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Subcommittee on Parks, Forests and
Public Lands – *Ranking Member*

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February 7, 2012

The Honorable Tom Vilsack, Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Vilsack:

The public comment period for the proposed Rosemont Copper Project Draft Environmental Impact Statement (DEIS) ended on Jan. 18, 2012. I have serious concerns about the process used to develop this important review, which is mandated by the National Environmental Policy Act. Without open and transparent environmental review – a bedrock protection for our nation’s public lands – decisions to allow extractive activity have the potential to do irreparable environmental damage and endanger public health.

It appears to me that this process has been flawed from the beginning. Rosemont Copper, a subsidiary of the Canadian firm Augusta Natural Resources and the party responsible for construction of the proposed mine, was allowed to participate in what were supposed to be closed-door meetings of United States Forest Service (USFS) staff. Documents from those meetings clearly indicate that Rosemont provided advice and recommendations to Coronado National Forest (CNF) regarding the preparation of the DEIS. There is pending litigation on this matter. In an earlier hearing, the federal judge in this case said USFS “was less than prudent in inviting Rosemont and its consultants as the primary and only regularly invited non-governmental agency and that such actions, at a minimum, presents an appearance of impropriety on the part of the USFS as well as Rosemont.”

This relationship, which I view as improper, continued after these initial meetings. In a letter dated Oct. 24, 2011, I expressed concern about public meetings scheduled during development of the DEIS. The meetings – a critical component of the public involvement process – were

organized by SWCA Environmental Consulting, a public relations firm with clear ties to Augusta Natural Resources, the company that seeks to build the Rosemont mine. By delegating responsibility to the prime beneficiary of the proposed mine, USFS staff at CNF compromised the openness of public involvement and put the whole process into question.

Beyond the impropriety issues raised in my earlier letter, there appears to be significant flaws with the DEIS itself.

At a public meeting, Coronado Forest Supervisor Jim Upchurch claimed that the *No Action Alternative* was included in the DEIS only as a baseline in the analysis, and USFS could not consider this action because Rosemont is the owner of mining claims that they must be allowed to pursue. This may be the case if the claims are valid, but since the claims have not been reviewed there is no way to know. Given recent allegations of financial impropriety by Augusta Resources executives – including cases filed at the British Columbia Securities Commission and the U.S. Security Exchange Commission – USFS should review the validity of the mining claims in question. As a baseline for analysis, the American people should know if the claims for a project of this magnitude are indeed valid. Settling the validity of the mining claims should be a component of the DEIS, not treated as an afterthought.

Water is another serious concern. In preparing the DEIS, CNF relied on modeling done by Augusta Resources that determined the mine will not have significant impact on local water resources. The validity of the model used by the company to arrive at this conclusion has been challenged, and there are likely impacts to local water quality that have not been included in the DEIS. In fact, the Environmental Protection Agency (EPA), asked to review the DEIS, acknowledged the need for further scientific study of the impacts to the local aquifer. To quote directly from their letter: “EPA recommends that the Forest Service reexamine Rosemont Copper’s geochemistry reports and consider whether a 20 week cutoff was scientifically supported by the data.” CNF reviewed the recommendation and determined the modeling provided by Augusta adequate for the review.

As your agency considers a decision on this project, I urge you to consider all public comments to the DEIS, including those asking for a supplemental DEIS.

Sincerely,



Raúl M. Grijalva
Ranking Member

House Subcommittee on National Parks, Forest and Public Lands