

Another legal challenge in Arizona against Hudbay Minerals' widely opposed open-pit copper mine

(share: <http://mailchi.mp/rightsaction/another-legal-challenge-in-arizona-against-hudbay-minerals-widely-opposed-open-pit-copper-mine>)

And, in other news related to *Hudbay Minerals versus communities and the environment*:

Guatemala:

- Criminal trial continues in Guatemala against Mynor Padilla, former Hudbay head of security, for murder, aggravated assault and assault – three appeals pending against trial judge's egregious (even in context of Guatemalan impunity) decision;
- Precedent setting civil lawsuits continue in Canada against Hudbay and CGN (its former Guatemalan subsidiary).

Peru:

MiningWatch Canada has filed legal actions against the Peruvian authorities that, as instigated by Hudbay, "criminalized" MiningWatch's Jen Moore and a U.S. film-maker for showing a documentary film ("Hudbay's Hoax: Flin, Flon, Flam") in Peru critical of Hudbay-linked environmental harms and human rights violations in Canada, Guatemala, Peru and USA.

<https://miningwatch.ca/news/2017/5/17/miningwatch-canada-launches-legal-action-against-arbitrary-detention-connection>

Rosemont Mine opponents begin legal action to overturn Forest Service approval of Hudbay's \$1.9 billion copper project

August 10, 2017

<http://www.rosemontminetruth.com/rosemont-mine-opponents-begin-legal-action-to-overturn-forest-service-approval-of-hudbays-1-9-billion-copper-project/>

Rosemont Mine opponents have filed a 60-day notice of intent to sue the U.S. Forest Service for approving initial plans to construct the proposed \$1.9 billion open-pit copper mine on the Coronado National Forest in the Santa Rita Mountains southeast of Tucson. The Aug. 3 [legal notice](#) was prepared by The Western Mining Action Project of Lyons, Colo. and was written by attorneys Roger Flynn and Jeffrey C. Parsons.

The notice was filed on behalf of four Arizona conservation groups opposed to the mine including Save the Scenic Santa Ritas, Center for Biological Diversity, Arizona Mining Reform Coalition and Grand Canyon Chapter of the Sierra Club.

Toronto-based Hudbay Minerals Inc. is seeking state and federal permits to construct the mine that is projected to produce about 240 million pounds of copper a year. The Coronado National Forest approved a [“Final Record of Decision”](#) last June.

The Western Mining Action Project’s notice alleges the Forest Service violated the Clean Water Act when it issued the final Record of Decision (ROD). The filing states that the Forest Service approval was based, in part, on a “fundamental misunderstanding of federal law.” “The Rosemont Project as authorized in the Forest Service ROD will violate applicable state and federal water quality standards and requirements and the (Clean Water Act) and its implementing regulations,” the notice states. The notice gives the Forest Service 60 days to revoke the ROD or the conservation groups will file suit in federal district court.

Coronado National Forest Supervisor Kerwin Dewberry [stated in his June Record of Decision](#) that he had no legal choice but to approve Hudbay’s initial mining plan. “I cannot select the no action alternative for implementation because Federal law provides the right for a proponent to develop the mineral resources it owns and to use the surface of its unpatented mining claims for mining and processing operations and reasonably incidental uses,” Dewberry’s decision states.

The Forest Service issued the ROD before the U.S. Army Corps of Engineers had determined whether to issue a Clean Water Act permit that would allow the Rosemont Mine to destroy desert riparian water resources in the Santa Rita Mountains. The Army Corps’ Los Angeles district office recommended in July 2016 that Hudbay’s request for the [permit be denied](#).

View “Hudbay’s Hoax”

- English: <https://www.youtube.com/watch?v=j7aacPtEI8s>
- Spanish: <https://www.youtube.com/watch?v=1BF06KsgMsc>
- Quechua: <https://www.youtube.com/watch?v=uT0RB2QCP1w>

More information:

- Hudbay Minerals lawsuits in Canada: Cory Wanless, Klippensteins Barristers and Solicitors, cory.wanless@klippensteins.ca, 416-598-0288, www.chocversushudbay.com
- Criminal trial in Guatemala against Hudbay head of security: Grahame Russell, Rights Action, grahame@rightsaction.org, 416-807-4436
- Jen Moore, Mining Watch Canada, 613- 722-0412, jen@miningwatch.ca

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