DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SOUTH PACIFIC DIVISION
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CALIFORNIA 94102

May 4, 2022

SUBJECT: Rosemont Copper Mine

Javier Del Rio
Rosemont Copper Company
5255 E. Williams Circle Suite 1065
Tucson, Arizona 85711

Dear Mr. Del Rio:

I am writing to acknowledge receipt of your letter dated April 28, 2022, regarding "surrender" of the Department of the Army permit (DA), issued to Rosemont Copper Company (Rosemont) associated with the Rosemont Copper Mine project (SPL-2008-00816-MB). The DA permit authorized Rosemont to permanently and temporarily discharge fill material into 48.48 acres of waters of the United States through clearing, grubbing, and grading activities on the Rosemont Mine site, construction of off-site roads and utility lines, and construction of compensatory mitigation at the Sonoita Creek Ranch/Rail X Ranch site, Gunsight Pass stock tank, McCleary Canyon stock tank, Rosemont Crest stock tank, and Barrell Canyon East stock tank, in Pima and Santa Cruz Counties, Arizona.

While any permittee has the option to not proceed with activities authorized under a DA permit, there is not a regulatory process to "surrender" a DA permit. Instead, the USACE regulations that govern revocation of DA permits are found at 33 C.F.R. § 325.7. Those regulations provide in pertinent part that the "district engineer may reevaluate the circumstances and conditions of any permit, . . . at the request of the permittee . . . , and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the public interest." 33 C.F.R. § 325.7(a). "Among the [public interest] factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the authorized activity have changed since the permit was issued or extended, and the continuing adequacy of or need for the permit conditions; any significant objections to the authorized activity which were not earlier considered; revisions to applicable statutory and/or regulatory authorities; and the extent to which modification, suspension, or other action would adversely affect plans, investments and actions the permittee has reasonably made or taken in reliance on the permit." *Id.*

The South Pacific Division Commander suspended the DA permit on March 8, 2019. Following a permit suspension, the authority making the decision may decide to reinstate, modify, or revoke the permit. *See* 33 C.F.R. § 325.7. No decision has yet been made to reinstate, modify, or revoke the DA permit. The DA permit remains suspended until any

such final decision. Accordingly, USACE views your letter as a request to revoke the DA permit, and will process Rosemont's request to "surrender" the DA permit under 33 C.F.R. § 325.7(d).

If you have any questions about revocation of a DA permit, I can be reached at Tori.K.White@usace.army.mil or (415) 503-6530.

Sincerely,

Tori K. White

Tori K. White
Chief, Operations and Regulatory

Copy Furnished:
Matt Bingham, Hudbay Minerals, Inc., 5255 E. Williams Circle Suite 1065, Tucson, Arizona 85711