EARTHJUSTICE

August 16, 2018

Mike Stoker
Region IX Administrator
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
(415) 947-8000

Via Email: miller.amy@epa.gov

Re: Request for a Site Visit to the Rosemont Open Pit Copper Mine with the Tohono O'odham Nation, Pascua Yaqui Tribe, Hopi Tribe, and U.S. Army Corps of Engineers

Dear Mr. Stoker and Ms. Miller:

On behalf of the Tohono O'odham Nation, Pascua Yaqui Tribe, and Hopi Tribe (collectively, the Tribes), we respectfully invite you to attend a site visit to the proposed Rosemont Mine on September 20, 2018 with the U.S. Army Corps of Engineers (Corps). The site visit is a critical part of the Tribes' government-to-government consultation with the Corps regarding its review of a Clean Water Act Section 404 Permit for the proposed Rosemont Mine. Region IX of the U.S. Environmental Protection Agency ("EPA") plays a central role in this decision-making process given your authority to veto a Section 404 Permit due to unacceptable, adverse effects on the aquatic environment, and your tribal trust obligations to the Tribes. Your staff's technical expertise regarding the impacts of the proposed mine on aquatic resources would provide a uniquely valuable contribution to the site visit and meaningfully add to its effectiveness.

Hudbay Minerals Inc. (Hudbay) proposes to construct an open-pit copper mine approximately 30-miles southeast of Tucson, Arizona in an area of significant, irreplaceable aquatic and cultural value. The proposed mine site contains regionally rare, largely intact mosaics of some of the highest quality streams and wetlands in Arizona. It is also a landscape of deep cultural, religious, and spiritual significance to the Tribes, including seeps, springs, wetlands and related wildlife habitat. The proposed mine is part of the Tribes' ancestral homelands and contains sacred burial sites and ancestral villages that date back thousands of years.

The Corps' Los Angeles District recommended denial of a 404 Permit due to, among other things, violation of state water quality standards, significant degradation of waters of the United States, Hudbay's failure to adequately mitigate those impacts, and the fact that the permit would be contrary to the public interest due in large part to the significant adverse effects on tribal resources. That decision is currently being re-evaluated by the Corps' South Pacific Division.

The Tribes requested government-to-government consultation with the Corps regarding the Los Angeles District's recommended denial of the 404 Permit. As part of this process, the Tribes' leaders propose to meet with the Corps, including General Helmlinger, on September 20, 2018, to visit the site of the proposed mine and the associated mitigation parcels.

The Tribes' respectfully request that you and relevant EPA staff attend this site visit to provide EPA's expertise and insight, both of which would be valuable to the consultation process and the evaluation of the § 404 permit.

Please let us know at your earliest convenience if and when you would be able to attend a site visit.

Sincerely,

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