

RAÚL M. GRIJALVA
3RD DISTRICT, ARIZONA

COMMITTEE ON NATURAL RESOURCES

PUBLIC LANDS AND ENVIRONMENTAL
REGULATION—*RANKING MEMBER*

INDIAN AND ALASKA NATIVE AFFAIRS
ENERGY AND MINERAL RESOURCES

COMMITTEE ON EDUCATION AND THE WORKFORCE

EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION

WORKFORCE PROTECTIONS

CONGRESSIONAL PROGRESSIVE CAUCUS
Co-CHAIR

Congress of the United States
House of Representatives
Washington, DC 20515-0307

WEBSITE: <http://grijalva.house.gov/>

August 1, 2014

1511 LONGWORTH HOB
WASHINGTON, DC 20515
PHONE (202) 225-2435 | FAX (202) 225-1541

738 N. 5TH AVENUE, SUITE 110
TUCSON, AZ 85705
PHONE (520) 622-6788 | FAX (520) 622-0198

146 N. STATE AVENUE
P.O. BOX 4105
SOMERTON, AZ 85350
PHONE (928) 343-7933 | FAX (928) 343-7949

13065 WEST MCDOWELL ROAD, SUITE C-123
AVONDALE, AZ 85392
PHONE (623) 536-3388 | FAX (623) 748-0451

FACEBOOK: [Facebook.com/Rep.Grijalva](https://www.facebook.com/Rep.Grijalva)
TWITTER: [Twitter.com/RepRaulGrijalva](https://twitter.com/RepRaulGrijalva)

The Hon. Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
Department of the Army
108 Army Pentagon
Washington, DC 20310

Dear Assistant Secretary Darcy:

I am writing to share my concerns regarding the Augusta Resource Corporation's application for a Clean Water Act Section 404 permit that would allow the company to discharge pollutants from its proposed Rosemont Mine near Tucson. I appreciate the extensive and objective review by District Engineer Col. Kim Colloton and her staff of the 404 permit application. I understand that Colloton recently informed Augusta Resource that the Corps is preparing its final decision on the permit application. It is critical to recognize, that if permitted, this discharge would have severe direct and indirect impacts on waters of the United States. It would threaten significant degradation and damage or destroy sacred tribal sites, adversely impacting nearby preservation areas.

As you know, the Rosemont Mine, if allowed to proceed, would impact both Pima County's Cienega Creek Natural Preserve and the Bureau of Land Management's Las Cienegas National Conservation Area (NCA), which are just a few miles from where the mine would be located. Congress created the NCA in 2000 in large to, "conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important aquatic, wildlife, vegetative, archaeological, paleontological, scientific, cave, cultural, historical, recreational, educational, scenic, rangeland, and riparian resources" (Public Law 106-538—Dec. 6, 2000).

Moreover, the mine would likely impact the portions of both Cienega Creek and Davidson Canyon Wash that have been designated as Outstanding Arizona Waters and are subject to a strict anti-degradation standard.

The Forest Service acknowledges in its Final Environmental Impact Statement that "construction and operation of the proposed mine and attendant services would have both direct and indirect effects on historic properties, human burials, sacred sites, and traditional collecting areas." It would bury, destroy or damage 85 cultural resource sites, 31 of which are known or likely to have human remains.

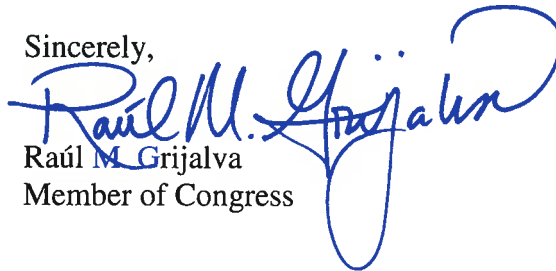
Based on those facts, there is no doubt why area tribes, including the Tohono O'odham Nation and the Pascua Yaqui Tribe, along with Pima County (in which the mine would be located), the Arizona Department of Game and Fish, the U.S. Environmental Protection Agency and many others have registered serious concerns with the tremendous harm the mine would cause to southern Arizona's water supplies, wildlife and historic and cultural sites.

There have been two recent developments that are worth noting. First and most importantly, the U.S. Fish and Wildlife Service and the Forest Service have agreed to reinitiate consultation under the Endangered Species Act for a number of species and designated critical habitat. One of the primary reasons for this action is revised analyses concerning the proposed mine's effects to springs and streams relating to the potential extent and duration of stream drying and extreme low-flow events. This new analysis, according to publicly available information, includes information about the timing of effects to springs and streams and specific connections between groundwater drawdowns and diminishment or surface flows.

Second, Augusta Resources, Rosemont's parent company, recently accepted HudBay Mineral's bid for acquisition. The transfer of ownership signifies nothing different in terms of the proposed mine and its likely impacts.

As the Corps considers the Sec. 404 permit application for this project, I request that it carefully consider the significant permanent devastation this project will inflict on essential national cultural, environmental and economic resources. We urge the Corps to proceed with its final determination regarding the proposed permit while taking into account the significant degradation the proposed mine would have on waters of the United States and municipal water supplies, as well as its impacts Indian religious and cultural sites and other important resources.

Sincerely,



Raúl M. Grijalva
Member of Congress