To: William.L.James@usace.army.mil[William.L.James@usace.army.mil]
From: Brush, Jason
Sent: Wed 10/18/2017 11:13:02 PM
Subject: Re: EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017) (UNCLASSIFIED)

Hi William - Thanks for confirming receipt--I was beginning to wonder!

And thanks for asking before releasing. Our view is that these comments are regarding (according to the applicant) a "Final" plan, and that they are purely intended as interagency deliberative to inform the Corps decision only. I think we can agree that this project has had more than the "typical" opportunities for the applicant to respond to comments. To avoid an endless cycle, we recommend the Corps move forward with a decision at this time without another round of review and comment from HudBay. Please call me to discuss this further if you are contemplating release.

Best,
Jason

Jason A. Brush
Supervisor, Wetlands Section
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-2-4)
San Francisco, CA 94105
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desk: 415.972.3483
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-----Original Message-----
From: JAMES, William L CIV USARMY CELRD (US) [mailto:William.L.James@usace.army.mil]
Sent: Wednesday, October 18, 2017 12:49 PM
To: Brush, Jason <Brush.Jason@epa.gov>

Agency Equity / Referral / Consultation

Agency Equity / Referral / Consultation

-----Original Message-----
From: Brush, Jason [mailto:Brush.Jason@epa.gov]
Sent: Thursday, October 05, 2017 11:35 PM
To: Townsley, Edwin S CIV CESPD CESPD (US) <Edwin.S.Townsley@usace.army.mil>
Cc: JAMES, William L CIV USARMY CELRD (US) <William.L.James@usace.army.mil>; Cummings, Deanna L CIV USARMY CESPA (US) <Deanna.L.Cummings@usace.army.mil>
Subject: [EXTERNAL] EPA comments on Rosemont Final Habitat Mitigation and Monitoring Plan (September 12, 2017)
Importance: High

Stu - Thanks to you and your team for forwarding Hudbay's Final Habitat Mitigation and Monitoring Plan (HMMP) and requesting our input. I am transmitting for your consideration three documents reflecting EPA technical staff analysis pertinent to SPD's assessment of the HMMP: 1) a Significant Degradation analysis of direct impacts (which under the regulations can only be overcome through compensatory mitigation); 2) an analysis of the most current information on secondary impacts to surface waters from groundwater drawdown (a direct consequence of the permitted discharges); and 3) our technical and policy assessment of the Final HMMP itself.

In summary, we find that the proposed mitigation described in the Final HMMP--located outside the impacted watershed-would not avoid significant degradation to the impacted watershed (Cienega Creek). Even if individually successful, the proposed mitigation actions would inadequately replace the ecological services currently provided by the headwater stream network and interrelated terrestrial ecology covered by the proposed permit action. We find this to be the case independent of whether the Corps considers the secondary surface impacts from groundwater drawdown.

Please don't hesitate to contact me or my staff to discuss the HMMP and address any questions regarding our analysis.

Respectfully,

Jason A. Brush
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CLASSIFICATION: UNCLASSIFIED