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Forest
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File Code: 1950-3

Date: June 6, 2008

Honorable Raul Grijalva
Chair, Subcommittee on National Parks, Forests, and
Public Lands; Natural Resources Committee
United States House of Representatives
1440 Longworth House Office Building
Washington, DC 20515

Dear Chairman Grijalva:

Thank you for your letter of May 22, 2008, co-signed by your colleague, Honorable Gabrielle Giffords, regarding the National Environmental Policy Act (NEPA) scoping process underway on the Coronado National Forest for a proposal to develop a copper mine and ore processing facilities in the Santa Rita Range of the Nogales Ranger District. Your correspondence requests suspension of the ongoing National Environmental Policy Act review of this proposal, noting that you believe "the scoping process has been flawed from the beginning and should be restarted."

To begin, I do not underestimate the environmental, social, and economic significance of the proposed Rosemont Copper Project. Few things I consider will have greater effect on the land or nearby communities. I know we agree that thorough scoping is paramount to development of the Environmental Impact Statement. The current overwhelming success of the scoping process to elicit so many comments from so many perspectives is testament to the depth of public interest. It is also proof, I believe, of the effectiveness of the scoping process as conducted thus far. In this regard, I will continue to faithfully execute the laws of the United States and the policies of the Forest Service, among which is a recognition of the rights of the public to fully participate in NEPA balanced carefully with the rights of those who legally claim, mine and process locatable minerals. And while these rights may compete, they will both be fully respected.

Historically, the resolution of competing values within a legal framework has always been a principal responsibility of the Forest Service. Forest Service founder Gifford Pinchot famously stated this principle: "Where conflicting interests must be reconciled, the question shall always be answered from the standpoint of the greatest good of the greatest number in the long run." More than a century since passage of the 1872 Mining Act, the Rosemont Copper Project proposal will meet many "conflicting interests" within an increasingly complex social context, but I trust that NEPA will move us toward reconciliation. However, I also recognize that while the NEPA process is central, it is not the only one at work. Clearly, I recognize and respect other legal, social, and political forces that will inform the outcome.



My ideal model for proceeding through the NEPA process includes moving ahead, where possible and appropriate, on parallel tracks with the proponent, our cooperators, and our consultants to jointly explore outcomes. Our goal is to foster a community of participation and to seek relevant breakthroughs that add quality and credibility to the process. It will take the combined intelligence, creativity and open minds of everyone involved to generate collaborative solutions to the complex questions posed by Rosemont's mining proposal.

Currently, my staff and I are exploring some ideas intended to expand participation within the existing legal and policy framework and to more fully involve and inform the public, the media, and all interested independent proponent and opponent groups. In this effort, we invite and encourage Congressional participation. Such an enhanced communication process, implemented at this juncture, will allow scoping (and ongoing public participation) to accomplish more, with better result, within a timeframe acceptable to all. I have directed that we move forward as follows:

1. Honor the considerable accomplishments of the existing scoping process. While scoping may not have been perfectly implemented in the eyes of everyone, it has complied with and exceeded all legal requirements. Indeed, the scoping process was significantly modified and improved in accordance with recommendations made by Congresswoman Giffords. Now, we must not discount the efforts of all those who have already gone to exceptional lengths to participate by studying the proposal, traveling to meetings, and providing comments. The results are too valuable to abandon. However, as we have shown in the past, as we move forward we will continue to give due consideration to reasonable adjustments that will ensure thorough scoping to identify issues.

Further, we are inviting the review of the NEPA staff at our Southwestern Regional Office at various checkpoints throughout the NEPA process. The review will first examine the adequacy of scoping, and the Coronado National Forest will implement any recommended action items in a timely manner (prior to the conclusion of scoping on July 14, 2008).

2. In response to involving workgroups, we are exploring options to establish a prototype to test feasibility of this form of public involvement. Our first test will be a small workgroup to examine the proposed content analysis process, which is how we analyze comments received during scoping.

3. We are proceeding to design, develop and implement an improved Rosemont Copper Project website that not only provides improved access to information, but also allows governments, private citizens, interested groups, the media, and the proponent enhanced opportunities to interact with each other and collaborate on the NEPA process.

I believe these steps will better serve interested parties and ultimately will provide qualitative improvements for communication about the Rosemont Copper Project proposal during the remainder of the scoping process and, just as importantly, into the upcoming analysis process. I appreciate your active commitment to this issue and I make myself available to you, Congresswoman Giffords, or your respective staff, for further discussion of these actions.

In closing, please note that I am also sending this response to your colleague, the Honorable Gabrielle Giffords.

Please feel free to contact me or my communications lead, John Able at (520) 388-8322.

Sincerely,

//s Jeanine A. Derby

JEANINE A. DERBY
Forest Supervisor

cc: Corbin Newman, Regional Forester, Southwestern Region
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