COUNTY ADMINISTRATOR'S OFFICE
PIMA COUNTY GOVERNMENTAL CENTER
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JAN LESHER
County Administrator

October 28, 2026

Honorable Senator Mark Kelly
1661 N. Swan Rd., Suite 238
Tucson, Arizona 85712

Re: **Pima County's Opposition to the Mining Regulatory Clarity Act and Related Provisions in BAAJA**

Dear Senator Kelly:

I am writing to urge you to oppose legislation that would enable mining companies to use federal public lands by right and at the expense of all other uses. The Bipartisan American Affordability and Jobs Act (BAAJA) incorporates language first introduced in 2023 under the Mining Regulatory Clarity Act and a related act. In response, Pima County adopted Resolution 2023-12 opposing this and similar legislation (attached). In 2025, a similar version of the Mining Regulatory Clarity Act was introduced, and Pima County similarly urged your opposition.

For the people of Pima County, opposition to this legislation is even more relevant today than in previous years. Last week the Canadian and Japanese owners of the Copper World Project released a definitive feasibility study stating their intention to expand their proposed copper mine onto the Coronado National Forest lands within 10 years, pending federal legislation like this. This Act is intended to overturn the decision by the United States District Court for the District of Arizona, upheld by the Ninth Circuit Court of Appeals, that halted construction of the proposed Rosemont Mine on the eastern slopes of the Santa Rita Mountains in Pima County upstream of Tucson, and specifically the dumping of waste rock and tailings on thousands of acres of the Coronado National Forest.

Pima County continues to oppose large scale open pit copper mining in the Santa Rita Mountains due to the irreparable harm it will cause to the significant natural and cultural resources of the area, as well as the severe impacts to water resources in two watersheds. One of these watersheds is the sole source of water for residents in the Sahuarita and Green Valley communities and it is already experiencing water level declines and areas of subsistence. The severity and likelihood of these significant impacts led Pima County to approve four separate resolutions opposing the Copper World Project, the latest of which was approved in 2025 and is attached.

Pima County is not anti-mining; we maintain strong relationships with our two largest copper producers Freeport McMoRan and ASARCO. The County has long advocated for meaningful mining reform, acknowledging that mining is necessary and should occur in places and with methods that protect the health, safety and welfare of Pima County residents. We continue to seek comprehensive mining reform akin to the comprehensive, science-based and community informed conservation planning undertaken by our local community and Federal agencies that resulted in the Sonoran Desert Conservation Plan; a plan for which we are celebrating the 25th anniversary this year.

Please oppose stand-alone legislation or similar provisions being incorporated into other legislation, such as the BAAJA, that allows by right such irreversible impacts on our public lands, waters and communities.

Sincerely,



Jan Lesher
Pima County Administrator

Attachments

c: The Honorable Chair and Members, Pima County Board of Supervisors
Carmine DeBonis Jr., Deputy County Administrator
Steve Holmes, Deputy County Administrator
Chad Kasmar, Deputy County Administrator
Nicole Fyffe, Senior Advisor, County Administrator's Office

ATTACHMENT 1

RESOLUTION NO. 2023-12

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS OPPOSING THE PERMITTING FOR MINING NEEDS ACT AND THE MINING REGULATORY CLARITY ACT, AND SUPPORTING MEANINGFUL MINING REFORM

WHEREAS, Pima County and the Pima County Board of Supervisors have long advocated for meaningful reform of the 1872 Mining Law, acknowledging that mining is necessary and should occur in places and with methods that protect the health, safety, and welfare of our County's residents; and

WHEREAS, on January 2, 2023, the "Permitting for Mining Needs Act of 2023" was introduced as H.R. 209 in the United States House of Representatives; and

WHEREAS, on April 25, 2023, the "Mining Regulatory Clarity Act" was introduced as S. 1281 in the United States Senate; and

WHEREAS, both Acts do not provide meaningful mining reform and instead would make it easier for mining companies to gain access to federal lands at the expense of all other uses such as recreation, tourism, conservation, watershed protection, climate mitigation, traditional uses by Tribal Nations, cultural and historic preservation, healthy forest management, and other uses that contribute significantly to the local, state, and national economies; and

WHEREAS, both Acts would allow mining companies to "... use, occupy, and conduct operations on public land, with or without the discovery of a valuable mineral deposit." This includes dumping waste and tailings on federal land without the need to prove valid mining claims, as well as on federal land absent of claims; and

WHEREAS, both Acts would authorize actions where mining companies secure rights on our federal public lands through unpatented mining claims without proving that the claims are valid, actions that have occurred for too many years; and

WHEREAS, both Acts are intended to legislatively reverse recent decisions by the United States District Court for the District of Arizona ("District Court") in 2019 and the Ninth Circuit Court of Appeals ("Ninth Circuit") in 2022 halting the construction of the proposed Rosemont Mine on the eastern slopes of the Santa Rita Mountains, located in Pima County, and the dumping of waste rock and tailings on 2,500 acres of unpatented mining claims in the National Forest; and

WHEREAS, the District Court's ruling, which the Ninth Circuit later affirmed, confirmed a long-standing concern, raised by Pima County since the beginning of the Rosemont Mine federal review process in 2006, that Federal agencies such as the U.S. Forest Service failed to consider whether Rosemont held valid unpatented mining claims; and

WHEREAS, the District Court's ruling confirmed that the Forest Service needs to consider reasonable alternatives when reviewing mining proposals, providing the opportunity for a more balanced approach to public lands management.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Pima County Board of Supervisors opposes the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act, as well as any similar legislation that attempts to allow mining projects on public lands in areas without mining claims and in areas with unproven mining claims, and supports meaningful mining reform;
2. The Pima County Board of Supervisors calls on Arizona's Congressional delegation to oppose the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act;
3. The Pima County Board of Supervisors directs the County Administrator and the County's Federal lobbyists to take the necessary measures to communicate Pima County's opposition to the Permitting for Mining Needs Act and the Mining Regulatory Clarity Act;
4. The Pima County Board of Supervisors directs that communications to our Congressional delegation emphasize Pima County's support for meaningful mining reform and our record of supporting mining projects in Pima County that adhere to local health, safety, and conservation guidelines;
5. The Pima County Board of Supervisors opposes piece-meal legislation that does not address the issue of mining reform comprehensively; and
6. The Pima County Board of Supervisors affirms support for the rulings by the District Court and the Ninth Circuit Court of Appeals, which is consistent with past resolutions and actions of the Pima County Board of Supervisors.

Passed by the Board of Supervisors of Pima County, this 16th day of May, 2023.

Adelita S. Grijalva MAY 16 2023

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

Daniel Jurkowitz, Deputy County Attorney

ATTACHMENT 2

RESOLUTION NO. 2025-49

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS REAFFIRMING OPPOSITION TO THE PROPOSED COPPER WORLD PROJECT

WHEREAS, in January 2007, the Pima County Board of Supervisors approved Resolution No. 2007-15 opposing the proposed Rosemont Mine in the Santa Rita Mountains because of the significant impacts the proposal would likely have on the area's natural and cultural resources;

WHEREAS, in April 2019, Pima County Board of Supervisors approved Resolution No. 2019-28, reaffirming Resolution 2007-15 opposing the Rosemont Mine, and considering Rosemont Copper Company's failure to address the County's concerns regarding the significant impacts the proposal would likely have or to offer sufficient mitigation for those impacts;

WHEREAS, in June 2022, Pima County Board of Supervisors approved Resolution No. 2022-32 reaffirming Resolution 2007-15 and Resolution 2019-28 after plans were announced to develop portions of the mine on the west side of the Santa Rita Mountains on private land east of Sahuarita and Green Valley and south of Corona de Tucson, and the name of the project was changed to Copper World;

WHEREAS, the proposed Copper World Project ("Project") includes the construction of up to five open-pit mines as well as new waste rock and tailing storage facilities, processing facilities, and associated infrastructure such as new haul roads and new water production wells;

WHEREAS, the proposed Project would cause irreparable harm to the network of ephemeral streams in and around the project area, as well as downstream perennial waters, including Cienega Creek, an Arizona Outstanding Water, and aquifers that contribute to Tucson's groundwater;

WHEREAS, the Project is proposing to pump thousands of acre feet of water a year from wells adjacent to the Santa Cruz River, significantly increasing groundwater withdrawals from the Tucson Active Management Area with minimal replenishment in the area of withdrawal;

WHEREAS, the Project will likely drastically increase heavy truck traffic across the unpaved portion of Santa Rita Road, and correspondingly drastically increase the amount of fugitive dust released into nearby communities, which may result in exceedances of the health standards for particulate matter that could lead to a nonattainment area designation by the Environmental Protection Agency against Pima County;

WHEREAS, the air permit issued to Copper World by the Arizona Department of Environmental Quality does not regulate fugitive dust pollution generated from Project traffic on the dirt roads outside of the Copper World facility boundaries because it is outside of the boundaries of the proposed project facilities;

WHEREAS, the proposed Project would result in significant harm to the County's Maeveen Marie Behan Conservation Lands System and associated wildlife habitat including habitat for threatened and endangered species;

WHEREAS, the proposed Project would have significant destructive impacts on cultural and archaeological resources known to occur in and near the area of the Project.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Pima County Board of Supervisors reaffirms its opposition to the proposed Project;

2. The Board of Supervisors directs the County Administrator and staff, as federal, state, and local authorities allow, to:

    a. Provide information to other entities as needed to document the County's continuing concerns about the impacts of the proposed Project as the Project evolves;

    b. Take all necessary measures to protect the health, safety, and welfare of residents of, and visitors, to Southern Arizona using or enjoying County infrastructure and resources affected by the Project;

    c. Take all necessary measures to protect the health, safety, and welfare of people using the air and water resources affected by the Project;

    d. Take all necessary measures to protect County Conservation Lands, and all lands within the Maeveen Marie Behan Conservation Lands System, that may be affected by the Project;

    e. Actively advocate at the State and Federal level against the Project, including the Project's proposed acquisition of 160 acres of State Trust land, that will facilitate the development of mine tailings near residential homes and the Copper Ridge Elementary School.

Passed, adopted and approved, this 21 day of Oct., 2025.

OCT 21 2025

Rex Scott, Chair
Pima County Board of Supervisors

ATTEST:

Melissa Manriquez, Clerk of the Board

APPROVED AS TO FORM:

Bobby Yu, Deputy County Attorney