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Federal Judge Halts Construction of Rosemont Mine in Arizona

TUCSON, *Ariz.*— A federal judge today [overturned](#) the U.S. Forest Service’s approval of a controversial open-pit copper mine in southern Arizona’s Santa Rita Mountains, citing the agency’s “inherently flawed analysis from the inception of the proposed Rosemont Mine.” The ruling blocks Toronto-based Hudbay Minerals from beginning construction on the proposed \$1.9 billion mine in the Coronado National Forest, 30 miles southeast of Tucson.

“We are heartened that the federal judge recognized that the Forest Service fell short in their duty to protect public lands and resources,” said Gayle Hartmann, president of Save the Scenic Santa Ritas. “Our public lands are a public trust, and we must not allow them to be illegally used to enrich a foreign mining company.”

Save the Scenic Santa Ritas, the Center for Biological Diversity, the Arizona Mining Reform Coalition and the Sierra Club’s Grand Canyon Chapter filed a [lawsuit](#) in November 2017 challenging the Forest Service’s approval of the mine. The Center also [sued](#) the U.S. Fish and Wildlife Service over its determination that the mine would not jeopardize threatened and endangered species. A decision in that case is pending.

“This is a crucial victory for jaguars and other wildlife that call the Santa Ritas home,” said Randy Serraglio, conservation advocate at the Center. “The judge’s ruling protects important springs and streams from being destroyed. We’ll move forward with everything we’ve got to keep protecting this southern Arizona jewel from this toxic mine.”

In 2017 the Forest Service issued a “record of decision” for the Rosemont Mine, saying the project complies with environmental laws and regulations and should proceed. The decision authorized Hudbay to build and operate the mine for its projected life of 30 years. Today’s decision overturns the record of decision and the underlying environmental analysis for the mine project, sending both back to the Forest Service.

“Whether your concern is this proposed mine’s excessive water use, mountain of toxic mine tailings and waste rock and the harm it would do to the watershed for outstanding waters Davidson Canyon and Cienega Creek; the destruction of thousands of acres of public land; or the negative impacts to habitat for jaguars and other endangered species, this decision is good news,” said Sandy Bahr, chapter director for Sierra Club’s Grand Canyon (Arizona) Chapter. “This decision means the Santa Rita Mountains are about more than lining the pockets of a foreign mining company.”

In today’s [ruling](#), U.S. District Judge James Soto determined that the Forest Service violated federal mining and public land laws in approving the massive waste rock and tailings piles that would be located on Forest Service lands. Judge Soto said no work on the mine could begin due to the fundamental violations of federal law.

“Given the magnitude of the errors,” Judge Soto wrote, “allowing the Rosemont Mine to proceed while the Forest Service conducts further proceedings... is unwarranted.”

“Today’s decision by Judge Soto will help ensure that Arizona’s communities and the environment will be protected from the ravages of this ill-conceived and devastating mining proposal,” said Roger Featherstone, director of the Arizona Mining Reform Coalition. “Future generations will look back at these proceedings and marvel that our organizations and tribal governments needed to go to court to force the U.S. Forest Service to do what they are chartered to do — protect our water and natural heritage.”

Hudbay wants to blast a mile-wide, half-mile-deep pit in the Santa Rita Mountains and pile toxic mine tailings and waste rock hundreds of feet high across nearly 2,500 acres in the headwaters of Davidson Canyon, a tributary to Cienega Creek, which replenishes Tucson’s groundwater basin.

“The court correctly found that the Forest Service violated federal law in giving rights to Rosemont that the law does not recognize, making their entire decision approving the project illegal,” said Roger Flynn, director and managing attorney for the Western Mining Action Project, one of the attorneys representing the environmental groups.

More than 5,000 acres would be harmed by the mine, including nearly 4,000 acres of public land that would be covered by the mine’s waste dumps, processing plant and infrastructure.

The pit and waste dumps would remain as a permanent scar and environmental hazard. The mine would also destroy prime jaguar habitat, land that’s critical to the survival and recovery of jaguars in the United States.

The Rosemont Mine faces additional legal challenges not addressed by today’s ruling. The judge has not yet ruled on the merits of the groups’ March lawsuit [challenging](#) the U.S. Army Corps of Engineers’ issuance of a Clean Water Act permit for the mine. The mine, which would threaten critical water resources and wildlife habitat, cannot be constructed without the permit.

In September 2017 the Center [sued](#) to challenge a biological opinion from the U.S. Fish and Wildlife Service that determined the mine would not jeopardize threatened and endangered species in the area. The Forest Service relied on the Fish and Wildlife Service's opinion in its decision to approve the mine. In today's ruling, the judge said he will issue a separate order at a later date for this case.

The Court's also ruled in favor of the three American Indian tribes — the Tohono O'odham, Pascua Yaqui and Hopi — that filed a similar lawsuit challenging the Forest Service's approval of the mine. Like the environmental groups, the tribes have filed a lawsuit challenging the U.S. Army Corps issuance of the Clean Water Act permit. The tribes are represented by Earthjustice.

Save the Scenic Santa Ritas is a nonprofit organization working to protect the Santa Rita and Patagonia Mountains from environmental degradation caused by mining and mineral exploration activities.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 1.4 million members and online activists dedicated to the protection of endangered species and wild places.

Founded in 1892, the Sierra Club is a national nonprofit environmental organization with approximately 2.7 million members and supporters, including more than 60,000 in Arizona. Sierra Club's mission is "to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environment.

The Arizona Mining Reform Coalition represents 16 local, regional, and national organizations working in Arizona to improve state and federal laws, rules, and regulations governing hard rock mining to protect communities and the environment. We work to hold mining operations to the highest environmental and social standards to provide for the long term environmental, cultural, and economic health of Arizona.

The groups are represented by the Western Mining Action Project, a public interest law firm specializing in litigation on mining issues in the western states.