

SANTA RITAS LAND BLOCKED OFF

Rosemont owner closes roads in Santa Ritas to public

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The company planning to build the Rosemont Mine has closed public access to private roads leading to a major off-road-vehicle destination spot and to public land in the Santa Rita Mountains.

The recent closures by mine site owner Hudbay Minerals Inc. is adding fuel to the decade-long controversy over the \$1.5

billion open-pit project it proposes to build.

The company closed dirt roads on private land leading to Gunsight and Lopez passes on a prominent ridgeline on the Santa Ritas' northern end — areas that have long drawn four-wheelers and hunters. The winding, rutted, rocky road leading to Gunsight from Sahuarita was particularly popular.

Hudbay recently shut off access to the passes for what it said were reasons of safety, security and deteriorating road conditions.

Opponents say the closure is against the public interest and is a hostile act, given the roads' history of public use. Gunsight and Lopez are on private land but the roads through them lead to U.S. Forest Service land.

A key issue is whether a private company can legally close a private road that has long been used to reach public land. While the company and the Forest Service say Hudbay has the right to close private roads, the Rosemont Mine opposition group Save the Scenic Santa Ritas disagrees, and says it's considering legal action to reverse Hudbay's closures.

The company recently installed cattle guards, gates and signs on roads on its private property, Hudbay said in a written statement.

“The private roads that now have restricted access suffer from deteriorating conditions and are in areas where potential hazards exist due to historic mining activities” such as shafts and sinkholes, the company said.

The company declined to say how many roads it has closed, but a Forest Service map shows 13 new locks on four roads on private land.

Mine opponents say the closures have huge impacts on recreational users. While mining company and Forest Service officials say there are other roads allowing access to federal land in the area, the closures block access to much of that land from the west.

The forest land is reachable from the east by driving around the Santa Ritas to Arizona 83 and heading south on 83. Box Canyon Road also enters forest land from the west and Sahuarita Road connects with dirt roads leading to the National Forest. But they lie well south and north, respectively, of the Gunsight-Lopez area, compared to the roads that were closed off.

Also, far from deteriorating, the private road heading to Gunsight from the east is in better shape than it used to be, said **Stan Hart**, a Save the Scenic Santa Ritas board member.

“It’s more than pretty good,” said Hart, who said he walked the area on Nov. 27. “It looked like it had been regraded from the east. It’s way ahead of the other roads, in condition, size and width.”

Numerous Gunsight websites praise it as a challenging attraction that requires a strong vehicle such as a 4-wheel drive vehicle to reach it via the dirt road that connects to the better-quality Santa Rita Road from Sahuarita.

“I find it extremely disheartening the mining company would close off this trail to the public, and it’s a significant loss to our community,” said **Matt Marine**, who owns the Experience AZ website that offers information on four-wheeling, hiking and mountain biking across Arizona.

It’s one of the most popular off-road trails he knows of in the Tucson area, based on the number of information requests he gets about it, he said.

“To my knowledge, the trail did not immediately impose upon their mining operations. I think a reasonable solution could have been reached if Hudbay had worked with the local off-road community and the Forest Service,” Marine said.

Tim Dolan, 57, a longtime off-roader living near Vail, said he’s driven his dirt bike to Gunsight as often as once weekly since 1981.

Besides the Gunsight closure, he said he also has seen a locked gate installed in the last two weeks on a side road leading to adobe-walled ruins in the mining ghost town of Helvetia. “My dad’s ashes are there,” Dolan said.

The Forest Service rejected a written request from Save the Scenic Santa Ritas’

president, **Gayle Hartmann**, to force Hudbay to reopen the road.

Hartmann said the closure underscores the group's concerns about the mine, including its impacts on hunting and other forms of recreation. She said she's seen a 1909 map showing the road.

The roads are being closed even though Hudbay hasn't received key approvals it needs from the Forest Service and the U.S. Army Corps of Engineers for the mine, Hartmann noted.

Toronto-based Hudbay hopes to start mine construction in 2016. The final approvals have been stalled several years due to environmental concerns raised by activist groups and some federal agencies.

"The Forest Service has an obligation to ensure that the public can access their national forest," Hartmann wrote in her Nov. 12 letter.

In a Nov. 20 reply to Hartmann, Coronado Forest supervisor **Kerwin Dewberry** acknowledged that the Gunsight closure affects recreational and other public land uses. But access to public land across private land occurs at the private landowner's discretion, unless a written easement or other legal instrument reserves public access, he wrote.

The Forest Service isn't aware of any such easement for lands immediately surrounding Gunsight, wrote Dewberry.

"It's not in our jurisdiction," said Forest Service spokeswoman **Heidi Schewel**. "If you have your private land you have the right to do on it what you think you need to do. It's cut and dried."

The Arizona Game and Fish Department has issued 2,000 permits to hunt white-tailed and mule deer in its 700-square-mile wildlife management unit that includes the proposed mine site and the road to Gunsight Pass, said **Lynda Lambert**, a department spokeswoman.

Game and Fish officials worked to develop a 2013 agreement for the mining company to spend about \$10 million on habitat protection and mitigation programs — in part to compensate for the closing off of areas for mining activities, Lambert said.

Closing private land that connects to public land is an issue across the West, reports the environmental magazine High Country News. It has cited a 2013 report by the Center for Western Priorities, a Denver-based think tank, identifying 4 million acres of Forest Service, Bureau of Land Management, state and other public lands in six Western states outside Arizona that were completely inaccessible.

Access advocates have at times gotten judges to rule in favor of "prescriptive" rights —

access rights claimed through historic use — thereby establishing a new easement, the magazine reported. But such court battles can be difficult and lengthy.