



DEPARTMENT OF THE ARMY  
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS  
Phillip Burton Federal Building  
Post Office Box 36023  
450 Golden Gate Avenue  
SAN FRANCISCO, CALIFORNIA 94102

23 August 2019

Regulatory Division (SPL-2008-00816-MB)

Rosemont Copper Company  
Attn: Ms. Katherine Ann Arnold, P.E.  
5255 East Williams Circle, Suite 1065  
Tucson, Arizona 85711  
kathy.arnold@hudbayminerals.com

### NOTICE OF PERMIT SUSPENSION

Dear Ms. Arnold:

I am writing to inform you that I am suspending your Department of the Army (DA) permit, issued on March 8, 2019, for the Rosemont Copper project (SPL-2008-00816-MB). This suspension is effective immediately. The permit authorized the permanent and temporary discharge of fill material into 48.48 acres of waters of the U.S. 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 Barrel Canyon East stock tank. The project areas are located in Pima and Santa Cruz Counties, Arizona.

The U.S. Forest Service (USFS), as the lead federal agency for compliance with the National Environmental Policy Act, prepared an Environmental Impact Statement (EIS) for the proposed action, with the U.S. Army of Corps of Engineers (Corps) as a cooperating agency. Within our March 8, 2019, Record of Decision for the project, the Corps adopted the EIS prepared by the USFS. As you know, on July 31, 2019, the U.S. District Court for the District of Arizona vacated and remanded the Final EIS prepared by the USFS. Because the Corps relied on the Final EIS in approving the DA permit, I have determined it is in the public interest to suspend the permit in accordance with our regulations at 33 C.F.R. § 325.7(c). You are not authorized to discharge dredged or fill materials in waters of the U.S.

You may request a meeting with me and/or a public hearing within 10 days of receipt of this notice of suspension to present information in this matter. If a public hearing is requested, normal procedures of 33 C.F.R. Part 327 will be followed. In addition, while the permit is suspended, the Corps will not make any determinations on requests for approvals related to the permit, to include the proposed financial assurance and restrictive covenant. Any future actions to reinstate, modify, or revoke the permit will be conducted in accordance with the procedures found in 33 CFR § 325.7.

If you have any questions about this decision, please contact Wade Eakle, Regulatory Program Manager for the South Pacific Division, at telephone (415) 503-6577 or by email at [Wade.L.Eakle@usace.army.mil](mailto:Wade.L.Eakle@usace.army.mil).

Sincerely,



D. Peter Helmlinger, P.E.  
Brigadier General, USA  
Division Commander,  
Northwestern Division

Copy Furnished:

Mr. Kerwin Dewberry, Forest Supervisor, United States Forest Service, Coronado National Forest, 300 West Congress St., Tucson, AZ 85701

Mr. Jeffery A. Humphrey, Field Supervisor, United States Fish and Wildlife Service, Arizona Ecological Services Office, 9828 North 31st Avenue, Suite C3, Phoenix, AZ 85051

Mr. Michael Stoker, Regional Administrator, United States Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105