



National Headquarters

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November 9, 2020

via email

Santa Cruz County Board of Supervisors

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Re: Memorandum of Understanding by and between Santa Cruz County Arizona and Arizona Minerals, Inc. to be considered at the November 10, 2020 Santa Cruz County Board of Supervisors' meeting.

Dear Santa Cruz County Board of Supervisors,

On behalf of Defenders of Wildlife, we write regarding the proposed Memorandum of Understanding ("MOU") by and between Santa Cruz County Arizona (the "County") and Arizona Minerals, Inc. ("AMI"). It has come to our attention that the Santa Cruz County Board of Supervisors (the "Board") plans to discuss whether the MOU should be approved at the Board's November 10, 2020 meeting. We strongly object to any approval or execution of the MOU, or any agreement by and between the County and AMI, until the public has had the opportunity to adequately comment or otherwise provide input on the matter.

We are specifically concerned that AMI's mining activities are not in compliance with the federal Endangered Species Act, 16 U.S.C. § 1531-1544. There are numerous endangered and threatened species in the vicinity of the Hermosa Project—including the Mexican spotted owl (threatened), yellow-billed cuckoo (threatened), and Gila topminnow (endangered)—which will be directly affected by AMI's mining and dewatering activities.

There is evidence demonstrating that mining activities associated with the Hermosa Project, such as noise and light pollution, significantly disrupt Mexican spotted owl reproduction. No offspring/fledglings were documented in the vicinity of the project within Mexican spotted owl critical habitat while drilling and remediation operations were taking place over the course of the last several years. Yet, two fledglings were documented this past summer when the Hermosa Project was largely shut down due to the COVID-19 pandemic. In addition, AMI's dewatering plan for the Hermosa Project proposes to pump 2,000–4,000 gallons of treated water per minute for several years into nearby Harshaw Creek.¹ This would be similar to the amount of water the creek takes on during monsoon season. AMI has yet to release additional information analyzing in detail the impacts of the dewatering on local species, habitat, or water resources—however, it is clear that the influx of water will have direct impacts on species that live in and along the riparian habitat of Harshaw Creek, such as the yellow-billed cuckoo and Gila topminnow.

Our concerns are further compounded by AMI's failure to provide requested information on the status of endangered and threatened species in the project area, which the company has prepared in conjunction with its mining plans. Federal agencies also have been slow to respond to Freedom of Information Act requests for similar information.

Given the outstanding concerns related to the Hermosa Project, including concerns related to federally-protected endangered and threatened species, we ask the Board not to approve the MOU at this time and to wait until the public has an opportunity to meaningfully engage on the matter.

If you would like to discuss the contents of this letter further, please feel free to contact us via the information provided in the signature blocks below.

Sincerely,



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¹ See South32 2020 7 21 County Presentation, YouTube (July 21, 2020) (video recording of the presentation), *available at* <https://www.youtube.com/watch?v=soihQBBWCcU>.