



Lead NEPA Story: Arizona copper mine notches legal win

(Greenwire, 5/25/2022), Pamela King, E&E News Reporter

A federal court this week allowed a Canadian developer to move forward with a copper mine on private land in southern Arizona.

In an order Monday, Judge James Soto of the U.S. District Court for the District of Arizona declined to revive Clean Water Act claims environmental groups had raised against Hudbay Minerals Inc.'s stalled Rosemont Mine in their challenge to the company's nearby Copper World project.

Soto wrote that the challenge was moot because Hudbay had already surrendered its dredge-and-fill permit for the Rosemont project, and he

declined to require the Army Corps to prepare a supplementary National Environmental Policy Act review to examine Copper World.

"The Court finds that the Rosemont Mine Project and the Copper World Project have independent utility and are not connected or cumulative actions under NEPA," wrote Soto, an Obama appointee. "The Rosemont Mine Project was proceeding on its own in various stages for years before this Court stopped its progress."

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Executive Order 14008, Tackling the Climate Crisis at Home and Abroad: No 'simple fix': White House charts progress on environmental justice agenda

(Greenwire, 5/23/2022) Kelsey Brugger, E&E News Reporter

The White House launched a week of action this morning to highlight the Biden administration's progress on environmental justice, pointing to \$29 billion in the pipeline to support housing, clean up environmental hazards and support jobs in coal communities.

Administration officials expressed excitement "about the progress we are making" on Justice40, a plan to direct 40 percent of overall climate-related "investment benefits" to disadvantaged communities. That includes money from last year's infrastructure bill.

"It is not something that is going to happen overnight," an official, who spoke on condition of anonymity, stressed during a call with reporters.

The announcement follows a year of criticism from Republicans wary of the administration's equity agenda and environmental justice activists who worry that President Joe Biden won't make good on his promise to address their pleas.

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White House officials this morning took another opportunity to defend their work and unveiled a new EJ portal. They have described the effort as steering hundreds of ships, each representing a different federal program, and want to be more public about that work.

Last week, Vice President Kamala Harris joined EPA Administrator Michael Regan in northern Virginia to highlight \$500 million in funding to replace the nation's school bus fleet with zero-emission vehicles. EPA also announced more than \$9.6 billion through the state revolving funds for water infrastructure.

At the Department of Energy, the White House touted \$3 billion in spending from the Weatherization Assistance Program, which reduces energy costs for low-income households. DOE announced another \$3 billion to spur battery and clean energy research and development.

"In total, hundreds of federal programs, representing billions of dollars in annual investment — including programs that were funded or created in the President's Bipartisan Infrastructure Law — are being utilized to maximize benefits to disadvantaged communities through the Justice40 Initiative," the White House said in a fact sheet released today.

Exactly how the administration plans to count "investment benefits" of climate and clean energy funding has been a point of contention, with environmental justice advocates calling the calculation amorphous and expressing concern that corporate America could inadvertently reap the benefits.

The answer to that question remains somewhat unclear, but the White House, through the U.S. Digital Service, has been working on a mapping

tool using various health and environmental indicators to identify where to direct spending. A public comment period closed last week.

One piece of criticism from advocates has been about the tool's lack of race indicators. Administration officials have said race factors could expose the entire initiative to legal vulnerabilities from conservatives.

"An updated version of the screening tool, along with an updated technical support document, will be released after the feedback from the public comment period, Tribal consultations, and meetings with Federal agencies has been reviewed," said the White House today.

Among the White House Council on Environmental Quality's biggest critics have been an outside group of advisers whom the president appointed to help the administration implement Justice40 and other environmental justice efforts.

The White House Environmental Justice Advisory Council, known by its abbreviation, WHEJAC, last year issued 100 pages of recommendations, including some policy positions that conflicted with the Biden administration's stated goals.

The president, for example, is supportive of carbon capture and sequestration to help address climate change. Advocates have argued that carbon capture operations are built in front-line communities and, more broadly, extend the country's reliance on fossil fuels.

Today, the administration released its lengthy response to the recommendations, a task mandated under the Federal Advisory Committee Act. The document shows how agencies are "fundamentally" shifting their work to address environmental justice, officials said.

"We've taken these recommendations incredibly seriously over the past year, consulting them again and again as we develop the beta version of the Climate and Economic Justice Screening Tool," an official said on the conference call.

The White House's environmental justice work has also been affected by turnover. Earlier this month, CEQ announced a new senior director for environmental justice, Jalonne White-Newsome.

The official stressed that there is no "simple fix" to injustices that have spanned generations in the United States and are incredibly complicated.

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"The work that this report describes doesn't lend itself to a short sound bite or a catchy headline."

Clean Water Act: Missouri coal ash slugfest tests Supreme Court precedent

(Greenwire, 5/26/2022) Pamela King and Hannah Northey, E&E News reporters

Debate is roiling in Missouri over a proposal to walk back requirements for coal ash ponds — just as the Biden administration is ramping up federal oversight and new legal battles are burgeoning over the toxic waste.

The fight is also testing the boundaries of the Supreme Court's 2020 ruling in *County of Maui v. Hawaii Wildlife Fund*, which teed up decades of legal wrangling over the application of the landmark groundwater ruling to coal ash pollution.

During a public hearing Tuesday, local activists and residents excoriated the Missouri Department of Natural Resources (MDNR) over a proposed draft general permit for coal ash impoundments and other sites that opponents say would include no groundwater monitoring or effluent limits and would leave the public in the dark while allowing plant operators to continue polluting nearby waters.

Missouri's "permit does not have requirements frankly," said Tara Rocque, assistant director of the Interdisciplinary Environmental Clinic at the Washington University School of Law in St. Louis. "It has some standards for who would be covered, but those standards are nebulous and undefined and if used improperly could cover a wide range of sites."

She later added: "Permits should have requirements — otherwise, why have them?"

The proposal comes as the federal government is cracking down on coal ash, one of the largest sources of water contamination in the country. It is often stored in earthen lagoons that can leak toxins — including arsenic, a known carcinogen, and lithium, which is associated with

neurological damage — into groundwater and nearby waterways.

And in Maui, justices said that the federal government can regulate pollution that moves through groundwater on its way to surface waters under the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) — if it is the "functional equivalent" of a direct release. Regulation of groundwater pollution otherwise falls to states.

"The Supreme Court created a complicated set of criteria for decision making that can only be enforced by district courts," said Andrew Otis, a partner at the firm Locke Lord. "In order for this to become more rational and regular, EPA needs to go into rulemaking to basically determine when a discharge to groundwater requires an NPDES permit."

Rocque of Washington University, who attended Tuesday's hearing and represents residents living near coal plants along the Missouri and Mississippi rivers, said ash disposal sites in the state that are subject to NPDES permits could qualify for the proposed general permit, if it is finalized.

"It's ensuring that in a post-Maui world, recipients of this permit are isolated from liability," she said.

For example, one site that Rocque said could be eligible — the shuttered Chamois Power Plant in Osage County — has an NPDES permit that includes effluent limits, monitoring and compliance measures for old ash ponds at the facility.

All of those measures would be removed under Missouri's proposed permit, said Peter Goode,

environmental engineer for the Washington University law clinic.

He said: “They could switch to a general permit that really doesn’t require them to do anything.”

Heather Peters of MDNR’s Watershed Protection Section said the proposed general permit does consider Maui and is designed to meet regulations for NPDES permitting.

“However, the concerns raised [Tuesday] regarding the discharge of pollutants are misplaced,” she wrote, “because this permit would not authorize a discharge of pollutants that would have reasonable potential to exceed state surface water protection standards.”

MDNR expects to make a decision on the permit within 30 days.

Meeting transparency

Questions arose during Tuesday’s hearing about why MDNR met with industry officials on Jan. 26 — without giving notice of the meeting, inviting other groups to participate or providing notes from the gathering — ahead of publicly releasing the draft permit on March 4.

MDNR in the proposed permit documents noted that public meetings aren’t required for permits that apply to less than 50 facilities, but the agency opted to have one anyway on Jan. 26. Commenters countered there was no notice of that meeting.

Labadie resident Patricia Shuba accused MDNR of “catering” to industry while shutting out engagement from community members. Rocque and Goode of the Washington University law clinic said that they — despite being heavily involved in coal ash issues — only learned of the draft general permit accidentally through a Google search.

Peters of MDNR said the meeting information was available on its public calendar and that the department’s webpage contained a notice of intent to create the general permit.

She added that the proposal is the result of years of discussion and engagement with stakeholders, including the Labadie Environmental Organization, which Shuba leads.

“Some of those discussions and dialogues were part of the history and experience considered during the development of this general permit,” Peters wrote. “The Master General Permitting process includes a stakeholder process that includes and invites everyone to comment, as was demonstrated in [Tuesday’s] meeting.”

Craig Giesmann — senior manager of environmental services for Ameren Missouri, which was present at the January 26 meeting — wrote in an email to E&E News that the company is still reviewing the draft general permit and has yet to submit comments.

“It is our understanding that MDNR often takes comments from the industries that it regulates when it contemplates new rules and regulations that could potentially affect them,” Giesmann wrote. “The purpose of these meetings are to provide technical details.”

He added that Ameren Missouri employees live in the affected communities, too.

“We’re invested in being good environmental stewards,” he said, “and it’s important for us to get this right.”

Critics also warned the permit, if finalized, could shield leaking sites from lawsuits under the Clean Water Act and called on EPA to step in if Missouri didn’t scrap the proposal.

MDNR sent the draft permit to EPA’s Region 7 office on February 2 for review, according to documents obtained by the Washington University law clinic under the Missouri Sunshine Law.

“We do not have any comments,” wrote Sunny Wellesley, an NPDES permitting staffer in the regional office, in a March 4 emailed response to MDNR.

EPA Region 7 spokesperson Ben Washburn said the agency attended the Tuesday hearing.

“EPA is taking into consideration public concern in its review of the draft permit published for comment,” he said, “and we will be discussing any additional review with the state.”

'Please consider withdrawing this'

Questions also arose Tuesday about which sites would fall under the proposed general permit,

including Ameren Missouri's Meramec coal-fired power plant south of St. Louis along the Mississippi River — a facility that was slated to close two years ago.

"It's 2022, and the trains are still running," said Thomas Diehl, who lives near the facility. "The plant is still operating, pumping more pollutants in the air and dumping more coal ash into leaky ponds."

At the outset of Tuesday's hearing, MDNR officials laid out requirements for facilities to use the draft general permit.

They said the permit, which would span a period of five years if approved, would initially apply to two facilities — and possibly up to 10 in the future — but stopped short of identifying those operations.

The department said facilities wouldn't be eligible if they have a "reasonable potential" of triggering state water quality violations, or sites where groundwater monitoring hasn't yet been conducted or concluded. Any sites with contaminated stormwater runoff would also be

ineligible, as well as those with ongoing industrial activity.

MDNR said the permit would only apply to closed, capped sites where groundwater monitoring has occurred and wrapped up. The agency also clarified that it would not apply to the Labadie Power Station, a coal-fired facility still in operation.

But commenters on Tuesday dismissed the state's assertions, arguing the sites that would fall under the permit are not low-risk or well-monitored and that backsliding was possible.

Lloyd Klinedinst, a longtime resident of Franklin County, urged MDNR to require coal ash ponds and operators to secure site-specific permits with monitoring requirements. He expressed concern about leaching of coal ash and contaminants that can cause brain and nervous system damage, cancer and other ailments in children and infants.

"I don't want this to happen to my family," said Klinedinst. "Please consider withdrawing this."

Reporter Jael Holzman contributed.

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Endangered Species Act: Judge reverses Trump-era sage grouse move

(Greenwire, 5/17/2022) Scott Streater, E&E News reporter

A federal judge has struck down a 2020 Fish and Wildlife Service decision that a distinct subpopulation of greater sage grouse found along the Nevada-California border does not warrant federal protection.

Judge Jacqueline Scott Corley of the U.S. District Court for the Northern District of California issued a ruling late yesterday concluding that FWS did not use the best available science in withdrawing a near decade-old decision to list the so-called bi-state population of grouse as a "threatened" species under the Endangered Species Act.

Corley, a Biden appointee, ruled that the Trump-era FWS decision in March 2020 — which quickly led to a federal lawsuit filed by a

coalition of environmental groups — had "erred" in several significant ways.

Among them, she said, FWS was wrong in "concluding that the effective population size" of the bi-state grouse "was above the minimum threshold for viability," as determined by the service.

Thus, FWS was also wrong in "determining that the bi-state sage grouse is not likely to become an endangered species within the foreseeable future throughout a significant portion of its range," Corley wrote.

The judge also disagreed with FWS's reasoning that "cheatgrass removal was sufficiently certain to be effective as a conservation measure."

Corley concluded: "These combined errors undercut the Service's broader conclusion that the bi-state sage grouse population is stable, that the portions where it is likely to be [extinct] are not significant, and that its conservation measures will reduce one or more threats enough so that the bi-state sage grouse is not threatened.

"Thus," she continued, "these errors go to the heart of the Service's listing decision and are not harmless."

The judge remanded the issue of ESA protections for the bi-state grouse to FWS "to issue a new final listing decision."

In the meantime, Corley reinstated the 2013 determination that the bi-state grouse warrants federal protections as a threatened species.

An Interior Department spokesperson said the agency is reviewing the court's ruling. A DOJ spokesperson did not respond to a request for comment.

But environmental groups involved in the lawsuit were pleased.

"These rare dancing birds have a chance at survival thanks to this court decision," said Ileene Anderson, a senior scientist at the Center for Biological Diversity, which was one of the plaintiffs in the case.

Anderson added: "We've watched for more than a decade as these sage grouse have continued to decline. Without the legal protection of the Endangered Species Act, multiple threats will just keep pushing these grouse toward extinction."

Different kind of grouse

Though similar to their greater sage grouse kin, the bi-state grouse were declared a distinct population segment in 2010, in part because they've been breeding separately from other sage grouse for thousands of years. There are six separate population segments across 4.5 million acres of high-desert sagebrush in Nevada and California.

FWS had based its 2020 decision on a yearlong review of the bi-state population, determining at

that time that the threats to the bird "no longer are as significant as believed" when the agency first proposed a rule listing the bird as a threatened species in 2013.

It also based that determination on the work of "a coalition of federal, state, tribal, private and non-governmental partners" as sufficient to protect the bi-state population.

Environmental groups, however, noted estimates that only about 3,300 birds remain. They have been petitioning FWS to formally protect the bi-state population for more than a decade.

That population estimate is well below the 5,000-bird threshold that the groups say scientists have determined is the "minimum viable population" for the genetically distinct birds.

FWS said in 2020 that the decision to withdraw the proposed threatened listing was based on "the best scientific and commercial data available."

Those data, FWS said in the *Federal Register*, "indicate that the threats to the [bi-state grouse] and its habitat, given current and future conservation efforts, are reduced to the point that the [grouse] does not meet" the ESA's "definition of an 'endangered species' or of a 'threatened species.'"

FWS cited as "supporting documents" a peer-reviewed "species report" it prepared for the bi-state population that "represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species."

The court decision comes as overall greater sage grouse populations appear to be struggling, with hundreds of thousands of acres a year of lost habitat due to a combination of severe drought, catastrophic wildfires and the spread of invasive plant species like cheatgrass that can overwhelm the sagebrush ecosystem that the bird depends upon for survival.

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Clean Water Act: Biden EPA deals major blow to Pebble mine

(Greenwire, 5/25/2022) Jael Holzman, Ariel Wittenberg, and Hannah Northey, E&E News reporters

EPA today proposed a ban on mining in Alaska's renowned Bristol Bay watershed, seemingly closing the door on a long-sought-after copper mine project and protecting one of the world's premier salmon fisheries.

The Clean Water Act veto would likely spell the end to Pebble LP's mine proposal. EPA says the mine would destroy nearly 100 miles of protected stream habitat and more than 2,000 acres of wetlands and federally protected waters. The harm from digging for copper and gold would also "reverberate downstream," damaging other fish habitats, the agency says.

It's a victory for the lawmakers, tribes, commercial anglers and conservation groups that fought for President Joe Biden to undo an EPA move during the Trump administration to tear apart a previous veto of the mine. Support for protecting Bristol Bay has been bipartisan, with

Donald Trump Jr. and Fox News host Tucker Carlson pushing the Trump administration to revive the veto.

"Today's announcement is an important step toward protecting Bristol Bay from the Pebble Mine for good and we hope EPA will move quickly to finalize the 404(c) Clean Water Act process to enact durable, long-lasting protections for the region, as we have requested, as soon as possible," said Katherine Carscallen, director of Commercial Fishermen for Bristol Bay, which issued a joint statement in support of the veto with the United Tribes of Bristol Bay, SalmonState and the Natural Resources Defense Council.

While the proposed Pebble veto would be a victory for environmentalists, it also arrives as Biden and congressional Democrats are trying to thread the needle between environmental

stewardship and supporting the mining needed to supply electric vehicle manufacturing and renewable energy projects.

Pebble is only the latest of multiple large copper mines to be delayed or blocked under Biden, after the Twin Metals mine in Minnesota and the Resolution copper mine in Arizona.

John Shively, CEO for the Pebble partnership, said in a statement that the company will want to review the “specific details” of EPA’s decision, but argued the veto is counterproductive for the Biden administration, which is trying to boost domestic production of electric vehicles. Most recently, Biden invoked the Cold War-era Defense Production Act in order to direct more federal funding to boosting mineral supplies.

“This is clearly a giant step backwards for the Biden Administration’s climate change goals,” he said. “I find it ironic that the President is using the Defense Production Act to get more renewable energy minerals such as copper into production while others in the administration seek political ways to stop domestic mining projects such as ours.”

Chris Wood, CEO of conservation group Trout Unlimited, said the Biden administration proved today it “knows how to walk and chew gum at the same time” on mining. “There’s a lot of places in the world you can mine copper, but there’s only one Bristol Bay watershed,” Wood said.

A long time coming

The Pebble mine permitting process has been a long and winding road, mired with conflicts over whether the project would permanently damage Bristol Bay’s pristine salmon habitat.

Bristol Bay’s juvenile salmon stay in headwaters and wetlands until they are old enough to swim downstream into the ocean. The diversity of the watershed’s streams and wetlands is important, scientists say, because fish that spawn in different areas of the estuary are genetically diverse.

The Pebble mine, as planned, would have damaged more than 2,000 acres of wetlands surrounding two of the watershed’s most critical waterways, the South and North forks of the Kaktuli River and the Upper Talarik Creek.

The expansive Bristol Bay watershed is also largely undeveloped, without many roads. Seaplanes serve as lifelines to the Alaska Native villages that dot the area. Critics of the mine say that lack of development has helped maintain ideal salmon habitat.

Because of that pristine environment, Bristol Bay has long played an outsize role in global salmon populations. From 2011 to 2016, the fishery supplied as much as 11 percent of the global wild salmon harvests. When it comes to one salmon species, sockeye, the bay supplies 46 percent of the world’s population.

And the fishery has remained strong even as other salmon fisheries in Alaska have faltered due to the effects of climate change. In 2018, when other Alaskan fisheries were decimated by a warming “blob” in the Pacific Ocean, Bristol Bay salmon remained strong, with 43 million of the 50 million sockeye caught across the state coming from the watershed.

Scientists at the time attributed that not just to the untouched nature of the Bristol Bay watershed, but also the fact that its location means salmon from Bristol Bay migrate from the Bering Sea, which is warming more slowly than the rest of the Pacific.

All of that is why EPA decided to preemptively veto the Pebble mine back in 2014 before it had even filed for federal permits, said Dennis McLerran, who led EPA’s Region 10 during the Obama administration.

In 2014, then-President Barack Obama’s EPA preemptively proposed vetoing the project before it had even sought a Clean Water Act permit out of concern that the open-pit mine would damage the critical wetlands and streams.

“This is one of the most sensitive locations that you could ever have an open-pit copper mine, at the headwaters of the two watersheds that produce nearly 50 percent of the world’s remaining sockeye salmon,” he said. “The location is very key here.”

Because there were no actual mine plans to work from, that veto was largely based on statements Pebble backers had made to investors and the U.S. and Canadian securities and exchange commissions. It included three possible

scenarios for where exactly the mine and related services would be located and how big it would be.

The proposal was ultimately stymied in court litigation alleging that the Obama administration had run afoul of federal advisory committee laws in asking Bristol Bay residents for input on the three mine scenarios.

By contrast, today's proposal is based on actual mine plans Pebble had submitted to the Army Corps of Engineers in seeking a Clean Water Act permit, as well as public comments and outside scientific reviews of those plans submitted to the federal government as part of the permitting process.

During the yearlong permitting process, EPA officials worked closely with those at the Army Corps reviewing detailed information Pebble had submitted.

“All of that can help bolster a record around what the facts are and what the science is,” McLerran said.

Joel Reynolds, senior attorney and Western director of the Natural Resources Defense Council, said that EPA's decision today to base the veto on the actual mine plan means that Pebble's past legal arguments ring hollow, and it will be more difficult for developers to make their legal case in court.

“There's no way that the company can now argue they haven't had a chance to propose something specific or that the mine EPA is responding to is in any sense hypothetical,” he said.

Detailed documents with the scientific basis for EPA's most recent proposal won't be available for a few days, but they are sure to be met with intense scrutiny.

That's in part because the documents are likely to contradict statements made in the Army Corps' final environmental impact statement issued in July 2020, which found the Pebble mine “would not be expected to have a measurable effect” on fish populations in Bristol Bay, though it would damage thousands of acres of wetlands and more than 100 miles of streams.

That impact statement was heralded by Pebble's backers as a reason for the mine to move forward. The Corps later denied the mine a Clean Water Act permit not because of its impact to salmon, but because there was no way for developers to compensate for wetlands damage the mine would cause by restoring or enhancing other nearby wetlands in a landscape as pristine as the Bristol Bay watershed.

Sparks fly on mining

Pebble LP is still appealing the Army Corps permit denial. Meanwhile, Shively, Pebble's CEO, said the company will review EPA's proposal in detail.

He called the veto a “preemptive effort” that “is clearly a political conclusion to attempt to block our ability to work through that established process,” and noted that the Army Corps had previously found that the mine would not harm salmon populations in the Bristol Bay watershed.

But as that legal and regulatory process plays out, Pebble and its allies are telegraphing a new way it plans to get government support: arguing the mine will be needed to solve climate change.

Analyses by institutions like the International Energy Agency, International Monetary Fund and World Bank have found that a rapid rise in copper mining production may be needed to transition the world energy economy away from burning fossil fuels. The U.S. in 2021 was the sixth largest producer of raw and refined copper in the world.

Environmental groups argue that bolstering a circular metals recycling sector would enable the energy transition to require less new mining, while the industry has argued recycling will not provide anywhere near enough metal to build the EV and renewable energy future greens want.

In an email, Shively gave a forceful defense of the project that said it is needed now more than ever to mitigate climate change. It was an approach similar to one taken yesterday at a hearing about the Twin Metals mine in Minnesota by a representative of Twin Metals Minnesota, a subsidiary of Antofagasta PLC that is developing the mine.

“The Pebble Project remains an important domestic source for the minerals necessary for the Biden Administration to reach its green energy goals and if it blocks Pebble it will have to seek minerals to meet its goals from foreign sources who simply do not have the same environmental standards as we do,” he said.

Responding to EPA’s proposal, Conor Bernstein, a spokesperson for the National Mining Association, told E&E News in an email the administration “should be doing more to support domestic mining projects — where we know they will be done in accordance with the world’s highest environmental and labor standards — but what we’re seeing is the opposite.”

“This administration has repeatedly highlighted the need for more mining to meet the staggering mineral demands of the electric vehicle and advanced energy revolution that is underway,” Bernstein said. “But with each blocked project we are increasingly likely to turn to geopolitical rivals to source the materials we could be getting here at home.”

Environmentalists slammed that argument, asserting the project decision demonstrated

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Biden is thinking critically about how to solve climate change without sacrificing fragile ecosystems to the mining industry.

“First of all, it’s a copper and gold mine, so the notion this is just about critical minerals is a specious argument,” said Reynolds of NRDC, adding that the production of copper doesn’t need to come at the expense of a critical fishery that itself generates \$2.2 billion in annual revenue and thousands of jobs.

“There are lots of places where copper can be found; it’s being mined today and it will be mined in the future for whatever purposes it’s needed, including for EVs,” he said. “That doesn’t mean that we allow the destruction of one of the greatest natural and economic ecosystems on the planet.”

McLerran, the former EPA official, agreed. A Tesla owner with an order in for an electric Ford F-150, he said the focus should be on getting copper “in the right places and the right way.”

“Of course we do need copper, and there are other places in the U.S. where there is copper,” he said. “Copper mines can be developed in areas much less sensitive than this place.”

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Soto referred to his 2019 order that struck down the Forest Service’s approval of the Rosemont mine. The 9th U.S. Circuit Court of Appeals on May 12 affirmed his decision, keeping the project on ice.

Hudbay said at that time that it would continue to move forward with Copper World.

The Rosemont and Copper World projects are located on opposite sides of Arizona’s Santa Rita Mountains and are sited on different types of land: Rosemont rests on 3,653 acres within the Coronado National Forest, and Copper World sits only on private land.

Save the Scenic Santa Ritas and other legal challengers have argued that the two projects are connected, citing a December 15, 2021, press release in which developers said Copper World would be developed “in conjunction” with

Rosemont. Environmental groups also note that the projects rely on the same utility corridor.

Lawyers for the challengers did not respond to a request for comment by deadline.

Hudbay celebrated the court’s move and said it is on track to complete an economic assessment of the Copper Mine project later this year.

“This decision, together with the May 12th decision from the 9th Circuit Court of Appeals, affirms the permitting path forward for Copper World, including the ability to receive federal permits for the second phase under existing mining regulations,” the company wrote in an emailed statement.

Hudbay added that the forthcoming Copper World assessment would “demonstrate robust economics for this low-cost, long-life copper project, delivering the copper needed for

domestic supply chains while offering many benefits to the community and local economy in Arizona.”

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