



Tohono O'odham Nation Office of the Chairman & Vice Chairwoman

COMPASSION FAITH TRADITION RESPECT
T-I:BDAG 'AMJED S-WOHOCUDA HIMDAG PI:K 'ELID

Ned Norris, Jr.
Chairman

Wavalene M. Romero
Vice Chairwoman



The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250
agsec@usda.gov

Via Email and U.S. Mail

August 20, 2013

RE: Rosemont Mine Project

Dear Secretary Vilsack:

We write to you to respectfully request that the expediting of the Final Environmental Impact Statement and associated Record of Decision for the Rosemont Mine Project ("Project") be stopped. The Tohono O'odham Nation recently learned that the Forest Service plans to issue a Record of Decision in this matter at the end of September. This deadline certainly came as a shock to the Nation, as no such date had been previously mentioned. The announcement came when the Forest Service distributed to the Cooperating Agencies the Draft Final Environmental Impact Statement. This arbitrary deadline has apparently been proposed to avoid new regulations that would otherwise apply to this Project, replacing the current administrative appeal process with an objection process.

First, with respect to the new deadline, the Nation takes issue with the late notice of this arbitrary deadline. The new regulations became effective for non-Healthy Forests Restoration Act projects on March 27, 2013. 36 C.F.R. § 218.16(b). The Forest Service knew or should have known then that the new regulations would apply to proposals such as the Project if no decision was rendered prior to September 27, 2013. Yet, the Forest Service did not inform tribes or Cooperating Agencies that they were attempting to shoehorn the Project in under the old regulations. Instead, Cooperating Agencies were informed on July 1, 2013, of this impending deadline. This sudden urgency is simply unwarranted. The regulations provide that the Forest Service merely must notify interested and affected parties that the project will be subject to the new regulations if a decision will be issued after September 27, 2013. Processing this Project under the new regulations rather than rushing a decision under the old regulations will ensure full

tribal consultation and input from all affected tribes as required by the National Historic Preservation Act and allow a thorough environmental impact study to be prepared.

Second, the Nation has numerous concerns with this Project, the most significant of which is the destruction of cultural resource sites that are significant to the Nation and to other tribes. Under the preferred alternative, it is expected that 86 cultural resource sites will be destroyed, 32 of which are known or likely to have human remains. As if that weren't enough, the cultural landscape of Ce:wi Duag (Santa Rita Mountains) will be irrevocably altered. Tohono O'odham have frequented Ce:wi Duag for thousands of years to pray and gather traditional plants and other resources. If this Project is approved and the selected alternative is chosen, that tradition will be destroyed. The Nation is also concerned that the Forest Service has failed to consider the Project's impacts upon the natural resources in the area, including, most significantly, its impact upon s-o'ohi mavid (jaguar). One jaguar has been known to frequent the area. In fact, it is the only jaguar currently known to freely roam the United States. S-o'ohi mavid prefer wild, open terrain. The Project may have disastrous impacts upon this animal and may destroy efforts to reintroduce s-o'ohi mavid to the area in the future.

Third, in addition to the impacts that this Project will wreak on the natural environment, the Nation has concerns with the process that the Forest Service has undertaken in consulting with tribes. Under the National Historic Preservation Act, the Forest Service is required to consult with tribes. However, in addition to tribal participation, the Forest Service allowed the participation of Rosemont and its counsel in nearly every meeting. Further, the Forest Service seemed to give Rosemont too much leverage in the discussions at the expense of tribal input. If Rosemont protested a tribal suggestion, the Forest Service agreed with Rosemont. The resulting draft Memorandum of Agreement that has emerged as a result of the discussions is little more than a standard agreement, despite the fact that Forest Service representatives encouraged the tribes to "think outside of the box" early on in the consultation prior to the attendance of Rosemont.

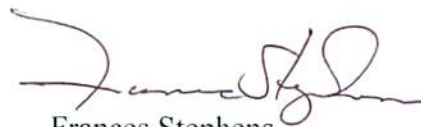
The items described above just begin to touch on the full array of concerns that the Nation and other tribes have regarding the Project. Tribal leadership would like the opportunity to discuss these concerns more with Supervisor Upchurch in detail in a meeting in the future. We have requested that Supervisor Upchurch leave the following dates open for a meeting with tribal leadership: **September 17** or **September 24**. As we're sure you can appreciate, tribal leaders' schedules are quite full and it is difficult to find available meeting dates. The dates suggested are the earliest dates that affected tribal leadership is available. We would hope that any Record of Decision could be delayed to ensure that the Coronado National Forest is able to hear the concerns of tribal leaders before making a decision.

Secretary Vilsack
August 20, 2013
Page 3

Sincerely,



Dr. Ned Norris, Jr.
Tohono O'odham Nation
Chairman



Frances Stephens
Tohono O'odham Nation
Chairperson, Cultural Preservation
Committee

cc: Supervisor Jim Upchurch

