



# SAVE THE SCENIC SANTA RITAS ASSOCIATION

October 26, 2017

## VIA EMAIL AND U.S. MAIL

Ms. Rosi Sherrill, Project Manager  
Arizona Department of Environmental Quality  
Surface Water Section  
1110 West Washington Street  
MC5415A-1  
Phoenix, AZ 85007

[ls7@azdeq.gov](mailto:ls7@azdeq.gov)

**RE: Public Notice of Preliminary Decision to Issue an Addendum to a State Water Quality Certification of a Federal Action to Rosemont Copper Company, Application No. SPL-2008-00816-MB; LT No. 68057**

Dear Ms. Sherrill:

Thank you for your email of October 24, 2017 and for agreeing to extend the date of the public comment period for ADEQ's preliminary decision to issue an addendum to the State Water Quality Certification to Rosemont Copper Company. However, because ADEQ still has not made available to the public on its website the mitigation proposal submitted by the Rosemont Copper Company, we write to request a further extension of the public comment period to run 60 days from the date that the mitigation plan is posted. This will give the public adequate time to actually review and comment on the basis for ADEQ's preliminary decision.

As of 11:45 PM (MST-AZ) on the date of this letter, and using the keyword you noted in your email, ADEQ's website contains only the following documents relating to ADEQ's proposed preliminary decision: (1) the original public notice; (2) the extended comment period public notice; and (3) the draft Clean Water Act 401 certification. ADEQ still has not posted for the public's review *any* information on the actual mitigation proposal submitted by the Rosemont Copper Project, even though, as you say in your email "the addendum addresses the dredge and fill portion within the ordinary high water mark of Sonoita Creek as it relates to the *mitigation* of the original 404 project." (emphasis added). It is unreasonable to close the public comment period even on the extended deadline of November 20, as it appears that ADEQ's preliminary decision is based entirely on the mitigation proposal about which the public still has no information.

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Your email also noted that “these documents are available through a public records request,” but it is not at all clear that you were referring to the mitigation proposal, as opposed to the documents that are listed above. And in any event, the Arizona Public Records Law only requires ADEQ to act “promptly” on a public records request. Obviously, the more time that the public spends waiting for a public records act request to be fulfilled is less time that the public has to evaluate and respond to ADEQ’s preliminary decision before the current November 20 deadline.

Accordingly, we again ask ADEQ to immediately post Rosemont’s mitigation proposal on its website so that the public can access, review, and comment on the document and ADEQ’s preliminary decision based thereon. Further, we repeat our request that ADEQ extend the public comment period to expire 60 days after it posts the mitigation proposal for public review.

Also, please ensure that both this letter and the previous letter we sent on this matter are included in the official record concerning this regulatory matter.

Thank you in advance for your timely response.

Sincerely,



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