Brush, Jason

From: Brush, Jason
Sent: Thursday, August 29, 2013 9:11 AM
To: PerezSullivan, Margot; Goforth, Kathleen
Cc: Harris-Bishop, Rusty
Subject: Re: From Tony Davis: Re: From Tony--welcome back to my questions

B5 [redacted]

From: PerezSullivan, Margot
Sent: Thursday, August 29, 2013 8:50:11 AM
To: Goforth, Kathleen; Brush, Jason
Cc: Harris-Bishop, Rusty
Subject: FW: From Tony Davis: Re: From Tony--welcome back to my questions

Hi Kathleen and Jason,
Please let me know if you have the answers to these questions. Tony's story is running on Sunday and apparently Rosemont is having a press conference today. Ideally he'd like the answers before then, but just needs them before the weekend. Thanks!

From: Tony Davis [mailto:verdin@azstarnet.com]
Sent: Wednesday, August 28, 2013 5:46 PM
To: PerezSullivan, Margot
Subject: From Tony Davis: Re: From Tony--welcome back to my questions

Margot,
One more history-today question.
As you are probably well aware, back in 2012, EPA characterized the Draft Rosemont EIS as EU-3, environmentally unacceptable, Here is what Mr. Blumenfeld said in his letter to the USFS in Feb. 2012, according to our story at the time:
The EPA gave the lowest possible rating to a draft environmental impact statement for the proposed Rosemont copper mine.
It's one of about a dozen times the Environmental Protection Agency's San Francisco regional office has done so since 1989.
"Based on the magnitude of the environmental impacts described ... and the significant inadequacies of the document, EPA believes the project should not proceed as proposed," EPA Regional Administrator Jared Blumenfeld wrote Feb. 21 to the U.S. Forest Service in one of two highly critical letters he wrote about the planned mine south of Tucson.
Does your staff still believe that, in regard to the current, preliminary administrative draft of the Final EIS? EPA made numerous recommendations for changes and more research this go-round, but also acknowledged that the USFS had made many improvements in this draft compared to the earlier one.
Also, does EPA still believe that, "the project should not proceed as proposed?"
Thanks and sincerely,
Tony Davis
Arizona Daily Star
520-349-0350 C
520-806-7746 O
On Aug 28, 2013, at 4:21 PM, PerezSullivan, Margot wrote:

Yes, it is true that both those referral options remain on the table.

From: Tony Davis <verdin@azstarnet.com>
Sent: Wednesday, August 28, 2013 5:31:30 PM
To: PerezSullivan, Margot
Subject: From Tony--welcome back to my questions

Margot,

As you know, I have been asking your Region 9 wetlands staff numerous questions about Rosemont Copper's mitigation plan for its 404 permit application with the Corps. I do have a followup, but only one category of questions this time.

In the past, EPA has said that this 404 permit is a good potential candidate for referral to Washington, D.C. for handling by the Corps' and EPA's Washington, D.C. office. Here's how we described the situation in early 2012, following the release of two critical letters from EPA on the 404 permit application and on the Forest Service draft Rosemont EIS. The story quoted Region 9 administrator Jared Blumenfeld:

"The above considerations, if unresolved, could provide an adequate basis for permit denial under the regulations in any environmental setting" where federally regulated washes are affected, he wrote.

Blumenfeld said if the issues he raised aren't resolved, the EPA may refer the environmental impact statement to the Council on Environmental Quality in the White House. The agency may also request a review of the corps permit issue by EPA and corps officials in Washington, D.C.

Both actions would be very unusual.

My question is: Has anything changed in this regard since early 2012, regarding EPA's broader view on the mine issues and the 404 permit in general? Is it still a possibility that EPA could refer the Forest Service ?EIS to the CEQ, and the 404 permit to EPA and Army Corps officials in Washington, D.C.?

Thanks a lot,

Tony Davis
Environmental Reporter
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