



# SAVE THE SCENIC SANTA RITAS ASSOCIATION

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Ms. Nicole Coronado  
Water Quality Division  
Arizona Department of Environmental Quality  
1100 W. Washington St.  
Phoenix AZ 85007

Re: Rosemont Copper Project  
CoE File No. 2008-00816-MB  
ADEQ LTF No.: 55425; 401 cert reading file: rs314:005

Dear Ms. Coronado;

Save the Scenic Santa Rita has been closely involved with the Arizona permitting for the Rosemont Copper Project (“Rosemont”) and will be adversely affected if the project is authorized and begins operations.

ADEQ’s recent approval of the Clean Water Act Section 401 Water Quality Certification is premature because the final project design and operations with respect to Rosemont’s effect on surface waters of the state have not yet been determined.

The Certification states on page 2 that, “This Certification is based on activities described in the Public Notice, with the exception of activities modified by the selected action in the USDA Forest Service’s Record of Decision and FEIS.” As you know, because you referenced the “draft Record of Decision” in item #2 of “Information Reviewed,” the Forest Service has not yet issued its final Record of Decision, which is the document that will provide final approval of the project’s design and operations.

You may also be aware that the Forest Service has indicated that it will need to review the revised Biological Opinion when it is issued by the U.S. Fish and Wildlife Service to determine whether the Forest Service needs to supplement the FEIS. The final Record of Decision may alter the actions described in the FEIS, whether the Forest Service issues a supplemental EIS or not.

Finally, to further prove the uncertainty of the project’s design and operations that were the basis for ADEQ’s Certification, HudBay, the corporate parent of Rosemont, may be revisiting the project’s design and operations based upon its recent and upcoming rounds of additional exploratory drilling regarding the nature and extent of the ore body. Any alteration of the project’s design and operations may require significant alteration of the Surface Water Mitigation Plan attached to your approval, as well as ADEQ’s previous evaluation of whether

Rosemont's operations will violate applicable water quality standards in the subject waterbodies.

We request that ADEQ withdraw and deny issuance of the Section 401 Water Quality Certification for Rosemont pending receipt of the Forest Service's final Record of Decision with respect to Rosemont. As noted above, there are many ongoing actions and evaluations relating to the project's design and operations that may render ADEQ's Section 401 Certification irrelevant and inapplicable.

Sincerely yours,



Gayle Hartmann, President  
Save the Scenic Santa Ritas

- cc. Michael A. Fulton, Director, Water Quality Division, ADEQ  
Jim Upchurch, Supervisor, Coronado National Forest  
Col. Kimberly M. Colloton, District Engineer, Los Angeles District, U.S. Army Corps  
of Engineers  
Jane Diamond, Director, Water Division, Region IX, US Environmental Protection  
Agency  
Chuck Huckelberry, County Administrator, Pima County