatives. Existing uses such as grazing and recreation would continue at current levels.” (DEIS, pp. xiii- xiv) The last sentence of this excerpt is a false assumption and identifies a serious flaw in the basic methodology underlying the analyses of impacts in the DEIS. The region that would be affected by the proposed project is not now, nor will it ever be, static. The affected region’s environment, population, and economy are dynamic and will evolve continually and reasonably predictably over time in the absence of the proposed project. The “no action” alternative, therefore, cannot be characterized by a set of variables whose values are frozen in time. Rather, the impacts of the proposed project in the affected region must be evaluated against a “no action”

alternative characterized by a set of variables whose values change over time and have been rationally projected through a timeframe that extends far beyond closure of the proposed project.

FEIS Public Concern Statement 563 and Response:

Public Concern Statement: *The Coronado National Forest should revise the No Action Alternative analysis of all resources to incorporate changing environmental conditions and regional trends, private land development, and to aggregate “future” baseline conditions and reasonably foreseeable actions identified in local or regional public policy documents.*

Response: *The No Action alternative has been updated in the FEIS to address the items mentioned in the concern statement. Please refer to Chapter 2 for a description of the No Action alternative, and the various sections of Chapter 3 for a discussion of the effects of implementing the No Action alternative.*

Objection:

(A) The Objector’s comment from Letter 7672 that was categorized under Public Concern Statement 563 is attributed incorrectly to “Wade Burtling.” This is a misspelling of the Objector’s correct name (i.e., “Wade Bunting”) and could have resulted in his not discovering the CNF’s response to this comment had he not come upon it by accident.

(B) The No Action alternative has been substantially rewritten in the FEIS to provide analysis of all resources to incorporate changing environmental conditions and regional trends, private land development, and to aggregate “future” baseline conditions and reasonably foreseeable actions identified in local or regional public policy documents. The revised No Action alternative and analyses of its environmental impacts in Chapter 2 and Chapter 3 of the FEIS, therefore, contain considerable new and important information developed after publication of the DEIS and before publication of the FEIS. Nonetheless, the CNF failed to issue a revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project’s reasonably foreseeable significant adverse impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 19:

Objector’s Comment from Letter 7672:

Another aspect of this issue is human health risks to Coronado National Forest visitors if they accidentally come near the mine operations, tailings,

or waste rock piles. Air quality impacts resulting from the operation may be harmful to public health.

FEIS Public Concern Statement 613 and Response:

Public Concern Statement: *The Coronado National Forest should revise the EIS to include additional analysis on impacts to human health and safety from the mine's pollutants—including analysis of combined impacts from exposure to toxic chemicals through air and water—and appropriate mitigation measures to reduce these risks before approving the project.*

Response: *The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment. EPA's purpose is to ensure that: (1) all Americans are protected from significant risks to human health and the environment where they live, learn and work; (2) national efforts to reduce environmental risk are based on the best available scientific information; (3) federal laws protecting human health and the environment are enforced fairly and effectively; (4) environmental protection is an integral consideration in U.S. policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade, and these factors are similarly considered in establishing environmental policy; (5) all parts of society -- communities, individuals, businesses, and state, local and tribal governments -- have access to accurate information sufficient to effectively participate in managing human health and environmental risks; (6) environmental protection contributes to making our communities and ecosystems diverse, sustainable and economically productive; and (7) the United States plays a leadership role in working with other nations to protect the global environment. To accomplish this mission, the EPA develops and enforces regulations. When Congress writes an environmental law, the EPA implements it by writing regulations. Often, EPA sets national standards that states and tribes enforce through their own regulations. If they fail to meet the national standards, EPA can help them. The EPA also enforces these regulations, and helps companies understand the requirements. The Rosemont Copper Project addresses public health issues by analyzing and disclosing how the project would comply with EPA regulations and standards, including those developed by state and local entities like Arizona DEQ and Pima County. NEPA requires that potential impacts to the environment be analyzed using the best-available science. Further, the goal of the NEPA analysis is to present reasonable expected impacts; NEPA does not require analysis of worst-case scenarios. With respect to the release of potential contaminants to soils, surface water, groundwater and air, the CNF has utilized a number of expert scientists to ensure that the best-available science was used to develop all air quality, geochemical, groundwater, and surface water modeling tools, and the NEPA analysis presented in the EIS relied on the use of and results from these modeling tools. However, it is also*

recognized that releases have happened in the past at other mines and could happen in the future at any mine, including the proposed mine. To address this concern, the Forest Service has (1) identified the specific monitoring that will be in place to detect any change in the environment not envisioned by the NEPA analysis; (2) identified the process that will take place if these changes are detected according to the appropriate permit, and (3) identified the details of the reclamation bonding that is meant to ensure necessary steps can be taken if the mine is unwilling or unable to take them. Refer to Chapter 3 of the FEIS for details of revised analyses concerning public health.

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 613 is attributed incorrectly to "Wade Burting." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The FEIS declares that its standard for analyzing environmental impacts relies on the "best science" and that its standard for assessing mitigation measures relies on the "best available technology and practices." There is clear evidence that it does neither. The concepts of "best available science" and "best available technology and practices" in the context of hard rock mining are highly debated and remain suspect. Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

(C) The analysis of environmental impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse public health impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 20:

Objector's Comment from Letter 10411:

Given the many possible serious risks to public health and safety, and to the environment, and given the lack of rigorous quantitative risk assessment in the DEIS, a methodologically appropriate assessment of risks must be undertaken. The DEIS must then be substantially revised

and re-issued in order to permit the public and public agencies the opportunity to review a proper assessment of risks. It is unacceptable to defer public review of and comment on this vital information until the Final Environmental Impact Statement (FEIS) is issued.

FEIS Public Concern Statement 615 and Response:

Public Concern Statement: *The Coronado National Forest should provide a quantitative risk assessment as part of the EIS.*

Response: *The Forest Service has reviewed the Public Health and Safety section in light of the comments received and revised them as appropriate. The Public Health and Safety and Hazardous Materials sections in Chapter 3 of the FEIS have been updated to reflect the removal of the heap leach and associated SX/EW facilities and the subsequent reduction of risk associated with these facilities, for the preferred alternative.*

Objection:

(A) The removal of the heap leach and associated SX/EW facilities may reduce a number of the adverse environmental impacts of CNF's preferred alternative. This removal does not, however, reduce or eliminate all of the preferred alternative's adverse environmental impacts. There remain many significant adverse impacts to public health and safety, and to the environment, that lack the rigorous quantitative risk assessment found necessary in the Objector's comment. Moreover, the FEIS contains no evidence that any serious effort has been made to correct the lack of rigorous quantitative risk assessment.

(B) The FEIS declares that its standard for analyzing environmental impacts relies on the "best science" and that its standard for assessing mitigation measures relies on the "best available technology and practices." There is clear evidence that it does neither. The concepts of "best available science" and "best available technology and practices" in the context of hard rock mining are highly debated and remain suspect. Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

(C) The analysis of public health and safety impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse public health and safety impacts. It is unacceptable to

defer public review of and comment on this new and important information until after the FEIS is issued.

OBJECTION 21:

Objector's Comment from Letter 7672:

The analysis of economic impacts of the proposed project set forth in the DEIS derives entirely and solely from a single study conducted by Applied Economics and commissioned by Tucson Regional Economic Opportunities, Inc. (TREO). It should be noted that Rosemont Copper Company Vice President Jamie Sturgess is a TREO Board Member and the Rosemont Copper Company is a Platinum Level TREO Investor. There is an obvious inherent conflict of interest in the DEIS when it relies solely upon a single study of the economic impacts of the proposed Rosemont Copper Project that was performed by Applied Economics (a Phoenix firm specializing in development-driven economic impact assessment), commissioned by TREO (a Pima County pro-development organization with a Rosemont Copper Company officer sitting on its board of directors), and paid for by TREO (in which the Rosemont Copper Company is a Platinum Level Investor).

Objector's Comment from Letter 7672:

Regrettably, the DEIS is fatally flawed also by its reliance on a single economic study that was undertaken expressly to evaluate only the economic benefits of the proposed project, but not its adverse impacts on the economy. The results of the economic study conducted by Applied Economics using the IMPLAN modeling methods also cannot be relied upon because none of the input data, including especially the multipliers chosen for the study, are disclosed in the DEIS for expert review. A second economic study of the proposed project using the IMPLAN modeling methods and widely accepted multipliers has recently been conducted by an independent expert economist to determine whether or not the results of the independent study are comparable to those of the Applied Economics study. They are not comparable. The economic benefits of the proposed project predicted by the independent study using widely accepted multipliers are significantly lower than those predicted by the Applied Economics study. The only conclusion must be that the Applied Economics study used multipliers significantly larger than those widely accepted by knowledgeable economists.

Objector's Comment from Letter 7672:

The CNF must conduct its own economic study of the proposed project using the IMPLAN modeling methods and widely accepted multipliers for copper mining in the regional study area. The results of the CNF economic study and all input data, including especially the multipliers chosen for the

study, must be fully disclosed to the public for expert review. Moreover, if either (1) Applied Economics does not fully disclose to the public for expert review all of its input data, including especially the multipliers chosen for the study or (2) the results of the CNF study and Applied Economics study are significantly different, then the Applied Economics study must be rejected.

Objector's Comment from Letter 7672:

The results of economic studies using the IMPLAN modeling methods cannot be relied upon unless all input data, including especially the multipliers chosen for the study, are fully disclosed for expert review. If the multipliers chosen for a study are not those widely accepted for a given industry in a given study area, the study results will not reflect the true economic benefits. For example, if the chosen multipliers that predict indirect and induced job creation are exaggerated, then the predicted indirect and induced job creation will also be exaggerated.

Objector's Comment from Letter 10411:

An independently prepared and verifiable economic analysis of both the benefits and the costs of the proposed project must be conducted using the IMPLAN modeling methods and widely accepted multipliers for copper mining in the regional study area. The results of economic studies using the IMPLAN modeling methods cannot be relied upon unless all input data, including especially the multipliers chosen for the study, are fully disclosed for expert review. If the multipliers chosen for a study are not those widely accepted for a given industry in a given study area, the study results will not reflect the true economic benefits. For example, if the chosen multipliers that predict indirect and induced job creation are exaggerated, then the predicted indirect and induced job creation will also be exaggerated.

Objector's Comment from Letter 10411:

"The economic impacts of the preproduction, production, and postproduction phases of the project were estimated by using regional economic modeling, or more specifically, by using IMPLAN (Applied Economics 2011). These types of regional economic modeling are standard approaches to measuring the production and consumption linkages in an economy between households, industries, and institutions (such as government), thus providing an estimate of the ripple effects in an economy associated with a direct stimulus or investment. The multipliers of IMPLAN measure these downstream or ripple impacts." (DEIS, p. 738) The results of the economic study conducted by Applied Economics using the IMPLAN modeling methods cannot be relied upon because all input data, including especially the multipliers chosen for the study, are not fully disclosed in the DEIS for expert review. An economic study of the proposed project using the IMPLAN modeling methods and

widely accepted multipliers has been conducted by an independent consulting economist to determine whether or not the results of the independent study are comparable to the Applied Economics study. The economic benefits predicted by the independent study using widely accepted multipliers are considerably lower than those predicted by the Applied Economics study. The only conclusion must be that the Applied Economics study used multipliers considerably larger than those widely accepted by knowledgeable economists.

Objector's Comment from Letter 10411:

An independently prepared and verifiable economic analysis of both the benefits and the costs of the proposed project must be conducted for the CNF using the IMPLAN modeling methods and widely accepted multipliers for copper mining in the regional study area. The results of the independent economic study and all input data, including especially the multipliers chosen for the study, must be fully disclosed to the public for expert review. Moreover, if either (1) Applied Economics does not fully disclose to the public for expert review all of its input data, including especially the multipliers chosen for the study or (2) the results of the independent study and the Applied Economics study are not comparable, the Applied Economics study must be rejected. The DEIS must then be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper analysis of both the economic benefits and costs of the proposed project. It is unacceptable to defer public review of and comment on this information until the FEIS is issued.

Objector's Comment from Letter 10600:

An independently prepared and verifiable economic analysis of both the benefits and the costs of the proposed project must be conducted using 4 the IMPLAN modeling methods and widely accepted multipliers for copper mining in the regional study area. The results of economic studies using the IMPLAN modeling methods cannot be relied upon unless all input data, including especially the multipliers chosen for the study, are fully disclosed for expert review. If the multipliers chosen for a study are not those widely accepted for a given industry in a given study area, the study results will not reflect the true economic benefits. For example, if the chosen multipliers that predict indirect and induced job creation are exaggerated, then the predicted indirect and induced job creation will also be exaggerated. "The economic impacts of the preproduction, production, and postproduction phases of the project were estimated by using regional economic modeling, or more specifically, by using IMPLAN (Applied Economics 2011). These types of regional economic modeling are standard approaches to measuring the production and consumption linkages in an economy between households, industries, and institutions (such as government), thus providing an estimate of the ripple effects in an economy associated with a direct stimulus or investment. The

multipliers of IMPLAN measure these downstream or ripple impacts.” (DEIS, p. 738) The results of the economic study conducted by Applied Economics using the IMPLAN modeling methods cannot be relied upon because all input data, including especially the multipliers chosen for the study, are not fully disclosed in the DEIS for expert review. An economic study of the proposed project using the IMPLAN modeling methods and widely accepted multipliers has been conducted by an independent consulting economist to determine whether or not the results of the independent study are comparable to the Applied Economics study. The economic benefits predicted by the independent study using widely accepted multipliers are considerably lower than those predicted by the Applied Economics study. The only conclusion must be that the Applied Economics study used multipliers considerably larger than those widely accepted by knowledgeable economists. An independently prepared and verifiable economic analysis of both the benefits and the costs of the proposed project must be conducted for the CNF using the IMPLAN modeling methods and widely accepted multipliers for copper mining in the regional study area. The results of the independent economic study and all input data, including especially the multipliers chosen for the study, must be fully disclosed to the public for expert review.

Objector’s Comment from Letter 10600:

Moreover, if either (1) Applied Economics does not fully disclose to the public for expert review all of its input data, including especially the multipliers chosen for the study or (2) the results of the independent study and the Applied Economics study are not comparable, the Applied Economics study must be rejected. The DEIS must then be substantially revised and re-issued in order to permit the public and public agencies the opportunity to review a proper analysis of both the economic 5 benefits and costs of the proposed project. It is unacceptable to defer public review of and comment on this information until the FEIS is issued.

FEIS Public Concern Statement 703 and Response:

Public Concern Statement: *The Coronado National Forest should perform a new, unbiased socioeconomic study of the project over a wider analysis area, disclose both short-term and long-term economic impacts, and provide all data inputs, model assumptions, calibrations, etc. in the EIS.*

Response: *The Socioeconomic analysis in the FEIS has been updated, incorporating several independent studies to provide a more detailed and accurate estimation of the economic impacts of the Rosemont Copper Project on Pima, Santa Cruz, and Cochise counties. The updated analysis includes estimates of potential impacts to tourism, natural amenities, amenity migration, the astronomy industry, property values, etc. This analysis is contained in the Socioeconomic and Environmental Justice section of Chapter 3 in the FEIS.*

Additional Response: *All non-proprietary data, inputs, assumptions, and multipliers used to conduct the various economic modeling for the socioeconomics analysis are available for public review.*

Objection:

(A) The Objector's comments from Letter 7672 that were categorized under Public Concern Statement 703 are attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to these comments had he not come upon it by accident.

(B) The above CNF's Additional Response that "all **non-proprietary** data, inputs, assumptions, and multipliers used to conduct the various economic modeling for the socioeconomics analysis are available for public review" (emphasis added) serves only to confirm that the public and participating public agencies will never know whether or not the economic modeling studies in the FEIS using undisclosed proprietary information are based on valid and reliable underlying factors. Consequently, the validity and reliability of the questionable socioeconomics analyses in the FEIS will also never be known to the public or to the CNF itself.

(C) Additional formal objections to the analyses of socioeconomic impacts in Chapter 3 of the FEIS are set forth in Appendix A of this document. These additional objections were prepared by Dr. Thomas M. Power, an expert consulting economist in the field of mining economics, at the request and for the benefit of a coalition of organizations and individuals who have collectively and/or individually submitted previous comments regarding the DEIS. The Objector, as a signatory of previous collective (i.e., Save the Scenic Santa Ritas et al., DEIS Comments Letter, dated January 18, 2012) and individual comment submissions regarding the analyses of socioeconomic impacts in the DEIS, hereby incorporates Appendix A into his formal individual objections.

(D) The analysis of environmental impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse socioeconomic impacts. It is unacceptable to defer public review of and comment on and comment of this new and important information until after the FEIS is issued.

OBJECTION 22:

Objector's Comment from Letter 7672:

The questionable proposed modification of the Coronado National Forest Plan solely to accommodate the proposed action is inappropriate. This plan has evolved to its current state through extensive Forest Service input and public participation specifically to guide CNF's general management direction. This questionable proposed modification does not exempt the Forest from its NEPA responsibilities. If the plan must be modified in order to approve the proposed action, then the proposed action must not be approved.

FEIS Public Concern Statement 806 and Response:

Public Concern Statement: *The Coronado National Forest should not allow the Rosemont Copper Company project to move forward. Because it will not comply with, or be enforced by, existing laws, regulations, and policies.*

Response: *In response to public and agency comments on the DEIS, a number of adjustments have been made to alternatives, and additional mitigation measures have been identified. The analysis that is disclosed in the FEIS takes these adjustments and mitigation measures into consideration. Federal, state and local laws and regulations that are applicable to the proposed project are discussed in the resource sections in Chapter 3 of the FEIS.*

Additional Response: *As disclosed in Chapter 1 and 2 of the DEIS and FEIS, a review of the preliminary MPO indicated that it would not comply with the current Coronado Forest Plan. Section 1604 of the US Code provides direction on National Forest System land and resource management plans. 16 USC 1604 (f) (4) states that Forest Plans can "be amended in any manner whatsoever after final adoption after public notice..." and (5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years...The Coronado National Forest Plan was approved in 1986, twenty-six years ago. It is currently being revised. When the 1986 Forest Plan was prepared, a large mine project was not anticipated and the Forest Plan is virtually silent on management direction regarding hardrock mining proposals. In order to respond to the Rosemont Copper preliminary MPO in a timely manner, the Forest Service determined that consideration of a Forest Plan amendment was a necessary component of the EIS process. Such an amendment is clearly allowable under Section 1604 of the US Code.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 806 is attributed incorrectly to "Wade Burtin." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The CNF's above Additional Response states, "As disclosed in Chapter 1 and 2 of the DEIS and FEIS, a review of the preliminary MPO indicated that it would not comply with the current Coronado Forest Plan." It further states, "In order to respond to the Rosemont Copper preliminary MPO in a timely manner, the Forest Service determined that consideration of a Forest Plan amendment was a necessary component of the EIS process." While such an amendment may be "allowable" under US Code, nothing in that Code requires such an amendment.

(C) In Chapter 1 of the DEIS and FEIS the CNF states, "The Coronado proposes to amend its forest plan in order to address the inconsistencies of the proposed project with current standards and guidelines." It then proceeds to list the myriad inconsistencies which, in fact, reads like a litany of alarming and compelling reasons for rejecting the proposed project's permit application. The current Forest Plan's standards and guidelines are obviously intended to protect and improve the valuable public resources of the CNF. The proposed amendment to the Forest Plan, however, appears to be solely intended to permit a small minor Canadian mining company to extract and export for significant private gain a valuable public mineral resource from the CNF without any royalty obligation and to the permanent detriment of all the other valuable public resources that will be adversely and irreversibly impacted by such a large industrial project in the CNF. This decision and trade-off by the CNF is unacceptable.

OBJECTION 23:

Objector's Comment from Letter 10411:

There are 196 such tables in the DEIS. The problem with drawing conclusions from these numerical tables can be seen in the contradiction between the conclusion drawn from eleven tables that appear in the Highway and Road Usage section which begins on page 598 and a statement appearing later on page 652 of the Potential Accidents and Fatalities section. The eleven tables in question display current traffic volumes on SR83 expressed in number of vehicles per hour, average number of vehicles per day, segment and intersection nonpeak season levels of service, segment and intersection peak season levels of service, Following these are a number of tables displaying predicted traffic volumes on SR83 over several periods during the proposed project's

construction, operation, and closure. The DEIS concludes from the eleven tables that: "[These tables] show a decrease in the level of service for the segment of State Route 83 during year 20 of the operation phase during peak and nonpeak seasons, compared with the existing traffic conditions, but the level of service remains at acceptable levels. The level of service for weekend p.m. peak hour during peak season is close to decreasing to level 0 (> 70 to 80 percent time following) ... " (p. 607) In other words, despite the predicted increase in levels of traffic volume on SR83 from A's and B's (good grades) currently to level D (a bad grade) in year 20, the DEIS concludes that the increase in levels of traffic volume is "acceptable" without a discussion of the meaning of the term "acceptable" and to whom and why such increase is acceptable. This conclusion as stated gives the impression that there are either no risks associated with the predicted increased levels of traffic volume on SR83 or that the associated risks are "acceptable."

Objector's Comment from Letter 10600:

The problem with drawing conclusions from these numerical tables can be seen in the contradiction between the conclusion drawn from eleven tables that appear in the Highway and Road Usage section which begins on page 598 and a statement appearing later on page 652 of the Potential Accidents and Fatalities section. The eleven tables in question display current traffic volumes on SR83 expressed in number of vehicles per hour, average number of vehicles per day, segment and intersection nonpeak season levels of service, segment and intersection peak season levels of service, Following these are a number of tables displaying predicted traffic volumes on SR83 over several periods during the proposed project's construction, operation, and closure. The DEIS concludes from the eleven tables that: "[These tables] show a decrease in the level of service for the segment of State Route 83 during year 20 of the operation phase during peak and nonpeak seasons, compared with the existing traffic conditions, but the level of service remains at acceptable levels. The level of service for weekend p.m. peak hour during peak season is close to decreasing to level D (>70 to 80 percent time following)..." (p. 607) In other words, despite the predicted increase in levels of traffic volume on SR83 from A's and B's (good grades) currently to level D (a bad grade) in year 20, the DEIS concludes that the increase in levels of traffic volume is "acceptable" without a discussion of the meaning of the term "acceptable" and to whom and why such increase is acceptable. This conclusion as stated gives the impression that there are either no risks associated with the predicted increased levels of traffic volume on SR83 or that the associated risks are "acceptable." Yet later, in the Potential Accidents and Fatalities section on page 652, the DEIS states that: "...under current traffic conditions roughly 30 accidents per year occur on State Route 83, with a fatality occurring approximately once every 3 years. Total traffic is projected to increase from 10 to 88 percent during construction, from 128 to 290 percent during

year 5, and from 204 to 356 percent during year 20 (Tetra 6 Tech 2009b). Assuming the same accident rates, based on projected increases in traffic (population growth as well as mine-related), in year 20 (the year with the highest increase in traffic volume) approximately 61 to 107 accidents per year could occur on State Route 83, with fatalities occurring between one and two times per year.” (p. 652) In plain language, by year 20 of the proposed project, traffic volume, accidents, and injuries on SR83 are projected to increase by as much as 356 percent (from 30 to 107 per year) and traffic fatalities are projected to increase by as much as 600 percent (from 0.33 to 2 per year). The DEIS does not state whether or not these significant increases in traffic volume, accidents, injuries, and deaths are “acceptable.” A reasonable person, however, can reasonably conclude from the two contradictory DEIS excerpts cited above that (1) the predicted significant increases in traffic accidents, injuries, and deaths on SR83 are not “acceptable” and, therefore, (2) the predicted increases in traffic volume that result in the increases in traffic accidents, injuries, and deaths on SR83 are also not “acceptable.”

FEIS Public Concern Statement 896 and Response:

Public Concern Statement: *The Coronado National Forest should revise the transportation analysis to include a wider analysis area, and incorporate updated baseline data, including a more accurate highway classification for State Route 83 and a re-evaluation of peak and nonpeak data, to remodel traffic and provide a full disclosure of transportation costs and impacts, including the effect of impacts to volume and level of service, road condition, potential for fatalities and accidents, and impacts to scenic designation.*

Response: *In response to comments on the DEIS, the Transportation section of Chapter 3 has been updated to include expanded analysis and additional details on mitigation measures. For clarity, transportation impacts are now labeled as an individual Issue Statement rather than being listed under Public Health and Safety and other Issue Statements. This change is reflected in Chapter 1 and the Transportation section of Chapter 3 in the FEIS. Traffic analysis was updated to reflect anticipated delivery truck and commuter trip numbers. Traffic conflicts and accident incidents has been updated per a revised traffic analysis. The Bounds of Analysis has been expanded to include routes between SR83 and the Port of Tucson, as well as potential routes from the mine site to ports of entry on the Arizona/Mexico border. Updates to mitigation measures have also been made, including the removal of carpooling as a mitigation measure, agreements between Rosemont Copper and ADOT regarding pavement resurfacing and general road repair, and school bus pullouts details from an agreement between Rosemont Copper and ADOT. Other sections of Chapter 3 have also been updated to reflect changes in anticipated traffic impacts, including the removal of sulfuric acid deliveries to the mine site*

for the Preferred Alternative as a result of the removal of the heap leach and SX/EW facilities. These changes are included in the traffic analysis and also analyzed in the Public Health and Safety and Hazardous Materials sections of Chapter 3 in the FEIS. It is important to note that the mine site has been determined to not impact SR 83's scenic roadway designation as per the visual analysis and ADOT's scenic roadway criteria. Emergency response services are funded by local governments, and Rosemont Copper would contribute to local government tax revenue that pays for these services. Roadway maintenance on highways is funded partially through the state motor fuel tax. Rosemont Copper would contribute to the motor fuel tax revenue through increase use of fuel.

Objection:

(A) The DEIS and FEIS conclude that the increase in levels of traffic volume is “acceptable” without a discussion of the meaning of the term “acceptable” and to whom and why such increase is acceptable. This conclusion as stated gives the impression that there are either no risks associated with the predicted increased levels of traffic volume on SR83 or that the associated risks are “acceptable.” Like the DEIS, the FEIS also does not state whether or not the significant increases in traffic volume, accidents, injuries, and deaths are “acceptable.” The predicted significant increases in traffic accidents, injuries, and deaths on SR83 are not “acceptable.”

(B) The analysis of traffic and safety impacts in Chapters 1 and 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project’s reasonably foreseeable significant adverse traffic and safety impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

(C) The CNF’s Response states “It is important to note that the mine site has been determined to not impact SR 83's scenic roadway designation as per the visual analysis and ADOT's scenic roadway criteria.” While this statement may be accurate, it is, nonetheless, an absolute and logical absurdity that this vast proposed open pit copper mine project located immediately adjacent to SR 83 for several miles will not significantly impact the roadway’s current invaluable and irrecoverable visual resources.

OBJECTION 24:

Objector's Comment from Letter 7672:

Surface Water Quality: Construction and operation of tailings, waste rock, and leach facilities may result in sediment or other pollutants reaching surface water and degrading water quality, leading to a loss of beneficial uses. Sediment may enter streams, increase turbidity, and exceed water quality standards.

FEIS Public Concern Statement 1009 and Response:

Public Concern Statement: *The Coronado National Forest should provide further analysis of soil productivity, erosion, contamination, and sediment delivery in the EIS.*

Response: *Impacts to surface water quality are fully analyzed in Chapter 3, Surface Water Quality. This analysis includes assessments of runoff water quality, sediment loads, geomorphology, and the expected success of any mitigation measures like Best Management Practices. Geomorphology has been assessed more fully since the DEIS, including the results of two professional studies, one by Rosemont and one by an independent contractor on behalf of the Forest. Numerical modeling studies were not considered necessary for the geomorphological analysis. Additional baseline surface and groundwater quality has also been considered and incorporated in the DEIS. An independent review of surface water and sediment modeling methods was also conducted and the results have been included in the FEIS. In addition to sedimentation and erosion, other impacts to soils including soil contamination, soil productivity, and revegetation success are also analyzed in Chapter 3, Soils and Revegetation, and Chapter 3, Hazardous Materials. Predictions of revegetation success have been revised by the Forest based on all available evidence, including results of on-site reclamation plots, and a description of desired vegetation conditions has been developed and is included in Chapter 3, Soils and Revegetation.*

Objection:

(A) The Objector's comment from Letter 7672 that was categorized under Public Concern Statement 1009 is attributed incorrectly to "Wade Burtling." This is a misspelling of the Objector's correct name (i.e., "Wade Bunting") and could have resulted in his not discovering the CNF's response to this comment had he not come upon it by accident.

(B) The FEIS declares that its standard for analyzing environmental impacts relies on the "best science" and that its standard for assessing mitigation measures relies on the "best available technology and practices." There is clear evidence that it does neither. The concepts of "best available science" and "best available technology and practices" in the context of hard rock mining are highly debated and remain suspect.

Appendix B and Appendix C contain additional formal objections pertaining to these two concepts prepared by the Objector and are hereby incorporated herein as part of this objection.

(C) The analysis of surface water impacts in Chapter 3 of the FEIS does contain new and important information developed after publication of the DEIS and before publication of the FEIS. Despite reasonable and appropriate requests, the CNF failed to issue a substantially revised DEIS or a supplemental DEIS in order to permit the public and public agencies the opportunity to review and comment on a proper evaluation of all of the proposed project's reasonably foreseeable significant adverse surface water impacts. It is unacceptable to defer public review of and comment on this new and important information until after the FEIS is issued.

FORMAL COMMENT

The CNF announced after the DEIS public comment period had closed that the Draft FEIS would be subject to a formal objection process in lieu of the familiar and simpler public comment process. This announcement was new and important information that relates directly to the public's ability to review and inform the CNF's analyses of the environmental impacts of the proposed project. The formal objection process itself, therefore, is a valid topic for public comment now.

The formal objection process is an impossibly byzantine exercise that is so daunting and demanding in its execution that its undertaking is beyond the patience of even the most ardently interested and involved members of the general public. This unnecessary complexity and difficulty will certainly be a strong disincentive to participate in the formal objection process for those who have standing to do so. Consequently, the CNF's permitting decision will have the benefit of neither the public's full participation nor the public's confidence.

Many comments on the DEIS urged the CNF for many good reasons to temporarily suspend the NEPA process in order to conduct needed additional independent analyses with greater validity and reliability than those reported in the DEIS. The resulting new and more objective information should then have been published in a revised or supplemental DEIS for public review and comment. Instead, the CNF published new information on its website and/or in the Draft FEIS neither of which is subject to broad general public formal review and comment. The Draft FEIS is, rather, subject only to the formal objection process which is limited only to those persons with legal standing to participate. The CNF made a bad decision to invoke this restricted, difficult, and highly technical formal objection process that is ill-suited to the evaluation of a massive industrial project that will adversely impact such a large immediately surrounding population, has prompted such massive public criticism, and has aroused such regional controversy. More public participation in a decision of this magnitude is needed—not less.

CONCLUSIONS

The FEIS identifies a number of abstract qualitative conditions under which the actions proposed by the Rosemont Copper Company may be undertaken that rely on such phrases as “reduces adverse environmental impacts”, “is without undue or unnecessary degradation of [public] lands”, and “is the least environmentally damaging practicable alternative.” What is missing, among other things, are a definition of the level to which adverse environmental impacts must be reduced to be acceptable, what constitutes undue or unnecessary degradation of public lands, how environmentally damaging must an alternative be for it to be unacceptable, and what is a rational definition of practicable. Also largely missing in the FEIS is the employment of research methodologies for analyzing impacts that are empirical, quantitative, and meet the highest scientific standards for rigor, validity, reliability, and peer review.

The FEIS suffers from a fatal reliance upon research methods, measurements, and interpretations that are insufficient to analyze satisfactorily a number of possibly significant adverse environmental impacts. The analytical problems the CNF must address are: (1) how best conceptually to define an impact so that its degree of adversity to the environment can reliably be mathematically measured, (2) how best to determine the threshold of adversity beyond which an adverse impact will be deemed unacceptable, and (3) how best to determine the mathematical probability that an unacceptable adverse impact will occur to the environment. **The most important question, namely, “What is the probability that one or more unacceptable adverse environmental impacts will occur during the lifetime or after closure of the proposed project?” has not been analyzed, discussed, or answered in the FEIS. Absent an answer to this quintessential question, there is no rational justification for approval of the proposed action.**

In its response to Public Concern Statement 227 above, the CNF states: “The Forest Service may reject an unreasonable Mine Plan of Operation...” The Coronado National Forest cannot rationally decide to permit the unreasonable proposed Rosemont Copper Project on the basis of this fatally flawed Final Environmental Impact Statement.

APPENDICES