

From: Terry Morgart [mailto:TMorgart@hopi.nsn.us]
Sent: Tuesday, March 19, 2013 7:30 AM
To: Peter Steere
Cc: Gillespie, William B -FS
Subject:

March 19, 2013

Jim Upchurch, Forest Supervisor
Attention: William Gillespie, Tribal Relations Program Leader
Coronado National Forest
300 West Congress
Tucson, Arizona 85701

Re: Proposed Rosemont Mine: Draft Memorandum of Agreement,
Draft Historic Properties Treatment Plan, Finding of Adverse Effect

Dear Supervisor Upchurch,

Thank you for your correspondences dated March 1 and 12, 2013, with an enclosed draft Memorandum of Agreement and draft Historic Properties Treatment Plan and Finding of Adverse Effect, regarding the proposed mile wide, 2,500 foot deep Rosemont Copper pit mine in the Santa Rita Mountains. The Hopi Tribe claims cultural affiliation to the Paleo-Indian, Archaic, and Hohokam prehistoric cultural groups on the Coronado National Forest. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and we consider the prehistoric archaeological sites of our ancestors to be “footprints” and Traditional Cultural Properties. Therefore, we appreciate Coronado National Forest’s continuing solicitation of our input and your efforts to address our concerns.

In the enclosed letter dated January 18, 2012, the Hopi Cultural Preservation Office commented on the Draft Environmental Impact Statement (DEIS) for this proposal, and we appreciate your meeting with us on August 22, 2012. We have repeatedly stated our concerns about this proposal and the adverse effects it would have on cultural resources significant to the Hopi Tribe and other tribes. We have reiterated that it is disheartening that many more human remains will be disturbed as a result of this proposal, and note that the 77 human remains reported in the ANAMAX project excavation reports turned out to represent nearly 200 individuals.

In the enclosed letter dated June 30, 2009, we reviewed the cultural resources survey report of the project area that identifies 56 prehistoric sites, including numerous habitations, and in our letter dated May 23, 2011, we reviewed five cultural reports. As noted in the *Tribal Consultation and Ethnohistorical Research* report, there is no Hopi concept regarding the

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abandonment of cultural resources. These resources have spiritual meaning and on-going connections to the present day Hopi people.

In the enclosed letter dated September 4, 2012, we reviewed nine reports. Regarding the *National Register of Historic Places Registration Form for the Santa Rita Mountains Traditional Cultural Property*, we reiterated our support for the Tohono O'odham resolution opposing this project, and the nomination of the entire portion of the Santa Rita Mountains administered by the Forest Service as a Traditional Cultural Property. Regarding the *Rosemont Copper Project: Seeps and Springs Survey*, you acknowledged at our meeting that the proposal would have adverse effects on seeps, springs, and wells.

From our meeting we understand over 60 National Register eligible or unevaluated sites will be adversely affected by the Preferred Alternative. We informed you of our previous studies relevant to the project area including the Coronado National Forest study, Hohokam cultural affiliation study, and San Pedro study. We reiterated the statement in our January 18, 2012, letter that a Hopi ethnographic study of the project area and surrounding landscape would be necessary to address the inadequacies in the DEIS relating to Traditional Cultural Properties.

We have also agreed that the Clean Water Act Section 404 permit application should be denied due to the probable large scale adverse effects that would occur to the watershed and waters of the U.S. within it, which would not be in the public interest.

We have now reviewed the enclosed draft Memorandum of Agreement, draft Treatment Plan and Finding of Adverse Effect. The Proposed Action would destroy 59 prehistoric sites and 3 additional sites with prehistoric components. The Finding of Adverse Effect states:

All but the No Action alternative would have adverse effects on many historic properties. Prehistoric sites comprise approximately two-thirds of the total number of sites and are dominated by sites dating to the Hohokam Colonial and sedentary periods, ca. A.D. 850-1050.

All of the tribes have consistently stated their opposition to the project due to the size and scope of the adverse effects on historic properties and on the cultural landscape. If the project goes forward, they stipulate that no mitigation be undertaken until it is certain that ground disturbance

will occur.

All the action alternatives...would destroy historic properties...disturb human remains, damage or destroy sacred sites such as springs, reduce the amount of plant and mineral resources available for traditional uses, and disturb the cultural landscape.

The project would cause the irretrievable destruction of historic properties and sacred sites, and the permanent alteration of the cultural landscape important to Native American tribes and other communities.

The Santa Rita Mountains are also important to the Apache, Hopi, Zuni, and Pascua Yaqui.

Archaeological sites, sacred sites, springs, and resource collection areas are all considered contributing elements within a cultural landscape of importance to all of the tribes.

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All of these actions will have negative consequences for the health and vitality of the O'odham culture, and the cultures of other tribes for whom the Santa Rita Mountains are important.

The open pit, waste rock and tailings would remain. Waste rock and tailings would be placed over an area approximately 3 miles long by 1 mile wide, completely altering the terrain and burying archaeological sites and springs.

Regarding the draft Memorandum of Agreement, we have joined the Tohono O'odham in the position that mitigation for the destruction or removal cultural sites is not possible, and the sheer number of sites likely to be destroyed or seriously damaged by the project is unacceptable. We have noted that the *Draft Report to the Secretary on Indian Sacred Sites* states, "If we do not act responsibly to protect the sacred values associated with these lands, we may fall short of the Forest Service fiduciary obligations to the Tribes, and we are all diminished." Therefore, we do not believe the enclosed draft Memorandum of Agreement can mitigate the adverse effects of this proposal and we defer to the Advisory Council on Historic Preservation, State Historic Preservation Office and Tohono O'odham Nation on consultations regarding it.

Regarding the draft Treatment Plan, to avoid cultural sites and human remains, and to protect and preserve the environment, we reiterate our support the No Action Alternative in the DEIS, our support for the Tohono O'odham resolution opposing this project, and our support for the nomination of the entire portion of the Santa Rita Mountains administered by the Forest Service as a Traditional Cultural Property.

Therefore, we believe the consultation on the Draft Treatment Plan is premature pending a Record of Decision and Final Environmental Impact Statement.

We continue to hope your decision will reflect the Forest Service's listening to tribes regarding Sacred Sites and Traditional Cultural Properties, respect the natural water, wildlife, and night sky values of the tribes, communities, and governmental and environmental entities reflected in most of the 25,000 comments on the DEIS opposed to this proposal, and assist the Forest Service in emerging from the 19th Century into the 21st.

If you have any questions or need additional information, please contact Terry Morgart at [928-734-3619](tel:928-734-3619) or tmorgart@hopi.nsn.us. Thank again you for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Regional Forester, Forest Service
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