SAVE THE SCENIC SANTA RITAS ASSOCIATION

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October 27, 2026

Senator Mark Kelly
Hart Senate Office Building
Suite 516
Washington, DC 20510

RE: Bipartisan Affordability and Jobs Act

Dear Senator Kelly:

On behalf of Save the Scenic Santa Ritas Association, I respectfully request an opportunity to meet with you and your staff to discuss why we believe it is imperative that you oppose passage of S. 5653 when it comes up for a cloture vote.

This bill has not followed the regular order of business. No hearings were held and to the best of our knowledge, no consultation with local governments or tribes took place before its release. The bill was introduced on Sept. 30, the day the Senate recessed before the mid-term elections. Majority Leader Thune has scheduled a cloture vote to move the bill to the floor on Nov. 9, the first day the Senate is in session after the election.

The lack of committee review, public comment and the compressed period from the time it was introduced to a cloture vote is unacceptable and completely shuts stakeholders out of the process. This bill requires serious, deliberate and comprehensive debate to avoid catastrophic outcomes.

Due process aside, we are extremely concerned about the bill's inclusion of language from the Mining Clarity Regulatory Act, which was written in response to the "Rosemont Decision." We were plaintiffs in this seminal case that addressed a serious violation of the General Mining Act of 1872 that allowed mining companies to dump waste rock and tailings on unpatented mining claims on federal land.

While the court decisions did not prohibit dumping mining wastes on the Coronado National Forest, they made it clear that mining companies did not enjoy that privilege as a matter of "right" but rather had to go through a regulatory process and get permission to do so.

Under S. 5653, mining companies could use and occupy any portion of a national forest it claimed was necessary for its operations. Mining would trump other uses on the federal lands. And while the Canadian company holding the claims on the Coronado National Forest moved its operations over to the west side of the Santa Rita Mountains to private land to avoid federal law, this bill would immediately free

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them to go back over the ridge and use the national forest as a waste dump and expand their planned massive pit at least another half mile onto federal land.

It is extremely important to understand that the company, Toronto-based Hudbay Minerals, intends to **export all the unrefined copper** it would extract from beneath the Coronado National Forest. After years of claiming it would produce finished copper on site to feed directly into the U.S. refined copper supply chain, Hudbay on Oct. 21 released its Copper World mining plan that reveals it would not process finished copper on site, leaving no choice but to export.

Hudbay's 30% joint venture partner is Japanese conglomerate Mitsubishi, which will likely ship its share of unrefined copper concentrate to its smelters in Japan. The balance is expected to be exported to China, which dominates the world copper smelting and refining market.

The Copper World mine would destroy the northern half of the Santa Rita Mountains and inflict massive damage to surface and groundwater supplies. The devastation would seriously damage a watershed that now provides renewable drinking water to the City of Tucson through two Outstanding Arizona Waters – Davidson Canyon and Cienega Creek -- that under state law are required to be protected from any degradation. Heavy metal contamination is already being detected in both creeks.

Copper World intends to draw at least 6,000-acre feet of groundwater (2 billion gallons) per year from well fields east of the Santa Cruz River near Sahuarita. The area is already experiencing ground subsidence and half of the aquifer has been polluted by sulfides from an existing mine west of I-19. Copper World will only increase the overdraft of a polluted aquifer. The area currently has no direct access to the Central Arizona Project canal and Hudbay's plans to build a $50 million pipeline/recharge project have languished for years. As you well know, future CAP allocations are in serious doubt.

There is no need to pass such seriously flawed legislation that hasn't gone through the normal committee review process during a lame duck Congress. This is an attempt to ram a far-reaching bill through the Senate without any debate and should be rejected. Hudbay's belated admission that it intends to export copper from its Copper World mine provides tangible proof why the Senate should not approve BAAJA.

Sincerely,



John Dougherty
SSSR Executive Director