UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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OFFICE OF THE
REGIONAL ADMINISTRATOR

Colonel D. Peter Helmlinger
Division Commander
South Pacific Division
U.S. Army Corps of Engineers
1455 Market Street
San Francisco, California 94103-1398

Subject: Rosemont Copper Mine

Dear Colonel Helmlinger:

Thank you for the opportunity for EPA to participate in South Pacific Division's April 18, 2017 meeting in Phoenix, Arizona regarding the hydrology and water quality impacts of the proposed Rosemont Mine. I understand the meeting was a useful review of the existing record on water quality and hydrologic modelling from the U.S. Forest Service, the Arizona Department of Environmental Quality (ADEQ), Pima County, and the applicant.

As you prepare a final Clean Water Act §404 permit decision, EPA remains available to share our technical and regulatory expertise. Based on the record presently available, our conclusions regarding significant risk to regional water quality remain as stated in EPA correspondence. If any information that was not considered in the Los Angeles District's draft permit decision becomes available to you in your deliberations, my team stands ready to assist.

The discharge of dredged or fill material fundamental to this project will create a facility that requires active dewatering throughout the life of the project, which will have a profound drying effect on sensitive surface waters of the United States. These waters include "Tier 3" reaches of Davidson Canyon and Cienega Creek, where degradation is prohibited, and unique aquatic habitats in the Congressionally designated Las Cienegas National Conservation Area.

As the South Pacific Division concludes its review of the Los Angeles District's findings, EPA encourages a critical, independent evaluation of whether proposed safeguards and mitigation measures will effectively avoid the significant reduction in assimilative capacity, and thus water quality, of sensitive aquatic resources. EPA acknowledges ADEQ's conclusions with respect to its authorities under §401 of the Clean Water Act; EPA has no formal role in that certification. Our letter of April 12, 2015 emphasizes the Corps' duty to consider broader water quality aspects, consistent with regulations such as the 404(b)(1) Guidelines' significant degradation provisions and the water-related findings required of the Corps' Public Interest Review.

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Thank you for your partnership in implementing the programs of the Clean Water Act. Please refer your review team to Elizabeth Goldmann with any questions or concerns regarding EPA's analysis at (415) 972-3398.

Sincerely yours,

Alexis Strauss 28 April 2017

Alexis Strauss
Acting Regional Administrator