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From: Marshall Magruder, former Energy Commissioner, Santa Cruz County and City of Nogales

To: Arizona Attorney General, Kris Mayes

**Subject: Comments Concerning Issues and Impacts of 32 South Hermosa and “Rosemont” Mines**

Summary. Both mines have significant environmental, energy, water, utility rate and climate change impacts in Santa Cruz and Pima County. These comments, with attachments, recommend serious reviews of both mines to eliminate such impacts before granting approvals.

1. **South32 Hermosa Mine Issues and Impacts** (see Comments in Attachment A).

Issue 1 – An approved Certification of Environmental Compatibility (CEC) was issued in 2003 before NEPA scoping starts in Sept 2024 for this transmission line. The environment is the same on both sides of the Arizona and Federal land boundary. Environmental analyses should be done concurrently.

Issue 2 - This mine violates the County’s Comprehensive Plan’s Goals 1, 2, 6, 9, and 18 to 20. If approved, the Santa Cruz County Comprehensive Plan requires a “major” revision. – WHERE TO FIND?

Issue 3 – This transmission line is a “merchant” line. All future operation, maintenance, and removal costs must be borne by 32South.

Issue 4 – This line is in the Santa Cruz Active Management Area, thus ARS 40-360.13 WHERE? mine’s impacts on ground water and the effective AMA Plan are not included in Case 218 hearings or CEC.

Issue 5 – The mine’s peak electrical load will be over 90 MW, 24-hours a day, for over 60 years, more than present Santa Cruz County peak summer loads, with much lower electricity rates than any other ratepayers. The economic impacts on ratepayers were not considered.

Issue 6 – In January 2023, UNSE(Unisource) lost the county’s power for over 8 hours due to a failure on the 138kV line north of Rio Rico. The 67 MW of backup generation power in Nogales cannot support a mine. The 32South Mine Plan of Operations (MPO) initially uses over 50 gas turbines to provide power; however, the environmental impacts of these turbines are not known or considered in Case 218.

Issue 7 – Only 159 UNSE ratepayers, including some in Mexico, will have better reliability on the existing 13.2 kV distribution line. Service for most is not improved on the most unreliable USNE circuit.

Issue 8 – In 1877, a 7.8 magnitude earthquake, about 100 miles south, caused serious damage in Tucson. Loss of power damage control measures must be considered due to miners’ safety underground. NO SEISMIC INFO IN THE MPO

Issue 9 – This is a critical habitat area for Jaguars and Ocelots, both in this area with 3 major concerns: explosion and vehicle noise, excessive night light, busy roads. The mine has all three; no alternatives.

Issues 10 and 11– The MPO shows major new roads for high traffic on curvy roads with unknown cost and funding, long first responder times. The South Harshaw-Duquesne is initially used to be replaced by a major upgrades to Flux Canyon Road. Excessive use of the Anne McGreevy Memorial Arizona Scenic Highway SR-82 will be overburdened with heavy vehicles. See Recommendation below.

Issue 12 – Case 218 transmission line did not include a fiber optic cable. It also requires a FS permit.

Issue 13 – Rio Rico switchyard is adjacent to Potrero Creek that washed out a bridge 20 years ago. FERC requires transmission systems to be outside the 500-year flood plain, not mentioned in Case 218.

Issue 14 – The Asst. Secretary of Defence is concerned with the transmission line’s electromagnetic radiation impacts on its Buffalo Soldier Test & Training Range. Not resolved in Case 218.

Issue 15 – The Sierra Vista Ranger’s letter to Sen. McCain in 2018 eliminated all roads to the mine other than Flux Canyon due to remnants of the Mine Act of 1865 that I understand was recently overturned.

**Recommendations**:

1. That the Flux Canyon Road and South Harshaw-Duquesne be Alternatives in the forthcoming Environmental Impact Statement analysis to alleviate traffic on Scenic Road SR-82.
2. That the above issues be reviewed, and the CEC updated and coordinated with the EIS.
3. **“Rosemont” and Copper World Mine Issues and Impacts** (see Attachment B).

Since 2007, I have intervened in transmission line, water and air pollution issues involving this mine. Ownership has shifted three times with the latest (HubBay) changing from one deep pit mine, Rosemont in the Eastern Santa Ritas, to four deep pit CopperWorld mines on Santa Ritas west side. Differences are significant: water and view sheds, scope, mine plans, ecology, etc. Some Rosemont’s permits were retained with a 138 kV transmission line easement in Case 164 including 24-inch water lines and pumps, maintenance road, fence and some distribution lines. Rosemont pumped ground water just outside Sahuarita, a fast growing community. A CAP waterline is close to the pumps.

Issue 1 – Groundwater in the Pima AMA is decreasing several feet a year. Mine usage is significant. Since CAP water adequately washes tailings without treatment required for potable CAP water, groundwater depletion is reduced by using CAP for the mines. Require HudBay to use CAP and no groundwater.

Issue 2 – As per ARS 45-157, during a water shortage, such as our present 28-year drought, the value of water shall be used for determining users: 1. Domestic and municipal uses; 2. Irrigation and stock watering, 3. Power and mining uses, 4. Recreation and wildlife, and 5 nonrecoverable water storage. Mines are after communities, such as Sahuarita.

Issue 3 – Before the ‘bate and switch’ from Rosemont to HudBay, ALL vehicles were to use the eastern side of the Santa Ritas; no traffic on the dirt Santa Rita Road through the Santa Rita Experimental Range (SRER) established in 1902. Workers bussed to reduce traffic. Now, HudBay’s CopperWorld will use Santa Rita Road for ALL Vehicles. This will have negative environmental impacts for future SRER studies, the most famous, long-tern desert environmental and ecological studies. This is important for climate change monitoring and analysis. The noise, dust, night lights, and other human impacts can make these studies and analyses less valid at a time when most important, right now. HudBay should not use Santa Rita Road for any traffic.

**Recommendations**

1. That HudBay use CAP water and not use ground water to wash rocks.
2. That HudBay not use Sant Rita Road for any traffic for its mines.

Respectfully submitted,

Marshall Magruder

ATTCHMENTS.

1. Public Comments by Marshall Magruder, Line Siting Case 218, 16 April 2023

B1. Brief and Exceptions to the Certificate of Environmental Compatibility Issued 20 Dec. 2011.

B2. Magruder Exhibit MM-6 (Rev A)