



DEPARTMENT OF THE ARMY  
SOUTH PACIFIC DIVISION, U.S. ARMY CORPS OF ENGINEERS  
Phillip Burton Federal Building  
Post Office Box 36023  
450 Golden Gate Avenue  
SAN FRANCISCO, CALIFORNIA 94102

## DEPARTMENT OF THE ARMY PERMIT

Permittee: Rosemont Copper Company  
Attn: Ms. Katherine Ann Arnold, P.E.  
5255 East Williams Circle, Suite 1065  
Tucson, Arizona 85711

Permit Number: SPL-2008-0816-MB

Issuing Office: U.S. Army Engineer District, South Pacific Division  
Corps of Engineers  
Phillip Burton Federal Building  
Post Office Box 36023  
450 Golden Gate Avenue  
San Francisco, California 94102

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below. A notice of appeal options is enclosed.

### Project Description:

To permanently and temporarily discharge fill material into 48.48 acres of waters of the U.S. through clearing, grubbing, and grading activities on the Rosemont Mine site, construction of off-site roads and utility lines, and construction of compensatory mitigation at the Sonoita Creek Ranch/Rail X Ranch site, Gunsight Pass stock tank, McCleary Canyon stock tank, Rosemont Crest stock tank, and Barrel Canyon East stock tank, as follows:

1. To permanently discharge fill material into 36.40 acres of ephemeral drainages and springs as a result of clearing, grubbing and grading activities within the mine pit area, waste rock disposal area, dry stack tailings area, and plant site
2. To temporarily discharge fill material into 0.10 acre of ephemeral drainages for the construction of access/haul roads within the plant site area.
3. To permanently discharge fill material into 0.90 acre of ephemeral drainages for the installation of culverts for primary access road crossings.

4. To temporarily discharge fill material into 1.2 acres of ephemeral drainages for the construction of the off-site water line, including water line crossings and bedrock crossings.

5. To permanently discharge fill material into 0.10 acre of ephemeral drainages for the installation of utility poles for the off-site transmission line.

6. To temporarily discharge fill material into 0.30 acres of ephemeral drainages for road access for utility pole construction within the off-site utility corridor.

7. To permanently discharge fill material into 8.90 acres of waters of the U.S. associated with rehabilitation and enhancement of Sonoita Creek and ponds on the Sonoita Creek Ranch/Rail X Ranch sites.

8. To permanently discharge fill material into 0.25 acre of ephemeral drainages for the removal of the Gunsight Pass stock tank.

9. To temporarily discharge fill material into 0.33 acre of ephemeral drainages for the removal of the Barrel Canyon East stock tank (0.13 acre), McCleary Canyon stock tank (0.16 acre), and Rosemont Crest stock tank (0.05 acre)

All work is to be completed in accordance with the enclosed plans:

1. *Rosemont Copper Project, Impacts to Potential WOTUS, Vicinity Map, Figure 1*, prepared by Westland Resources, dated November 30, 2018

2. *Rosemont Copper Company, Rosemont Project HMMP, September 12, 2017, Project Setting, Figure 2*

3. *Rosemont Copper Project, Impacts to Potential WOTUS, Project Site, Figure 2*, prepared by Westland Resources, dated November 30, 2018

4. *Rosemont Copper Project, Impacts to Potential WOTUS, Utility Corridor, Figure 3*, prepared by Westland Resources, dated November 30, 2018

5. *Rosemont Copper Company, Rosemont Project HMMP, September 12, 2017, Rosemont Site Earthen Dam Removal, Figure 12*

6. *Rosemont Copper Company, Rosemont Project HMMP, September 12, 2017, Sonoita Creek Ranch Post Mitigation Implementation, Figure 13*

7. *Rosemont Copper Company, Rosemont Project HMMP, September 12, 2017, Pond No. 1 Layout Sheet, Figure 14*

8. *Rosemont Copper Company, Rosemont Project HMMP, September 12, 2017, Pond No. 1 Layout Sheet, Figure 15*

9. *Figure 2, Stock Tank Removal Schematic, dated September 8, 2017, prepared by Water & Earth Technologies*

10. *Stock Tank Removal, Barrel Canyon East Stock Tank Removal Plan, S.Tank 1, dated September 8, 2017*

11. *Stock Tank Removal, McCleary Canyon Stock Tank Removal Plan, S.Tank 2, dated September 8, 2017*

12. *Stock Tank Removal, Gunsight Stock Tank Removal Plan, S.Tank 3, dated September 8, 2017*

14. *Stock Tank Removal, Rosemont Crest Stock Tank Removal Plan, S.Tank 4, dated September 8, 2017*

**Project Location:**

The authorized activities would occur at the following locations:

1. Rosemont Copper site: Located approximately 30-miles south-east of Tucson Arizona, Latitude 31.82317° North, Longitude -110.74224° West.

2. Off-site Utility Corridor: Extending from the proposed Toro Switchyard near Sahuarita and extending 13 miles, primarily along South Santa Rita Road to the Rosemont Copper site; approximate center coordinates 31.87377° North, Longitude -110.85142° West.

3. Sonoita Creek Ranch/Rail X Ranch sites: Located east along State Route 82, south-west of Sonoita, Arizona, Latitude 31.63712° North, Longitude -110.712960° West, and Latitude 31.60263° North, Longitude -110.72013° West.

4. Barrel Canyon East Stock Tank: Located west of the authorized activities on the Rosemont Copper site, Latitude 31.83992° North, Longitude -110.71148° West.

5. McCleary Canyon Stock Tank: Located north of the authorized activities on the Rosemont Copper site and north of the Gunsight stock tank and south of the Rosemont Crest stock tank, Latitude 31.84792° North, Longitude -110.75208° West.

6. Gunsight Stock Tank: Located north of the authorized activities on the Rosemont Copper site and south of the Gunsight and Rosemont Crest stock tanks, Latitude 31.84514° North, Longitude -110.75391° West.

7. Rosemont Crest Stock Tank: Located north of the authorized activities on the Rosemont Copper site, and north of the Gunsight and Rosemont Crest stock tanks, Latitude 31.85653° North, Longitude -110.75168° West.

**Permit Conditions:**

*General Conditions:*

1. The time limit for completing the work authorized ends on **February 28, 2024**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.



*Special Conditions:*

1. In order to compensate for the permanent loss of 37.00 acres of waters of the U.S. you shall conduct re-establishment, rehabilitation, and enhancement activities on the Sonoita Creek Ranch property, as described in the September 12, 2017, *Final Mitigation and Monitoring Plan Permit No. SPL-2008-00816-MB, Rosemont Copper Project* (Final HMMP), prepared by Westland Resources. The required compensatory mitigation on the Sonoita Creek Ranch Property shall include:

- a. Rehabilitation of 61.54 acres of Sonoita Creek and its tributaries;
  - b. Enhancement of 6.0 acres of Sonoita Creek Ranch ponds;
  - c. Re-establishment of 34.58 acres of Sonoita Creek channel buffer;
  - d. Rehabilitation of 6.22 acres of Sonoita Creek channel buffer;
  - e. Enhancement and preservation of 66.30 acres of Sonoita Creek ephemeral tributaries buffer;
  - f. Enhancement and preservation of 4.41 acres of Sonoita Creek ephemeral tributaries; and
  - g. Enhancement and preservation of 19.28 acres of ephemeral channels including avoided portions of Sonoita Creek, Corral Canyon, and other unnamed ephemeral tributaries to Sonoita Creek.
2. In order to minimize effects to downstream surface water quantity, you shall remove the Barrel Canyon East, McCleary Canyon, Rosemont Crest, and Gunsight Pass stock tanks, as described in your Final HMMP.
3. Except as otherwise specified in this permit, you shall fully implement and comply with the Final HMMP identified in Special Condition 1, which is hereby incorporated by reference as a condition of this permit.
4. You shall monitor compensatory mitigation areas required in Special Conditions 1 and 2 for a minimum of 15 years or until the performance standards described in the approved Final HMMP identified in Special Condition 3 are met, whichever is greater. This period shall commence upon completion of the construction of the required compensatory mitigation. You shall demonstrate continued success of the compensatory mitigation, without human intervention, for a minimum of three consecutive years after the final performance standards have been met, which may run concurrent with the minimum 15-year monitoring period. If the compensatory mitigation is not meeting the required performance standards at any time, this office may determine that the compensatory

mitigation is not in compliance and require remedial action, including the identification of alternative compensatory mitigation.

a. You shall submit annual monitoring reports to this office by December 31 for each year of the monitoring period and for each additional year, if remediation is required, until the performance standards have been met. You shall submit a monitoring report at the end of the three-year period demonstrating continued success of the compensatory mitigation without human intervention. If the three-year period occurs wholly within the 15-year monitoring period, annual monitoring reports describing the condition of the mitigation sites in Special Conditions 1 and 2 shall continue to be submitted until the end of the monitoring period. The annual reports shall follow the format identified in the Final 2015 Regional Compensatory Mitigation and Monitoring Guidelines for the South Pacific Division, or any subsequent updates to the regional guidelines, which can be found online at <http://www.spd.usace.army.mil/Portals/13/docs/regulatory/mitigation/MitMon.pdf>.

b. Your responsibility to complete the required compensatory mitigation as set forth in special conditions 1 and 2 will not be considered fulfilled until you have demonstrated mitigation success with respect to the HMMP performance standards and have received written verification from this office.

5. To ensure successful completion of the compensatory mitigation required in special conditions 1 and 2 in accordance with 33 C.F.R. 332.3(n), you shall establish a short-term financial assurance in the form of a letter of credit, escrow account, or other appropriate instrument. You shall submit a proposal for the short-term financial assurance prior to initiation of construction activities in waters of the U.S. associated with this permit. The proposal shall include the type, language, amount, justification for the amount of the financial assurance, and, if applicable, phasing for the release of the financial assurance proposed. The type, language, and amount of the financial assurance must be approved, in writing, by this office. You shall submit proof of the establishment of the financial assurance to this office prior to initiation of construction activities in waters of the U.S. authorized by this permit. In the event it becomes necessary to draw upon the financial assurance, funds must be payable to a designee specifically proposed by you, and approved, in writing, by this office, or placed in a fund pursuant to a standby trust agreement specifically proposed by you, and approved, in writing, by this office. You shall ensure that the financial assurance is in a form that assures that termination or revocation of the financial assurance shall not occur without 120 days advance notice and prior approval by this office.

6. Prior to initiation of construction activities in waters of the U.S. authorized by this permit, you shall establish and maintain, in perpetuity, a 1,580 acre preserve containing the compensatory mitigation required by Special Condition 1, as follows:

a. Prior to initiation of construction activities in waters of the U.S. authorized by this permit, you shall record a Restrictive Covenant over the preserve, which shall remain until the required compensatory mitigation is completed and the performance standards

identified in Chapter 10 of the HMMP have been met, and you have been notified by this office that the compensatory mitigation is successful and implementation of the long-term management plan (LTMP) described in the Final HMMP of the preserve may begin. You shall provide a draft of the proposed Restrictive Covenant to this office for review and written approval prior to recordation. The Restrictive Covenant shall be specifically approved by this office, in writing, prior to recordation. You shall provide copies of the recorded Restrictive Covenant to this office within 30 days following recordation. You shall not modify the approved Restrictive Covenant unless proposed modifications have been reviewed and specifically approved by this office, in writing, prior to recordation.

b. Within 60-days after notification from this office that long-term management of the preserve may begin, as identified in Special Condition 6(a), you shall place the compensatory mitigation areas under a permanent conservation easement, and designate an appropriate conservation-oriented third-party entity to hold the required conservation easements. The Grantee shall be either Land Trust Alliance accredited or equivalent. You shall submit information on the proposed Grantee to this office for review and approval. The Grantee shall be specifically approved by this office, in writing, prior to designation. You shall record the permanent conservation easement with the Santa Cruz County Recorder. You shall provide a draft of the proposed conservation easement to this office for review and written approval prior to recordation. The conservation easement shall be specifically approved by this office, in writing, prior to recordation. You shall provide copies of the recorded conservation easement to this office within 30 days following recordation. You shall not modify the approved conservation easement unless proposed modifications have been reviewed and specifically approved by this office, in writing, prior to recordation.

7. Prior to the end of monitoring year 12 of the 15-year monitoring period, you shall establish a fully-funded endowment or other long-term financial assurance specifically approved by this office, in writing, for management of the preserve required in Special Condition 1 in perpetuity. Prior to the initiation of construction activities in waters of the U.S. authorized by this permit, you shall submit a proposal for the establishment of the endowment or other long-term financial assurance, including an itemized list of costs with justification, as well as a proposed phasing schedule for implementation of the financial assurance. For a proposed endowment, you shall submit information on the proposed endowment holder and the proposed endowment agreement to this office for review and written approval prior to establishment. The financial assurance type, amount, phasing, and, for endowments, endowment holder, shall be specifically approved by this office prior to establishment. You shall implement the following measures:

a. The financial assurance required for long-term management of the preserve shall be governed by an investment policy statement that is designed, over long periods of time, to generate investment returns sufficient to increase in value to keep pace with inflation and pay the costs of long-term management, the net of any financial investment and administrative fees. The financial assurance funds shall be used in funding perpetual management, maintenance, monitoring, and other activities as required by the Final

HMMP identified in Special Condition 3. If either (1) the value of the required financial assurance decreases to levels that may threaten its continued existence as a source of perpetual funding for long-term management, or (2) if long-term management expenses exceed those estimated in the financial assurance analysis and schedule approved by this office, you shall consult with this office and the endowment holder to identify a plan to implement the management and biological monitoring tasks identified in the Final HMMP with the resources that are available. The plan may include modifications to the financial assurance payments to the preserve manager and associated land management and monitoring tasks in order to protect the long-term viability of the endowment amount. This plan must be reviewed and approved, in writing, by this office.

b. You shall ensure disbursements from the financial assurance fund earnings beyond those necessary to provide for growth of the endowment fund commensurate with inflation are made available by the endowment holder to the property owner or preserve manager to fund annual long-term management of the preserve.

8. You shall maintain the elevation (grade) of the thalweg (deepest part of the channel) at the downstream end of the Sonoita Creek Ranch portion of the mitigation project to the baseline level determined prior to onset of mitigation construction. Annual survey data for this requirement shall be submitted with the annual monitoring report. Should the elevation of the thalweg differ by more than two (2) feet, you shall submit an adaptive management plan to return the grade to the original elevation to the Corps for review and approval within 45 days of survey date. Should the downstream crossing acting as grade control be proposed to be changed or removed, you shall submit an adaptive management plan to maintain the grade/elevation at the downstream end of the mitigation property within 45 days of notification of the change in crossing design. The adaptive management plan shall provide a detailed description of why the grade/elevation has changed as well as a plan to return the grade/elevation to the baseline level. You shall implement an approved adaptive management plan upon receipt of written Corps approval or on a Corps-approved date.

9. You shall restore all temporary impacts to waters of the U.S. and impacted adjacent upland areas within 50 feet of the temporarily impacted waters of the U.S. to their original contour and condition within 60 days following completion of construction activities associated with the temporary impacts. In order to ensure compliance with this condition, you shall comply with the June 2018, *Utility Corridor Reclamation Plan*, prepared by the Rosemont Copper Company, in conducting all restoration of temporary impact areas. In addition, you shall:

a. Prior to the initiation of temporary construction activities in waters of the U.S. authorized by this permit, you shall provide a report containing a description of, and drawings showing, the existing contours (elevation) and existing vegetation of the temporary impact areas. This information shall include pre-construction site photographs taken of the temporary impact area. For linear projects, these

photographs shall be taken from the alignment, in both directions and taken every 25-feet for the length of the temporary impact area;

b. You shall conduct annual monitoring for a minimum of three growing seasons after completion of restoration of the temporary impact activities. You shall submit an annual report by December 31 of each year of the required monitoring. The report may be included with the annual reports provided as part of the Final HMMP. You shall ensure the monitoring reports include information regarding inspections and maintenance, and contain photographs illustrating the condition of the area. You shall also ensure monitoring reports include a description of the results of inspections for signs of excessive erosion, which shall be conducted annually and after storm events generating 0.1" of rain in a 24-hour period. If excessive erosion is identified during monitoring, you shall contact this office within 10-days following identification of excessive erosion to determine necessary measures to correct the erosion. No correction of excessive erosion that results in a discharge of fill material into waters of the U.S. shall be conducted without prior written approval from this office.

c. Within 30 days following completion of restoration activities, submit to this office a report describing the restoration activities including color photographs of the restored area. The compass angle and position of all photographs shall be similar to pre-construction photographs.

10. Prior to commencement of construction activities in waters of the U.S. authorized by this permit, you shall clearly identify the limits of disturbance in the field with highly visible markers (e.g. construction fencing, flagging, silt barriers, etc.). You shall maintain such identification properly until construction is completed and the soils have been stabilized. You are prohibited from any activity (e.g. equipment usage or materials storage) that results in the discharge of dredged or fill material into waters of the U.S. outside of the permit limits as shown on the enclosed, Figure 2, *Rosemont Copper Project, Waters of the US Impacts, Project Site*, and Figure 3, *Rosemont Copper Project, Waters of the US Impacts, Utility Corridor*, dated November 27, 2018, prepared by Westland Resources.

11. You shall conduct all work when the project area is naturally dewatered, or is dewatered in accordance with a dewatering plan specifically approved by this office, in writing. If dewatering of waters of the U.S. is proposed, you shall submit a plan for the proposed dewatering, including restoration of temporary impacts in accordance with Special Condition 8. You shall not conduct any work in waters of the U.S. until the temporary dewatering plan is approved by this office, in writing.

12. Prior to initiation of any construction activities in waters of the U.S. authorized by this permit, you shall install and maintain construction best management practices (BMPs) on-site to prevent degradation to on-site and off-site avoided waters of the U.S. Methods shall include the use of appropriate measures to intercept and capture sediment prior to entering waters of the U.S., as well as erosion control measures along the perimeter of all work areas within 50 feet of on-site and off-site avoided waters of the U.S. to prevent the

displacement of fill material. All BMPs shall be in place prior to initiation of (each phase of) construction activities in waters of the U.S. authorized by this permit. You shall ensure the BMPs are inspected every two weeks, and maintained in good condition while ground disturbing activities are occurring, until construction activities in waters of the U.S. authorized by this permit are complete. All BMPs shall remain until construction activities within 50 feet of waters of the U.S. are completed and all disturbed soils are stabilized. You shall submit a description of and photo-documentation of your BMPs to this office within 30 days following commencement of construction activities authorized by this permit.

13. You shall ensure only clean and nontoxic fill material is discharged into waters of the U.S. on the mine site, off-site infrastructure area, or compensatory mitigation site. The fill material discharged into waters of the U.S. shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act. You shall ensure no excavated material from the mine pit, including waste rock or tailings, is discharged into waters of the U.S. until all discharges into waters of the U.S. authorized by this permit are completed. In addition, you shall ensure no historic mining remnants, including piles of waste rock or material from the approximately 0.40 acre slag pile, are discharged into waters of the U.S.

14. This Corps permit does not authorize you to take an endangered species, in particular Gila chub (*Gila intermedia*), Gila topminnow (*Poeciliopsis occidentalis occidentalis*), Huachuca water umbel (*Lilaeopsis schaffneriana* var. *recurva*), southwestern willow flycatcher (*Empidonax traillii extimus*), Chiricahua leopard frog (*Lithobates chiricahuensis*), lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), jaguar (*Panthera onca*), ocelot (*Felis pardalis*), Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*), yellow-billed cuckoo (*Coccyzus americanus*), northern Mexican garter snake (*Thamnophis eques megalops*), the endangered desert pupfish (*Cyprinodon macularius*), and/or their critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g., an ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The enclosed U.S. Fish and Wildlife Service (USFWS) BO and Conference Opinion (CO) (Number 22410-2009-F-0389, dated October 30, 2013), and Amended Final Reinitiated BO/CO (Number 22410-2009-F-0389R1, dated April 28, 2016), issued to the U.S. Forest Service (USFS), contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO(s). Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with "incidental take" of the attached BO(s), which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO(s), where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit. The USFWS is the appropriate authorities to determine compliance with the terms and conditions of its/their BO(s), and with the ESA.

15. Should the revegetation of native woody shrub and tree species as a result of seeding and natural regeneration of the riparian floodplain not reach the density and frequency performance standards during monitoring years 5-7, the permittee shall plant xeroriparian trees (mostly velvet mesquite [*Prosopis velutina*]) in amounts to meet the performance standards as well as requirements stated in the April 28, 2016, Amended Final Reinitiated BO/CO or any subsequent, superseding BO/CO, within no less than 730 acres of the riparian floodplain. Five-year survival rates of planted trees shall meet the density and frequency of woody tree and shrub species performance standards. Should the planted trees not meet these performance standards, this office may require additional plantings until survival rates meet or exceed these performance standards. This office may extend the monitoring period based on performance standard non-achievement and planted tree survival rates

16. You shall implement the enclosed Memorandum of Agreement (MOA), entitled Memorandum of Agreement Among the Coronado National Forest, Arizona State Historic Preservation Officer, Advisory Council on Historic Preservation, U.S. Army Corps of Engineers, And The Rosemont Copper Company, Regarding Resolution of Adverse Effects on Historic Properties from The Rosemont Copper Mine, and signed by these entities, in its entirety. Per the MOA, the USFS shall ensure the treatment measures in the approved Utilities HPTP on Federal and private lands are implemented. The Corps shall ensure the treatment measures in the approved Utilities HPTP on State land within its permit area are implemented. The ASLD retains responsibility for ensuring compliance with the Utilities HPTP for historic properties located on State lands outside the Corps' permit area. If you fail to comply with the implementation and associated enforcement of the MOA, this office may determine that you are out of compliance with the conditions of your permit and suspend the permit. Suspension may result in modification or revocation of the authorized work.

17. Prior to installation of the wildlife-exclusion fence at the Sonoita Creek Compensatory Mitigation Site, you shall install high resolution fencing around the boundary of archaeological site AZ EE:6:128(ASM) to ensure avoidance of impacts to this historic property. This same wildlife-exclusion fence crosses the southern end of the extension to Segment 1 of archaeological site AZ EE:4:43(ASM). At the crossing of AZ EE:4:43(ASM), all fence replacement will be carried out by hand, and no vehicles will be driven across the railroad grade.

18. You shall comply with all terms and conditions of the enclosed February 3, 2015, Section 401 Water Quality Certification, and November 27, 2017, addendum, issued by the Arizona Department of Environmental Quality, and any future amendments.

19. A minimum of 14 days prior to initiation of construction activities in waters of the U.S. authorized by this permit, you shall notify this office of the anticipated start date for the work and schedule a pre-construction meeting. You shall ensure all

employees/contractors involved with work authorized by this permit attend the meeting. The purpose of the meeting is to review all terms and conditions and for this office to answer any questions you or your contractors may have. You shall develop a training program based on the information provided at this meeting and ensure it is given to all employees/contractors involved with work authorized by this permit.

20. You shall allow representatives from this office to inspect the activity authorized by this permit and all compensatory mitigation, preservation, and/or avoidance areas at any time deemed necessary to ensure that work is being or has been accomplished in accordance with the terms and conditions of this permit.

21. You are responsible for all work authorized herein and ensuring that all contractors and workers are made aware and adhere to the terms and conditions of this permit. You shall ensure that a copy of the permit and associated drawings are available for quick reference at the project site until all construction activities in waters of the U.S. authorized by this permit are completed.

22. No later than 10 calendar days following completion of construction activities in waters of the U.S. authorized by this permit, you shall notify this office in writing that construction activities have been completed. Within 90 days following completion of the discharge of dredged and/or fill material into waters of the U.S. authorized by this permit, or at the expiration of this permit (see General Condition 1), whichever occurs first, you shall submit a final report containing a description of the work conducted on the project site and compensatory mitigation required in Special Conditions 1 and 2, to this office for review. You shall provide annual progress reports to this office, which shall be submitted by December 31 of each year, until all activities authorized by this permit have been completed, or the expiration date of this permit (see General Condition 1), whichever occurs first. The reports shall include the following:

- a. The Department of the Army Permit number.
- b. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in a scale sufficient to show the completed work. The report shall include figures and ground-photographs of completed facilities showing all waters of the U.S. and areas where fill in waters of the U.S. were authorized.
- c. A certification indicating all work as authorized by this permit have been constructed. Any minor deviations from the authorized work shall be described and indicated on the drawings in the report.
- d. Annual reports shall include a table of activities associated with impacts to waters of the United States with information related to impacts planned for the year, impacts completed for the previous year, cumulative impacts since project initiation, and a schedule for planned impacts in subsequent years.



**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( X ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
Name Andre' Lauzon  
Title Vice President Rosemont Copper Co.  
Permittee

March 8, 2019  
Date

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below

  
D. Peter Helmlinger, P.E.  
Brigadier General, USA  
Commanding, Northwestern Division

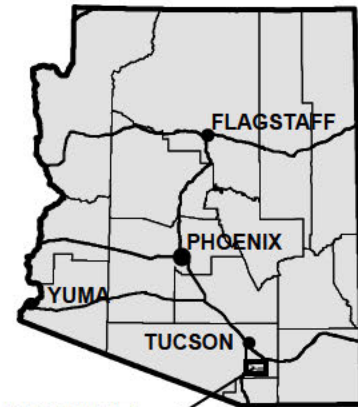
8 MAR 19  
Date

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_  
Transferee

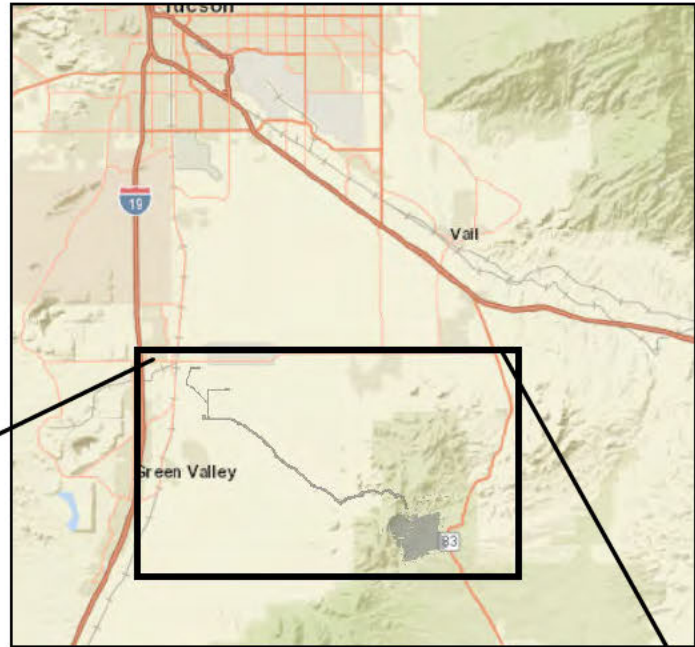
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## ARIZONA

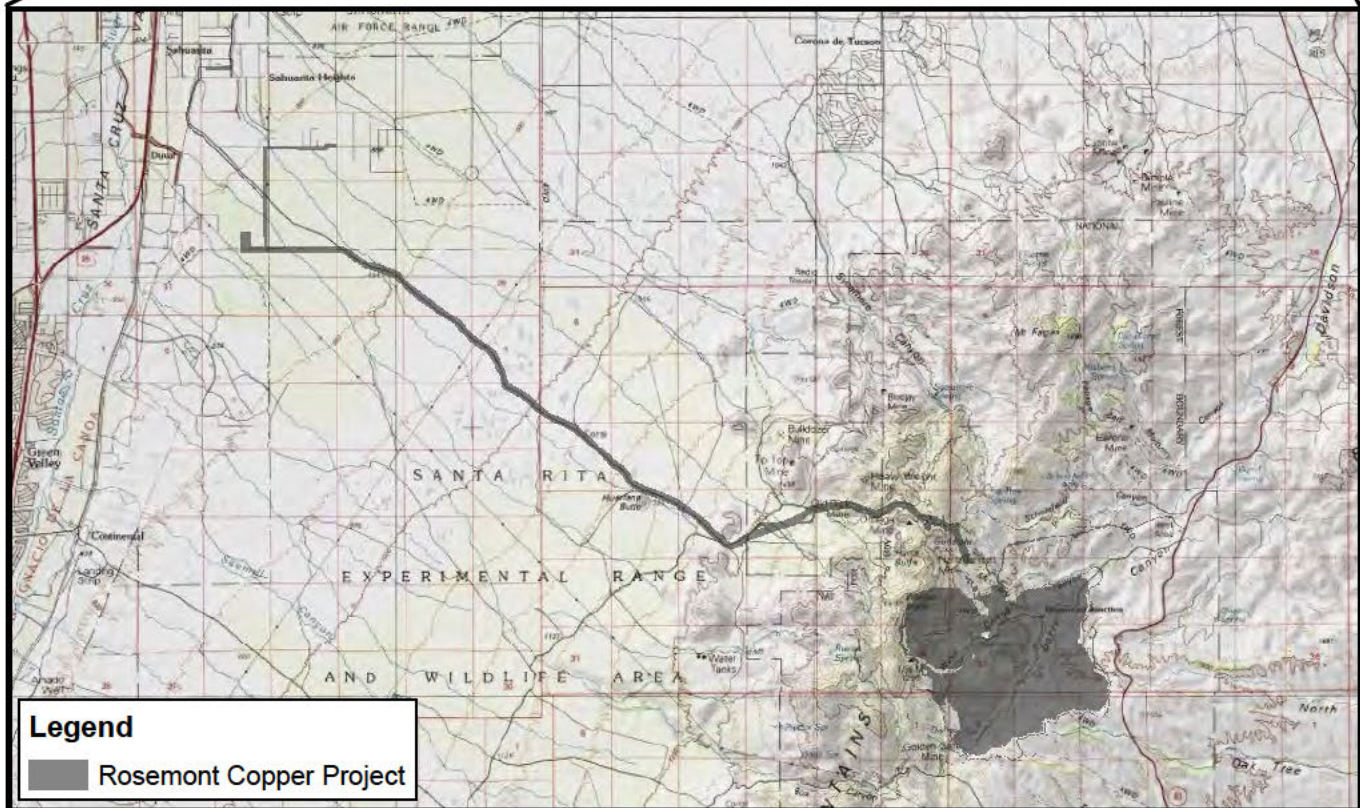


PROJECT  
LOCATION

## PROJECT VICINITY



Approximate Scale 1 Inch = 10 Miles



Pima County, Arizona,  
Data Source: CDM Smith  
Image Source: USGS

## ROSEMONT COPPER PROJECT Impacts to Potential WOTUS

Vicinity Map  
Figure 1







Pima & Santa Cruz Counties, Arizona,  
Photo Source: ArcGIS Online NAIP 2015 Orthophoto

**Legend**

- Rosemont Copper Project
- 404 Mitigation Parcel
- International Border

**ROSEMONT COPPER COMPANY**  
Rosemont Project HMMP  
September 12, 2017

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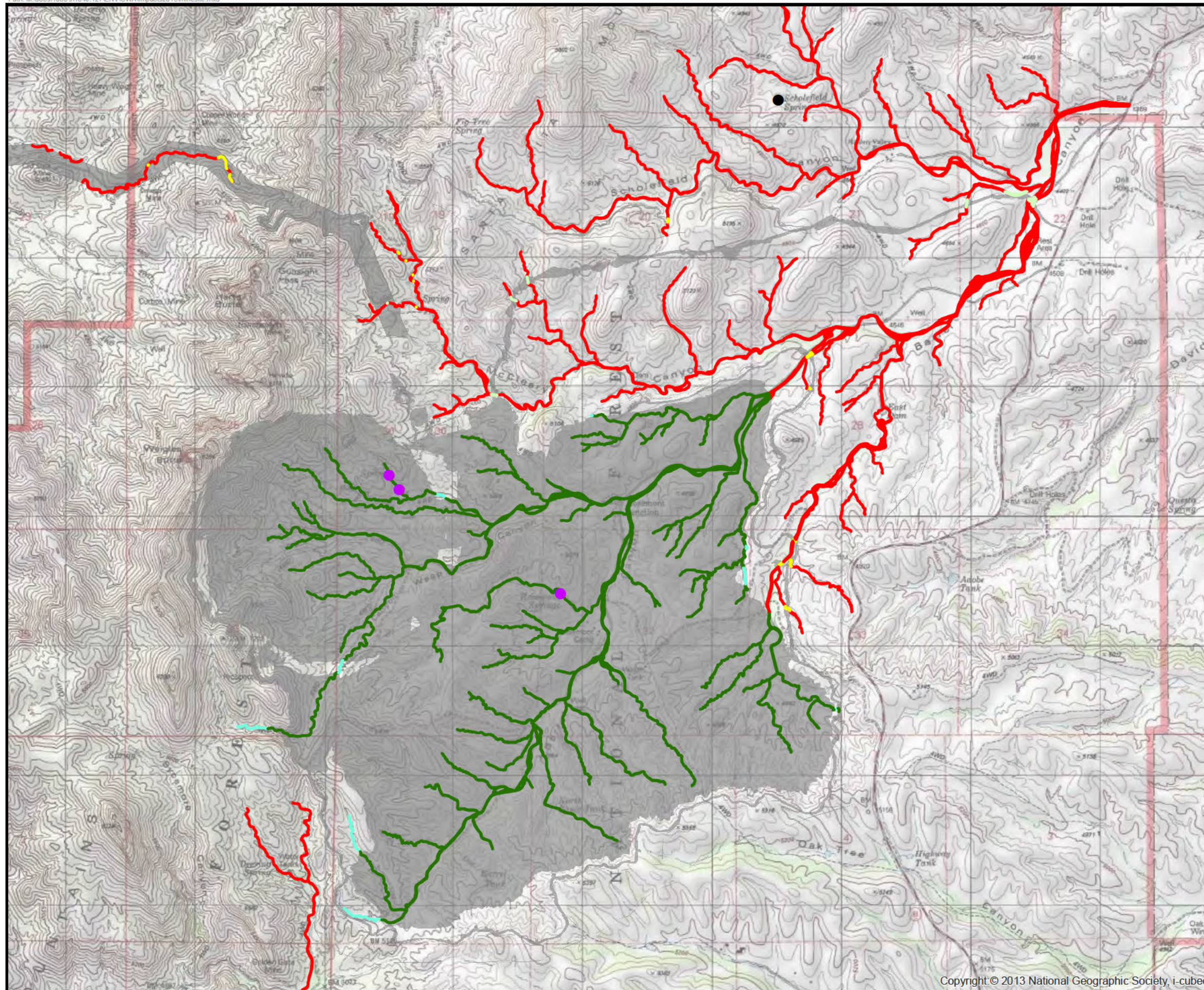
PROJECT SETTING  
Figure 2

CORPS FILE NO. SPL-2008-00816-MB

0 15,000 30,000 Feet

N





Pima County, Arizona,  
Data Source: CDM Smith  
Image Source: USGS

### Legend

#### Ephemeral Drainages

- No Fill (73.6 acres)
- Fill - Permanent Loss (36.5 acres)
- No Fill - Permanent Loss (0.5 acres)
- Fill - No Permanent Loss (culverts) (0.9 acres)
- Temporary Fill - Restored to Original Contours (1.6 acres)

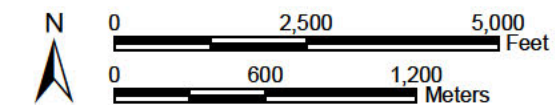
#### Non-Drainages (springs)

- No Fill (wetland) (0.3 acres)
- Fill - Permanent Loss (16.4 sq. ft.)

\*Acres are for the entire project  
(Both the project site and utility corridor)

#### Rosemont Copper Project

Project Footprint (CDM 2018)

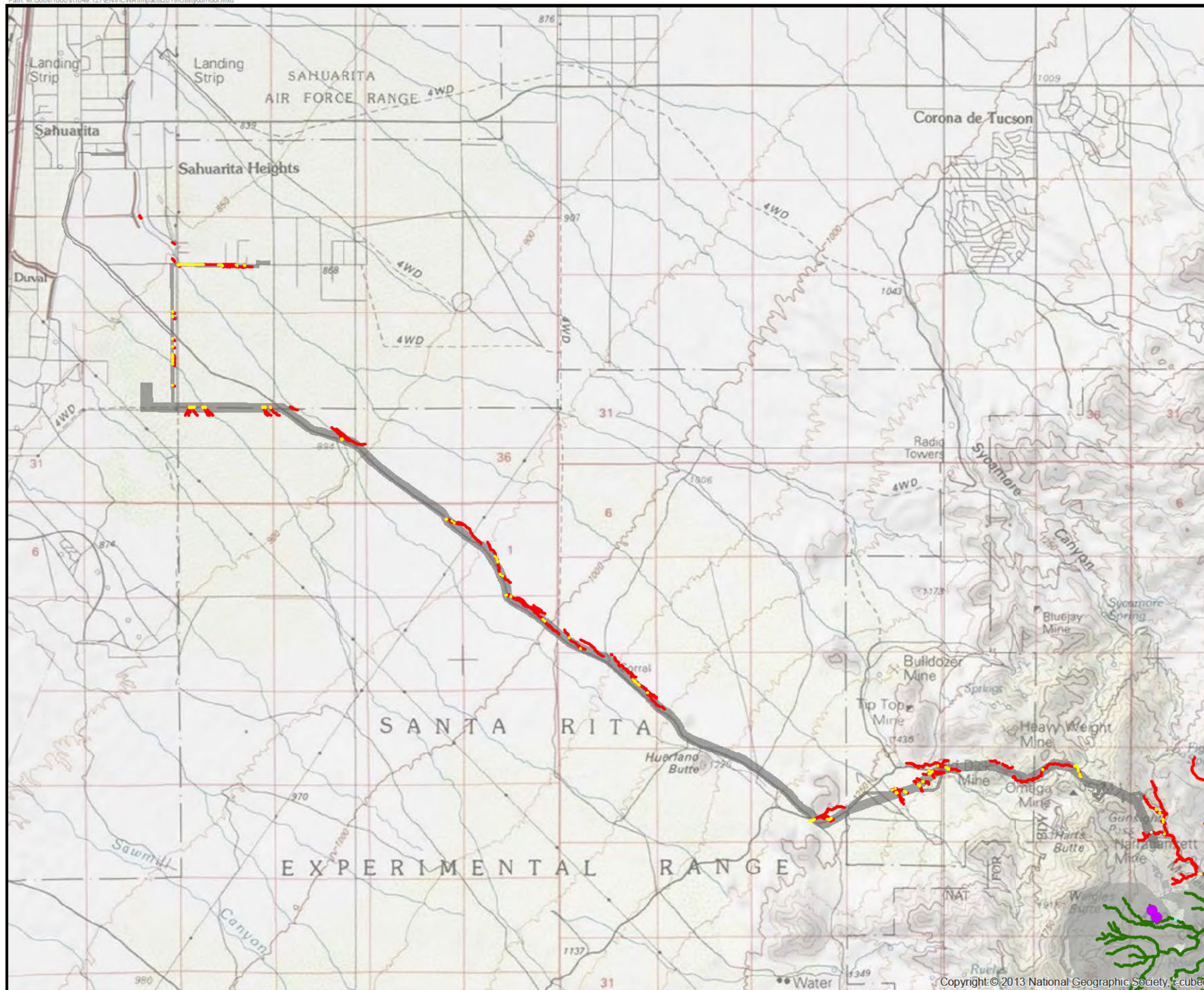


WestLand Resources

### ROSEMONT COPPER PROJECT Impacts to Potential WOTUS

Project Site  
Figure 2





Pima County, Arizona,  
Data Source: CDM Smith  
Image Source: USGS

## Legend

### Ephemeral Drainages

- No Fill (73.6 acres)
- Fill - Permanent Loss (36.5 acres)
- No Fill - Permanent Loss (0.5 acres)
- Fill - No Permanent Loss (culverts) (0.9 acres)
- Temporary Fill - Restored to Original Contours (1.6 acres)

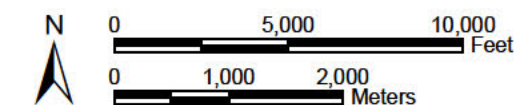
### Non-Drainages (springs)

- No Fill (wetland) (0.3 acres)
- Fill - Permanent Loss (16.4 sq. ft.)

\*Acres are for the entire project  
(Both the project site and utility corridor)

### Rosemont Copper Project

Project Footprint (CDM 2018)

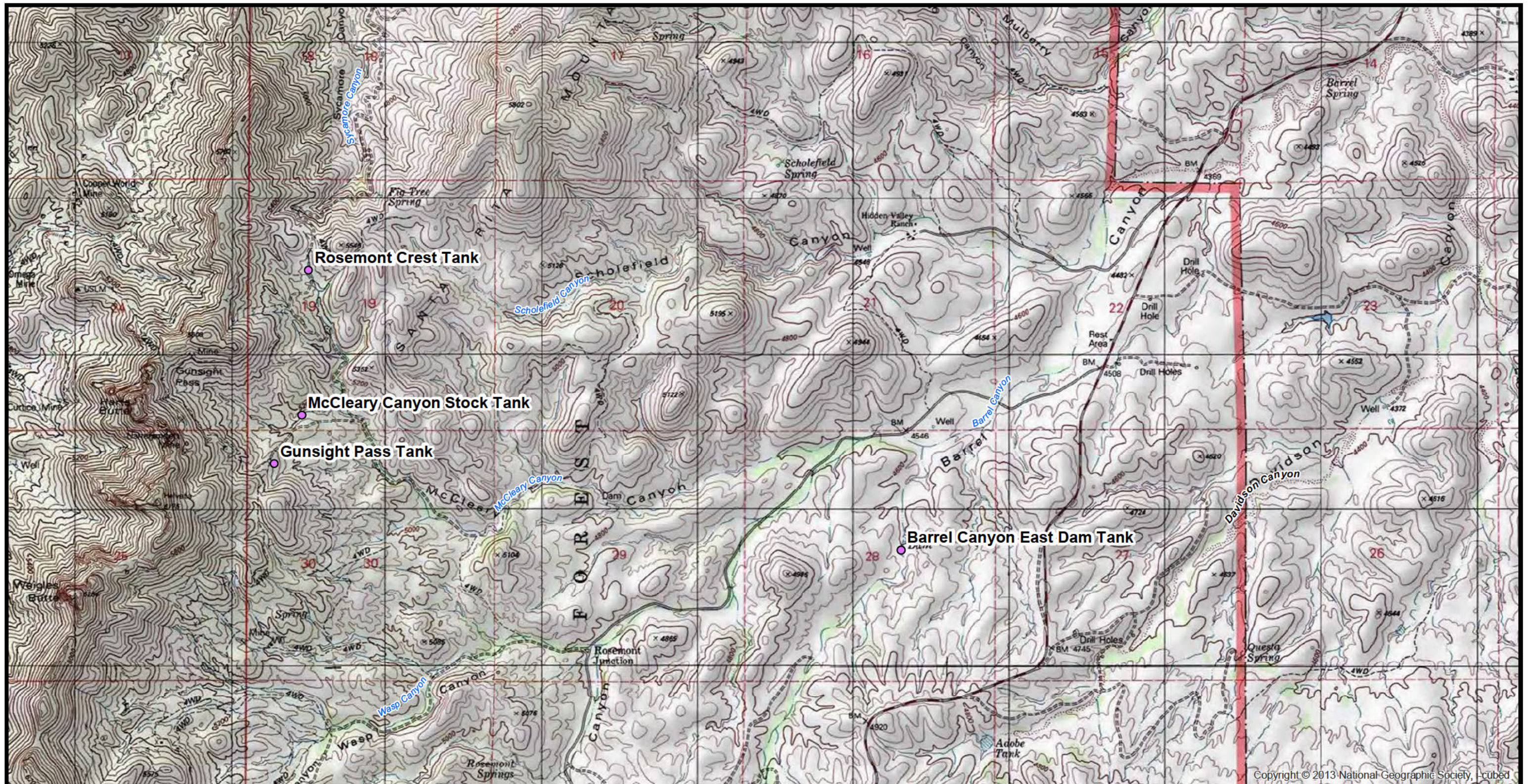


  
WestLand Resources

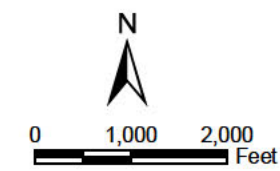
## ROSEMONT COPPER PROJECT Impacts to Potential WOTUS

Utility Corridor  
Figure 3





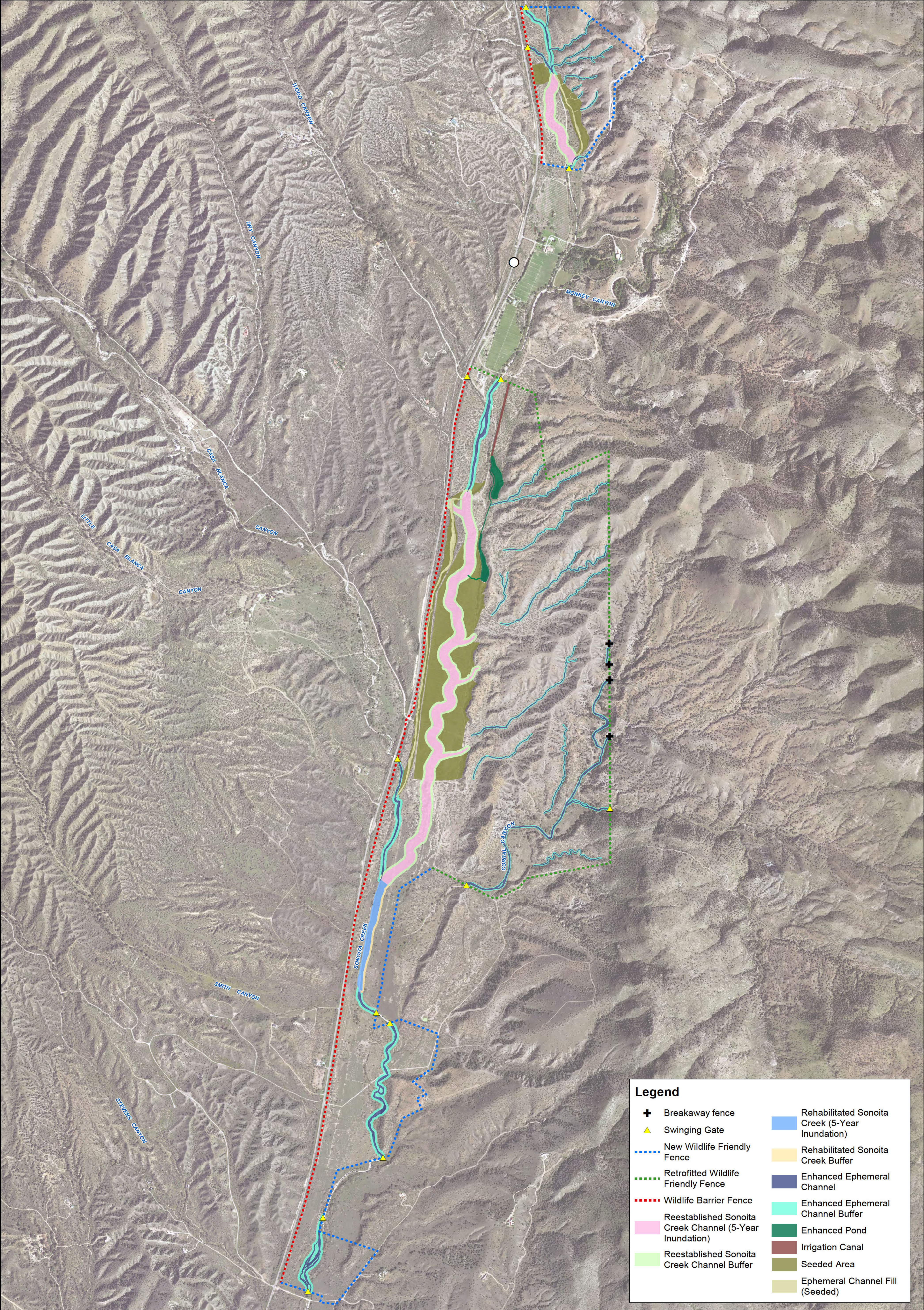
Pima County, Arizona  
Data Source: Rosemont Copper  
Photo Source: ArcGIS Online (USA TOPO)



**Legend**  
● Earthen Dam to be Removed

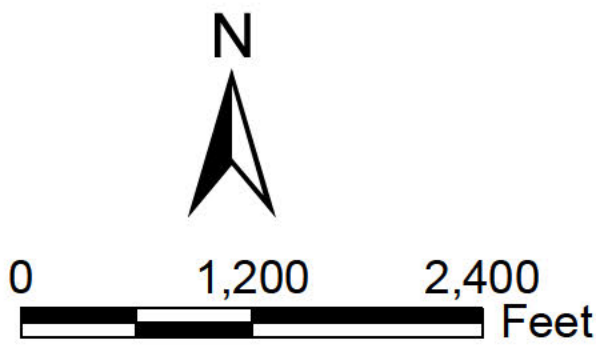
**ROSEMONT COPPER COMPANY**  
Rosemont Project HMMP  
September 12, 2017  
Rosemont Site Earthen Dam Removal  
Figure 12  
CORPS FILE NO. SPL-2008-00816-MB





T21S, R16E, Portion of Sections 3, 4, 9, 16, 20, 21, 28, 29, 32, & 33,  
Santa Cruz County, Arizona  
Photo Source: 2015 USDA NAIP Orthophoto

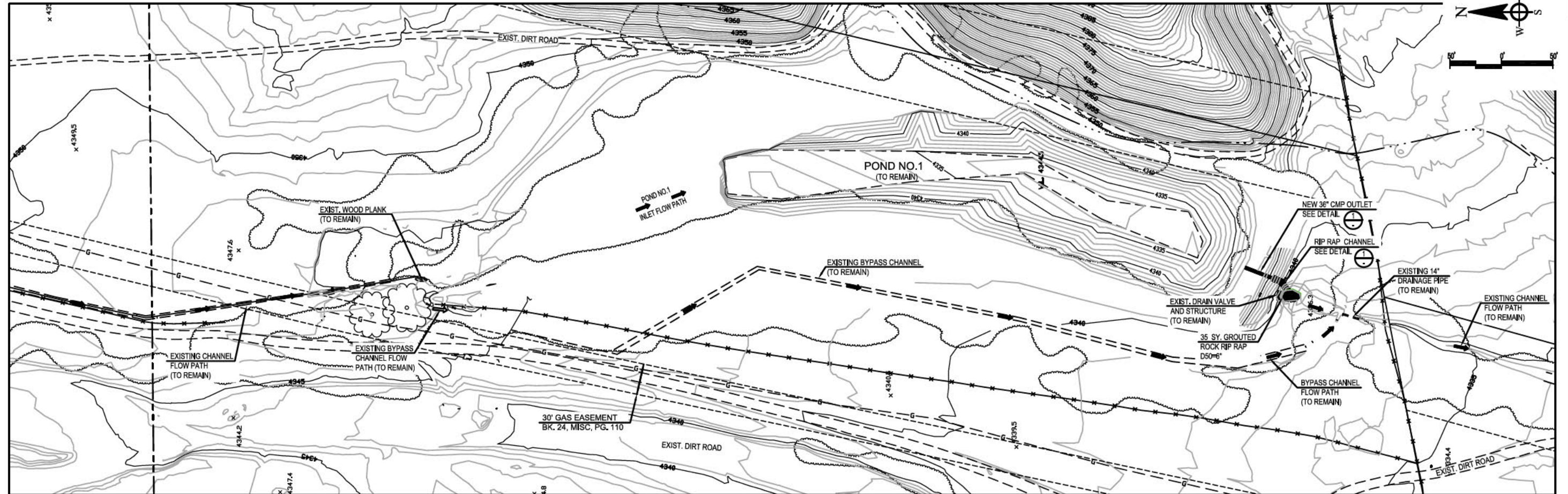
Note: All riparian buffers are 50 ft.



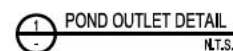
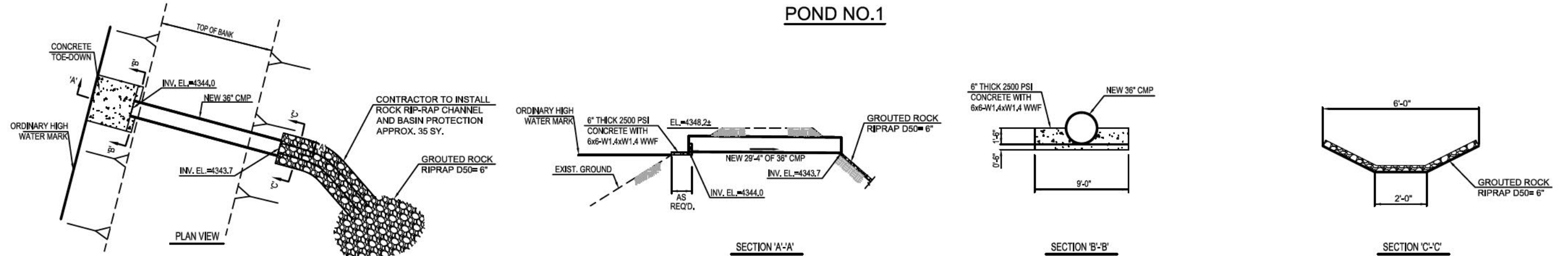
ROSEMONT COPPER COMPANY  
Rosemont Project HMMP  
September 12, 2017  
SONOITA CREEK RANCH  
POST MITIGATION IMPLEMENTATION  
Figure 13

CORPS FILE NO. SPL-2008-00816-MB



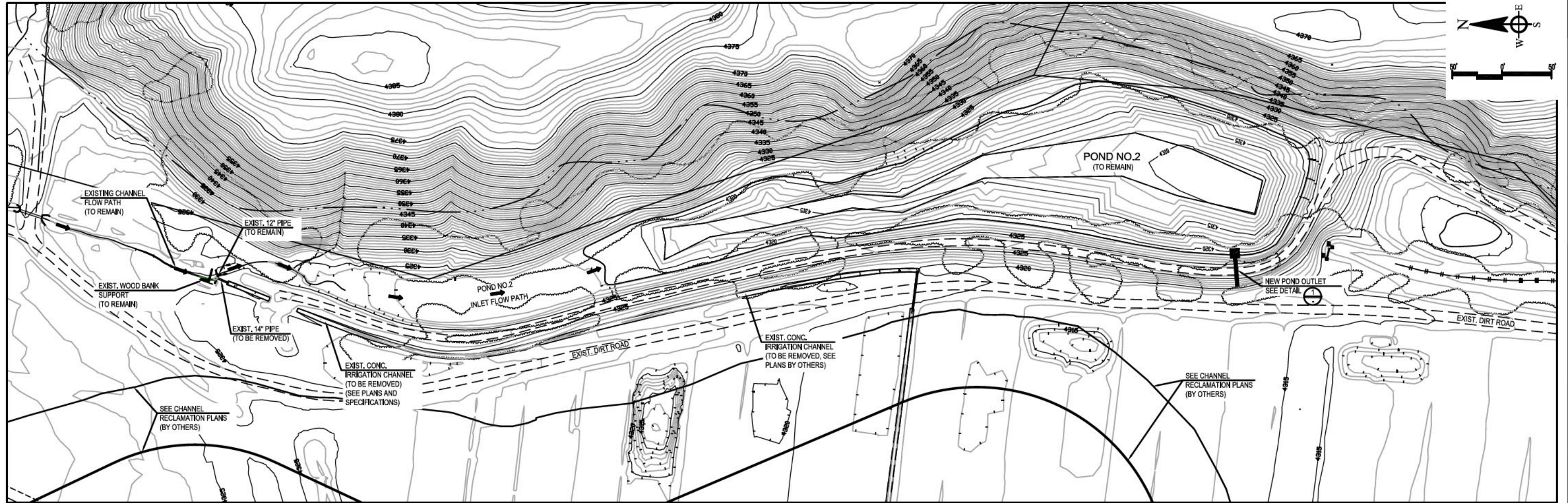


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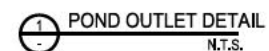
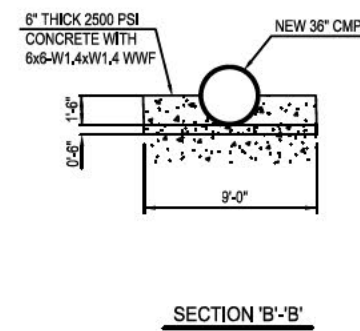
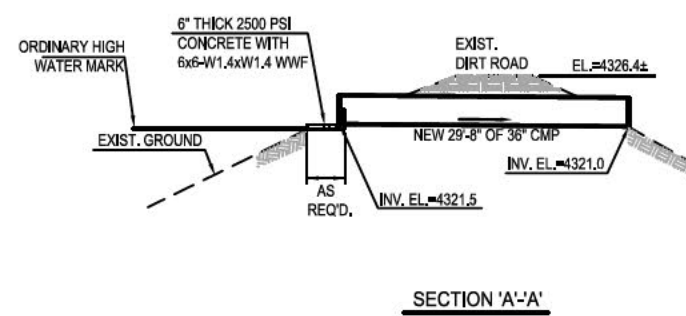
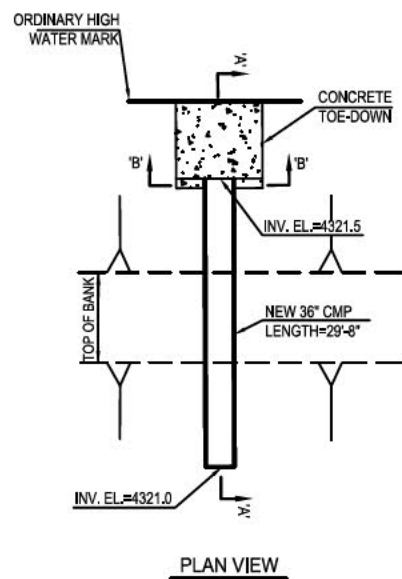


NOT FOR CONSTRUCTION





### POND NO.2



NOT FOR CONSTRUCTION

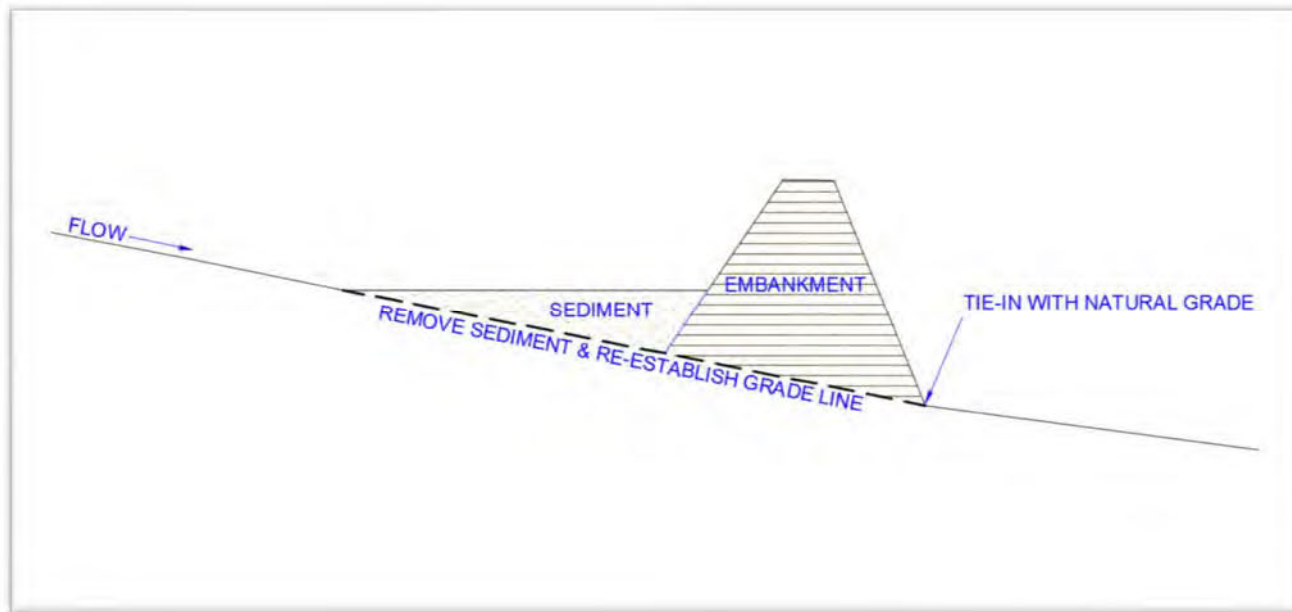
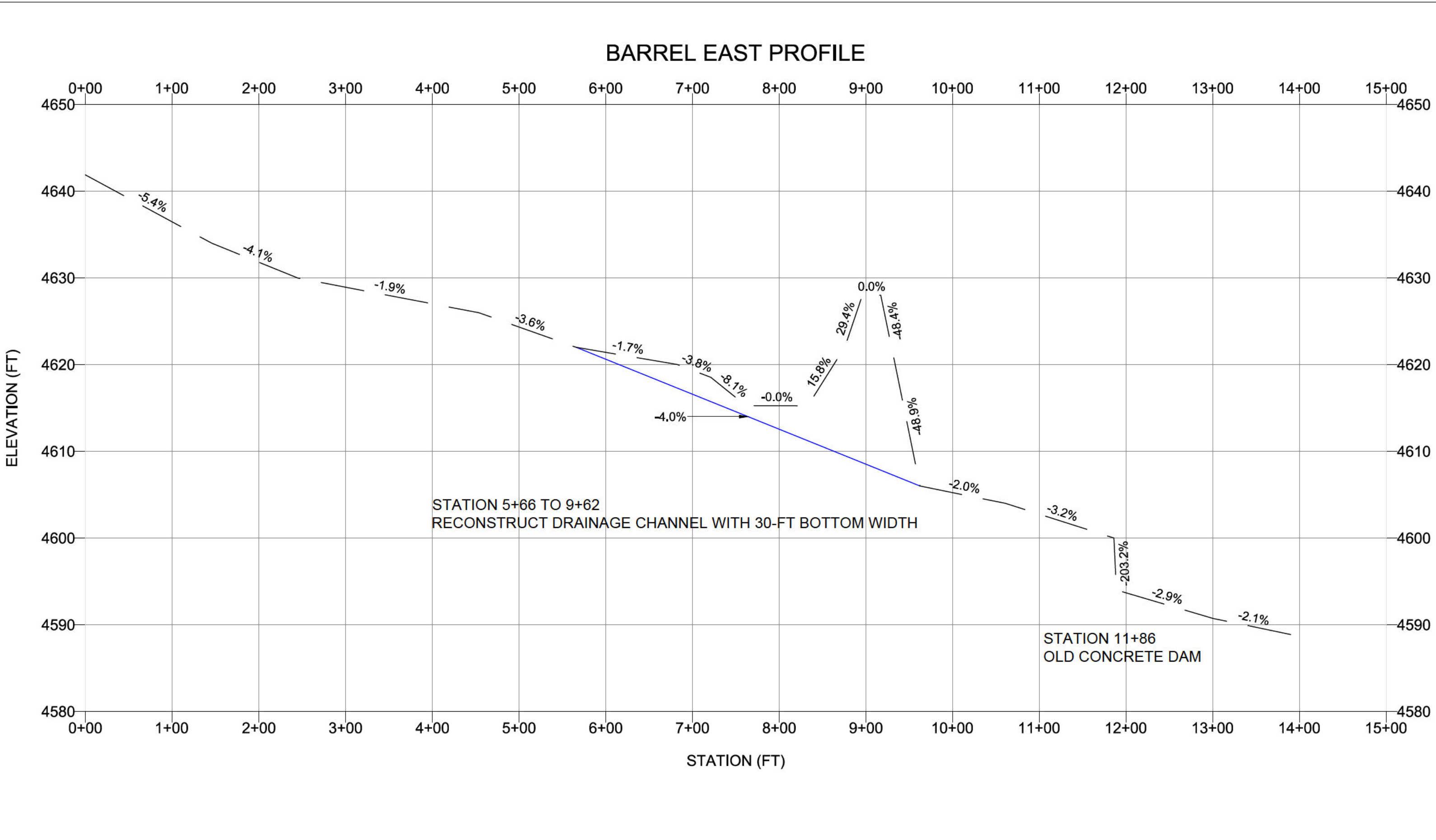
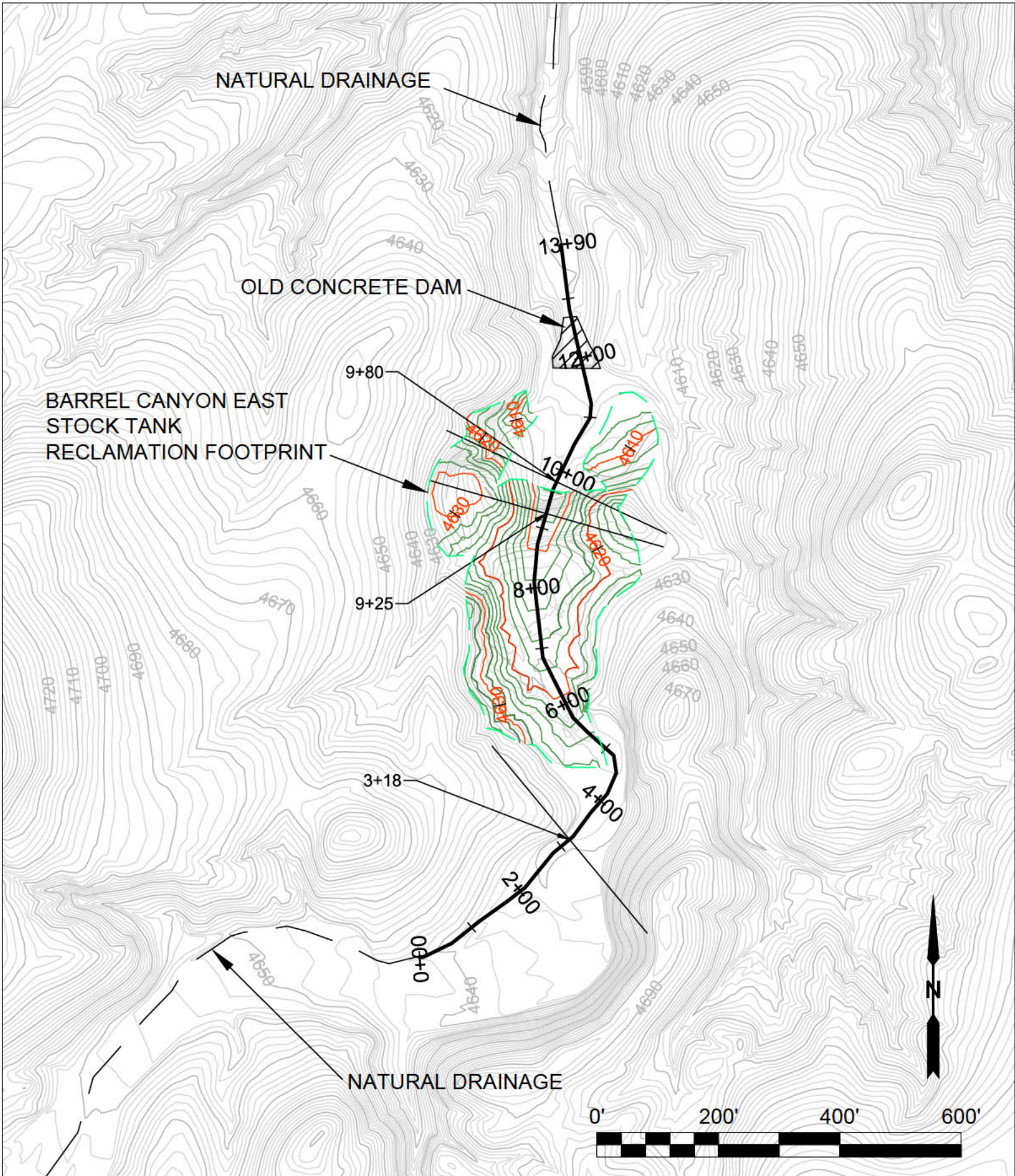
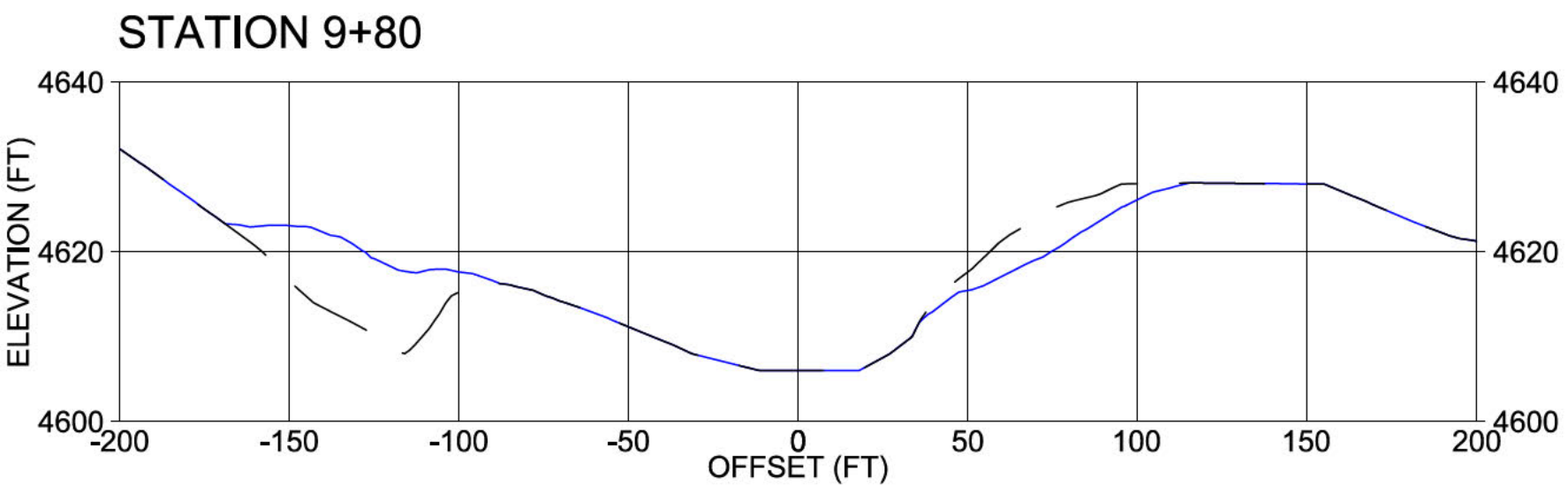
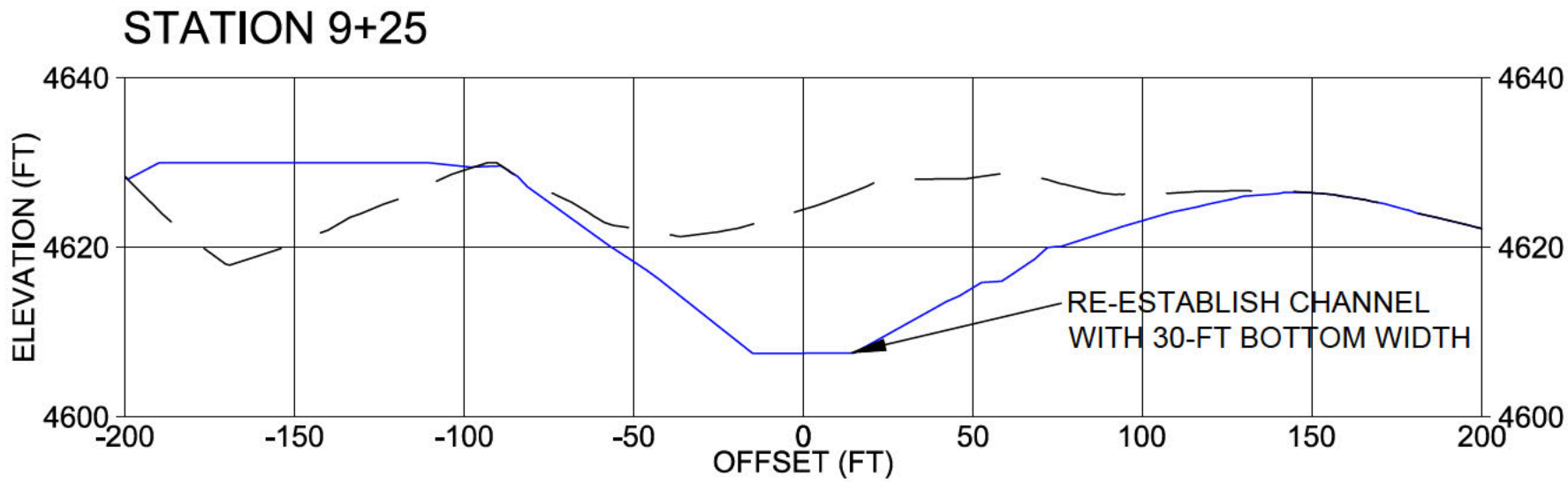
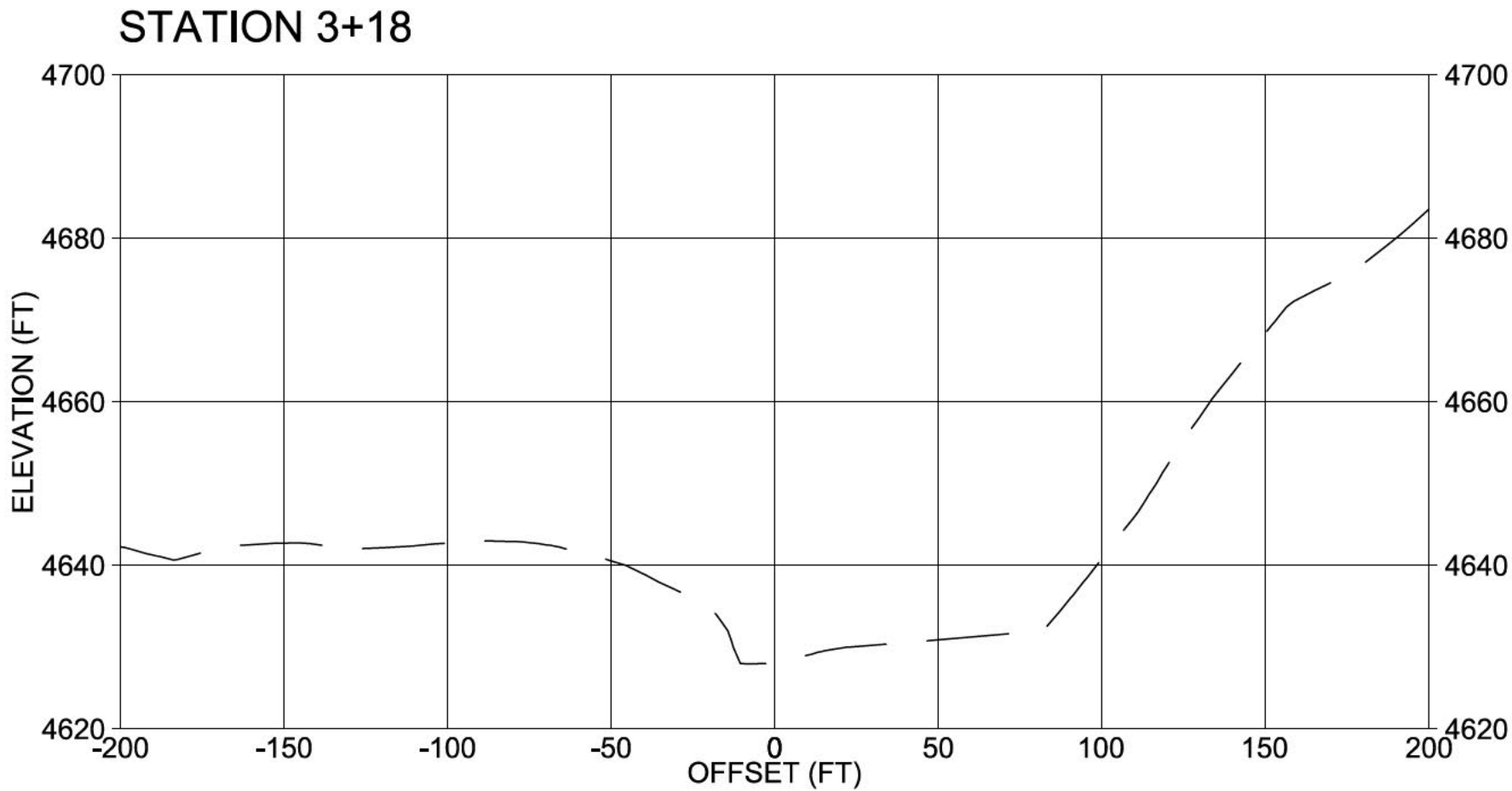


Figure 2. Stock Tank Removal Schematic





- LEGEND**
- EXISTING INDEX CONTOUR (10-FT INTERVAL)
  - EXISTING INTERMEDIATE CONTOUR (2-FT INTERVAL)
  - PROPOSED INDEX CONTOUR (10-FT INTERVAL)
  - PROPOSED INTERMEDIATE CONTOUR (2-FT INTERVAL)
  - PROPOSED CHANNEL EXCAVATION LIMIT
  - CROSS SECTION
  - EXISTING GRADE PROFILE
  - PROPOSED FINAL GRADE PROFILE
  - EXISTING EPHEMERAL DRAINAGE



- NOTES**
- PROFILES OF EXISTING GRADE AND FINAL GRADE CORRESPOND TO CHANNEL CENTERLINE ELEVATIONS.
  - FINAL GRADE PROFILE CORRESPONDS TO CHANNEL INVERT ELEVATION.
  - CROSS SECTIONS ARE DISPLAYED FACING DOWNSTREAM.
  - RECONSTRUCTED DRAINAGE CHANNEL SHALL BLEND IN WITH THE NATURAL DRAINAGE AT THE UPSTREAM AND DOWNSTREAM EXCAVATION LIMITS.
  - CONSTRUCTION SHALL NOT DISTURB THE OLD CONCRETE DAM.
  - FOLLOWING CONSTRUCTION THE DISTURBED AREA WILL BE REVEGETATED PER THE "REVEGETATION AND GROWTH MEDIA MONITORING PLAN".

1225 RED CEDAR CIRCLE, SUITE A  
FORT COLLINS, CO 80524  
(970) 225-6080  
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ROSEMONT PROJECT

STOCK TANK REMOVAL

BARREL CANYON EAST STOCK TANK REMOVAL PLAN

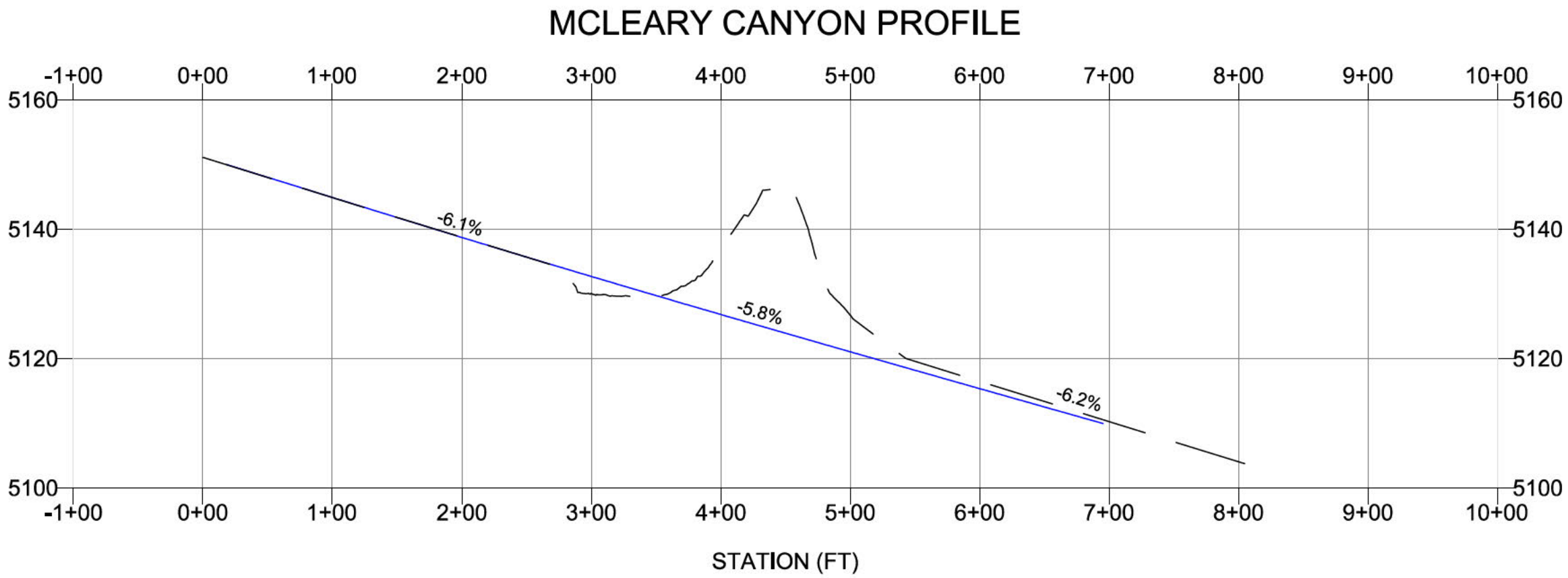
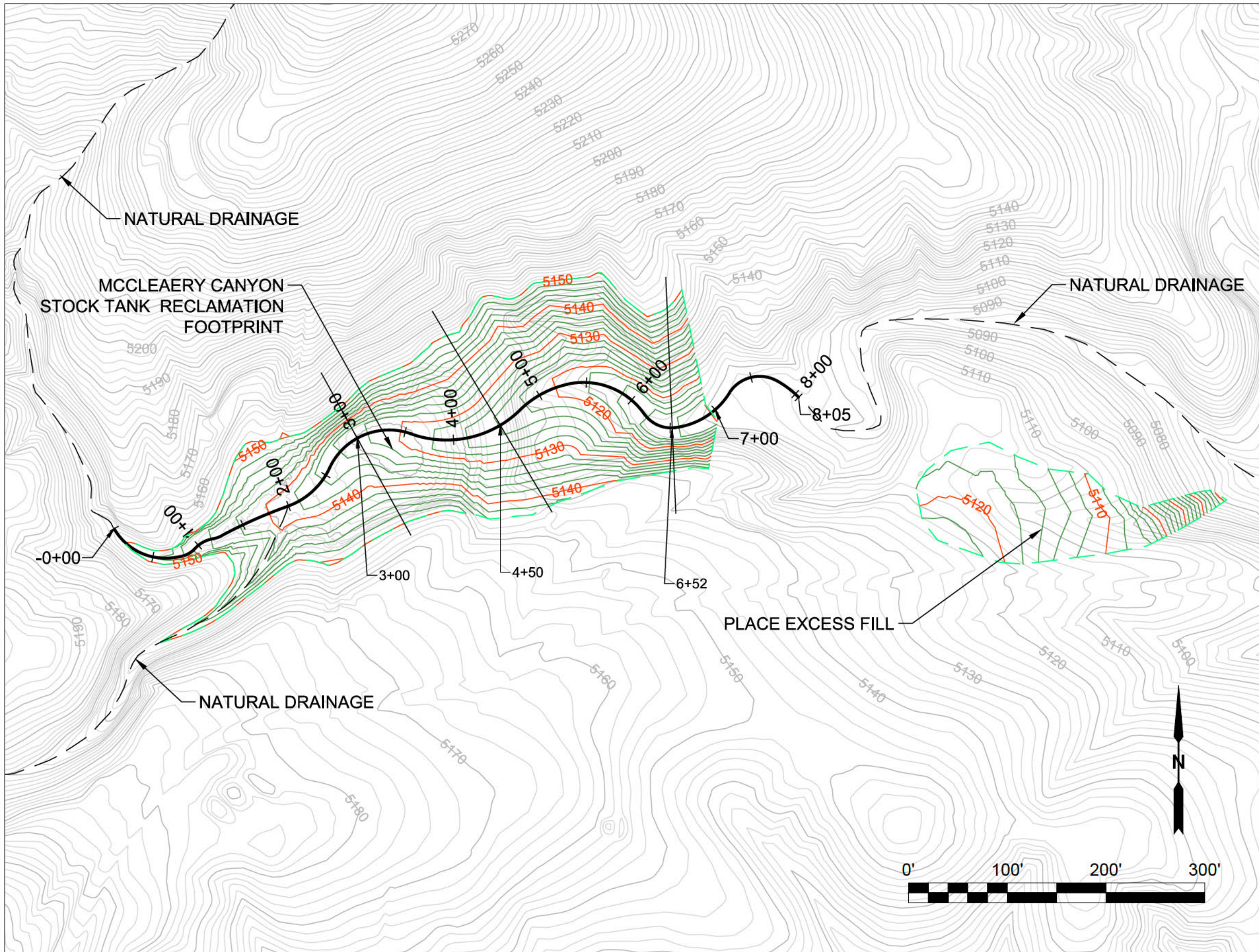
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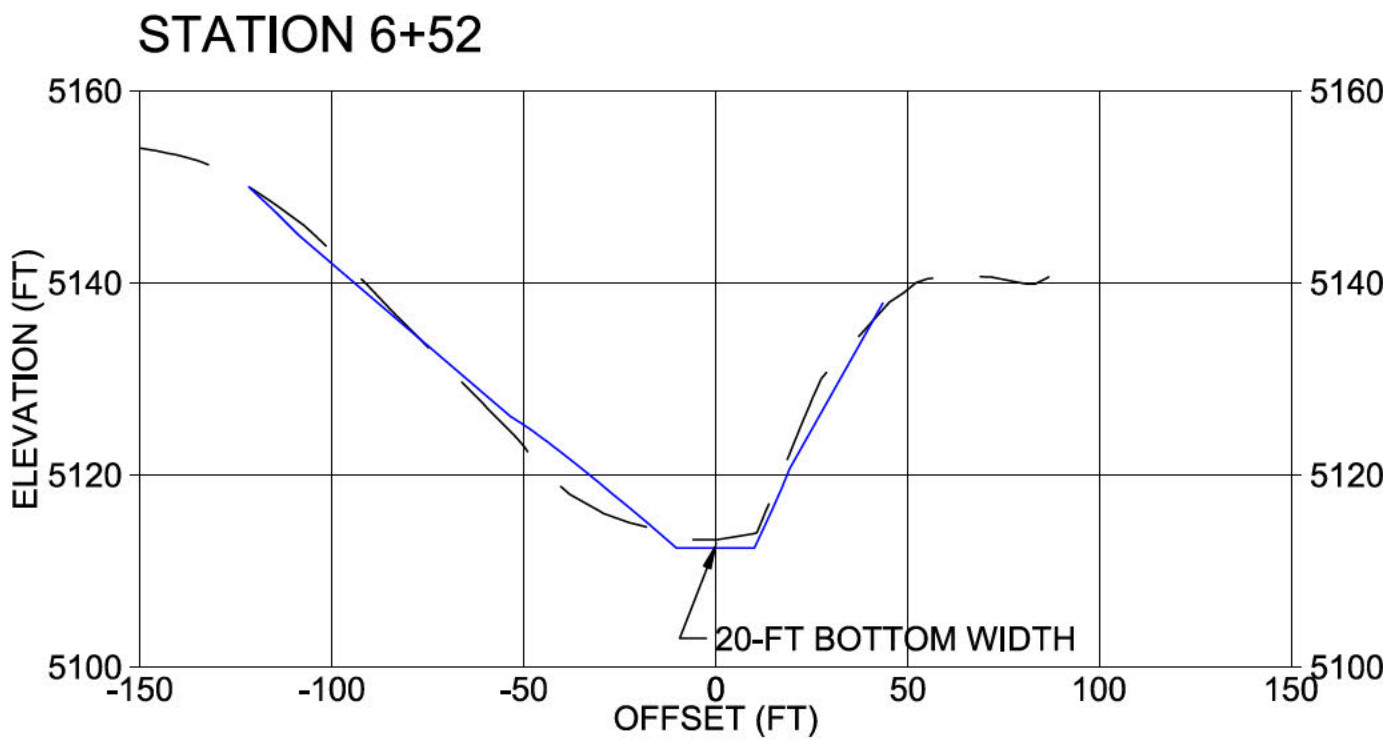
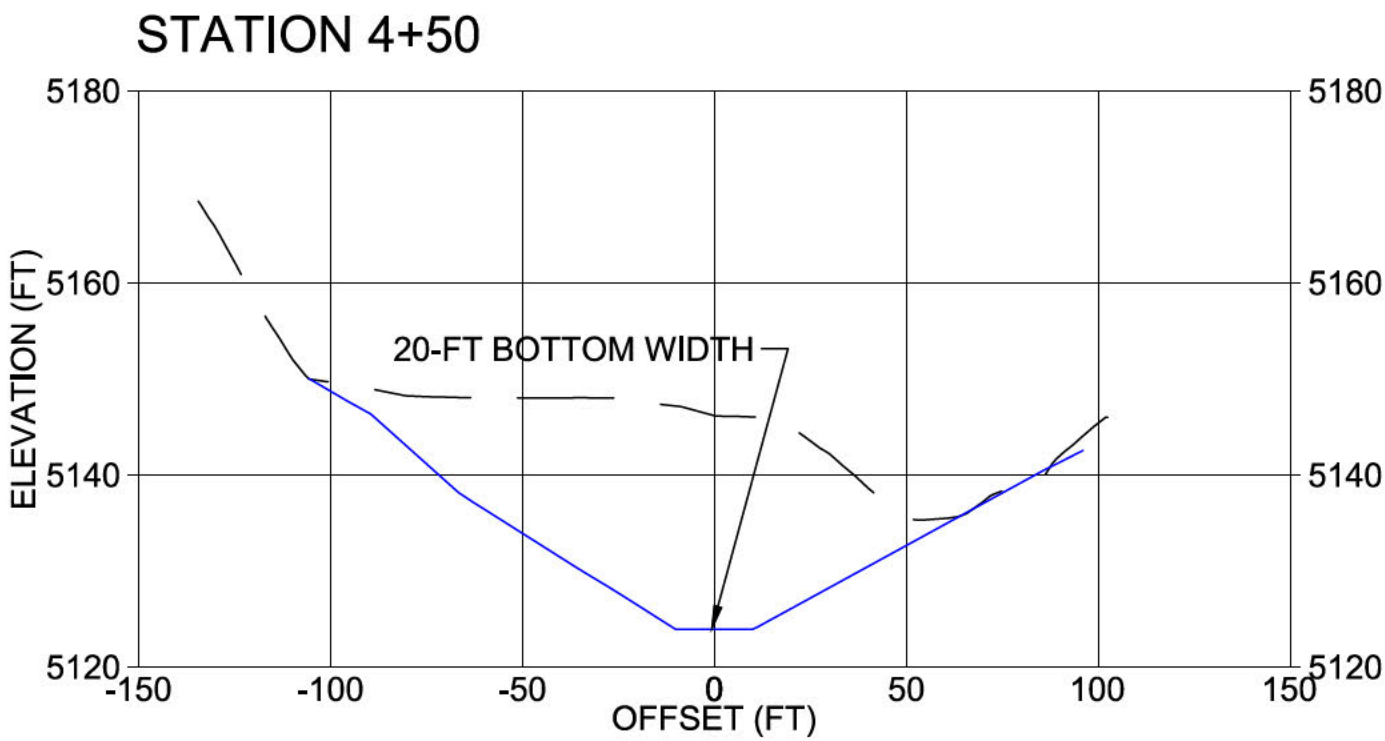
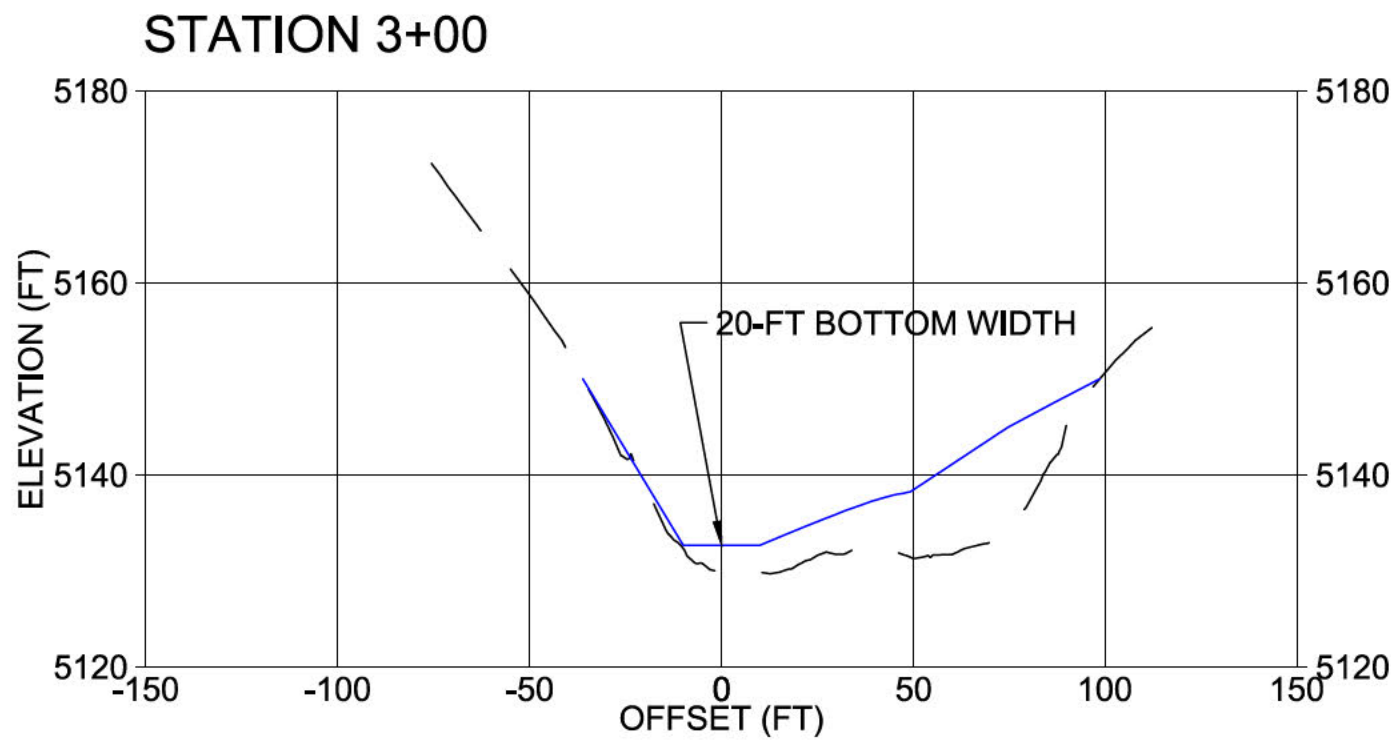
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REVISION | DATE  
09/08/2017





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  - EXISTING INTERMEDIATE CONTOUR (2-FT INTERVAL)
  - PROPOSED INDEX CONTOUR (10-FT INTERVAL)
  - PROPOSED INTERMEDIATE CONTOUR (2-FT INTERVAL)
  - PROPOSED CHANNEL EXCAVATION LIMIT
  - CHANNEL ALIGNMENT WITH STATIONS
  - CROSS SECTION
  - EXISTING GRADE PROFILE
  - PROPOSED FINAL GRADE PROFILE
  - EXISTING EPHEMERAL DRAINAGE



- NOTES
- PROFILES OF EXISTING GRADE AND FINAL GRADE CORRESPOND TO CHANNEL CENTERLINE ELEVATIONS.,
  - FINAL GRADE PROFILE CORRESPONDS TO CHANNEL INVERT ELEVATION.
  - CROSS SECTIONS ARE DISPLAYED FACING DOWNSTREAM
  - RECONSTRUCTED CHANNEL SHALL BLEND IN WITH THE NATURAL DRAINAGE AT THE UPSTREAM AND DOWNSTREAM EXCAVATION LIMITS.
  - FOLLOWING CONSTRUCTION THE DISTURBED AREA WILL BE REVEGETATED PER THE "REVEGETATION AND GROWTH MEDIA MONITORING PLAN".

**Water & Earth**  
TECHNOLOGIES  
1225 RED CEDAR CIRCLE, SUITE A  
FORT COLLINS, CO 80524  
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ROSEMONT PROJECT

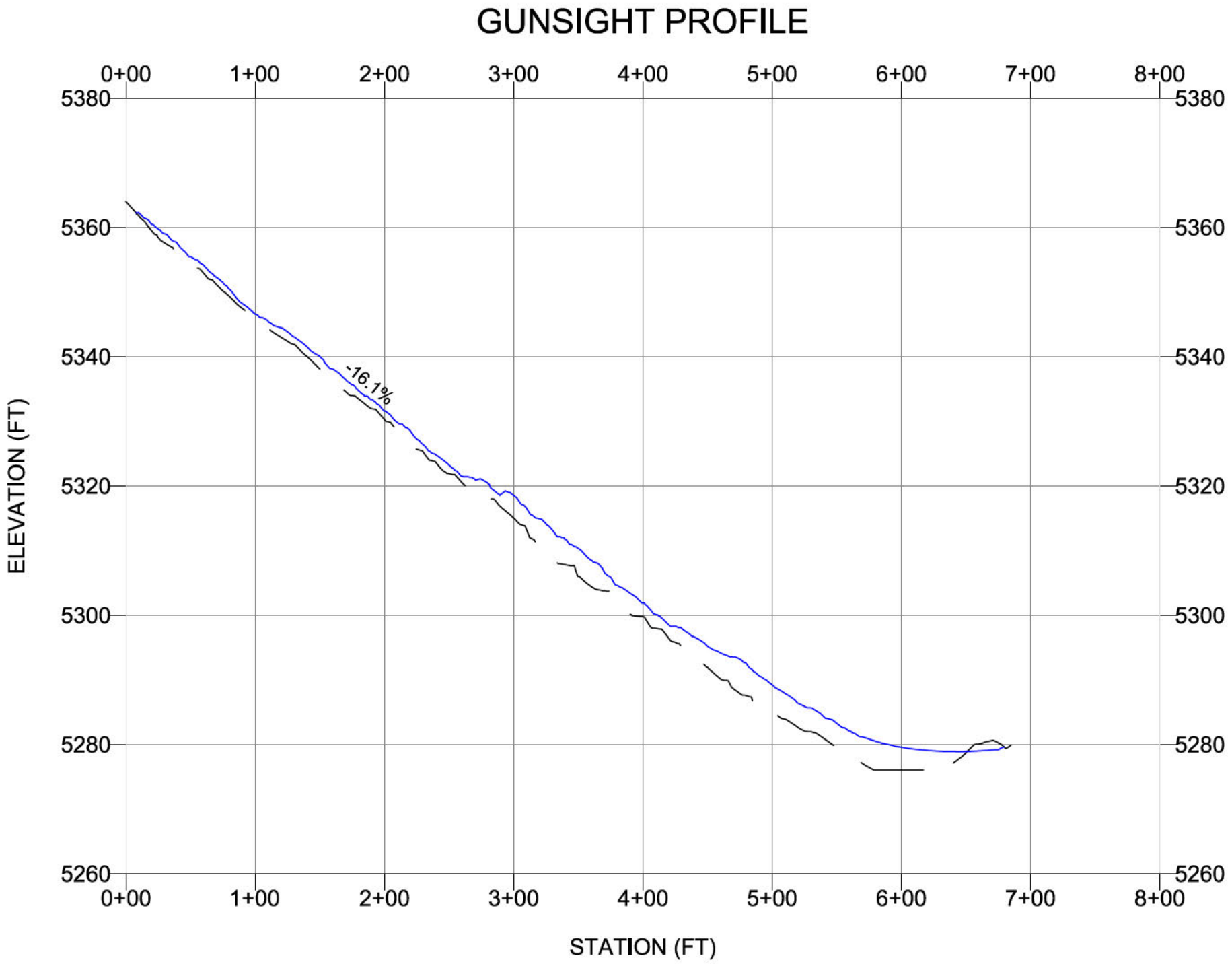
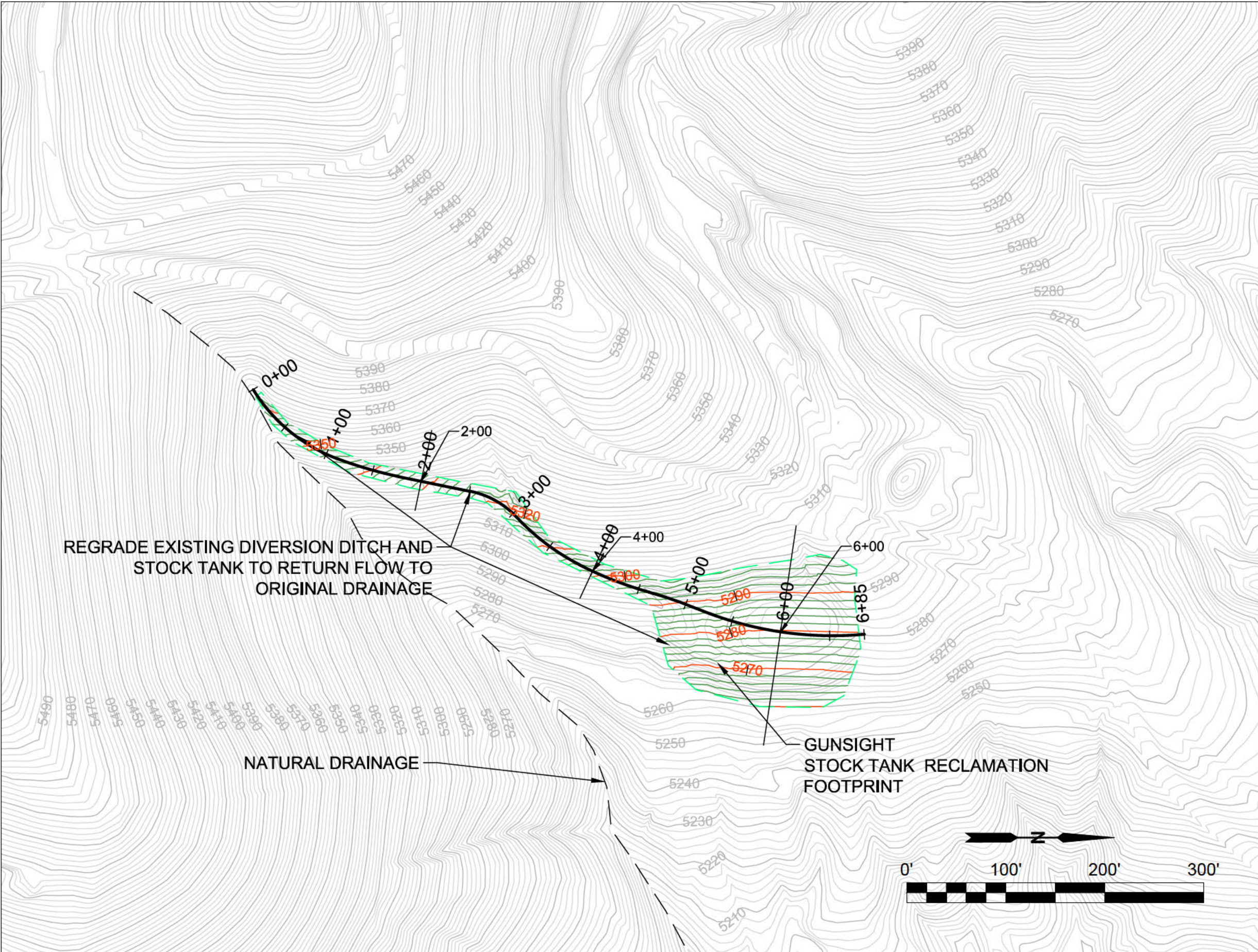
STOCK TANK REMOVAL

MCCLEARY CANYON  
STOCK TANK REMOVAL PLAN

NOT FOR CONSTRUCTION

CONTRACTOR DWG. NO. S.TANK 2	
DWG. NO.	
REVISION	DATE 09/08/17





- LEGEND
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  - PROPOSED INDEX CONTOUR (10-FT INTERVAL)
  - PROPOSED INTERMEDIATE CONTOUR (2-FT INTERVAL)
  - PROPOSED CHANNEL EXCAVATION LIMIT
  - CHANNEL ALIGNMENT WITH STATIONS
  - CROSS SECTION
  - EXISTING GRADE PROFILE
  - PROPOSED FINAL GRADE PROFILE
  - EXISTING EPHEMERAL DRAINAGE

- NOTES
- PROFILES OF EXISTING GRADE AND FINAL GRADE CORRESPOND TO ALIGNMENT CENTERLINE ELEVATIONS.,
  - FINAL GRADE PROFILE CORRESPONDS TO ALIGNMENT INVERT ELEVATION.
  - CROSS SECTIONS ARE DISPLAYED FACING DOWNSTREAM
  - RECONSTRUCTED SLOPE SHALL BLEND IN WITH THE NATURAL SLOPE
  - FOLLOWING CONSTRUCTION THE DISTURBED AREA WILL BE REVEGETATED PER THE "REVEGETATION AND GROWTH MEDIA MONITORING PLAN".

**Water & Earth**  
TECHNOLOGIES  
1225 RED CEDAR CIRCLE, SUITE A  
FORT COLLINS, CO 80524  
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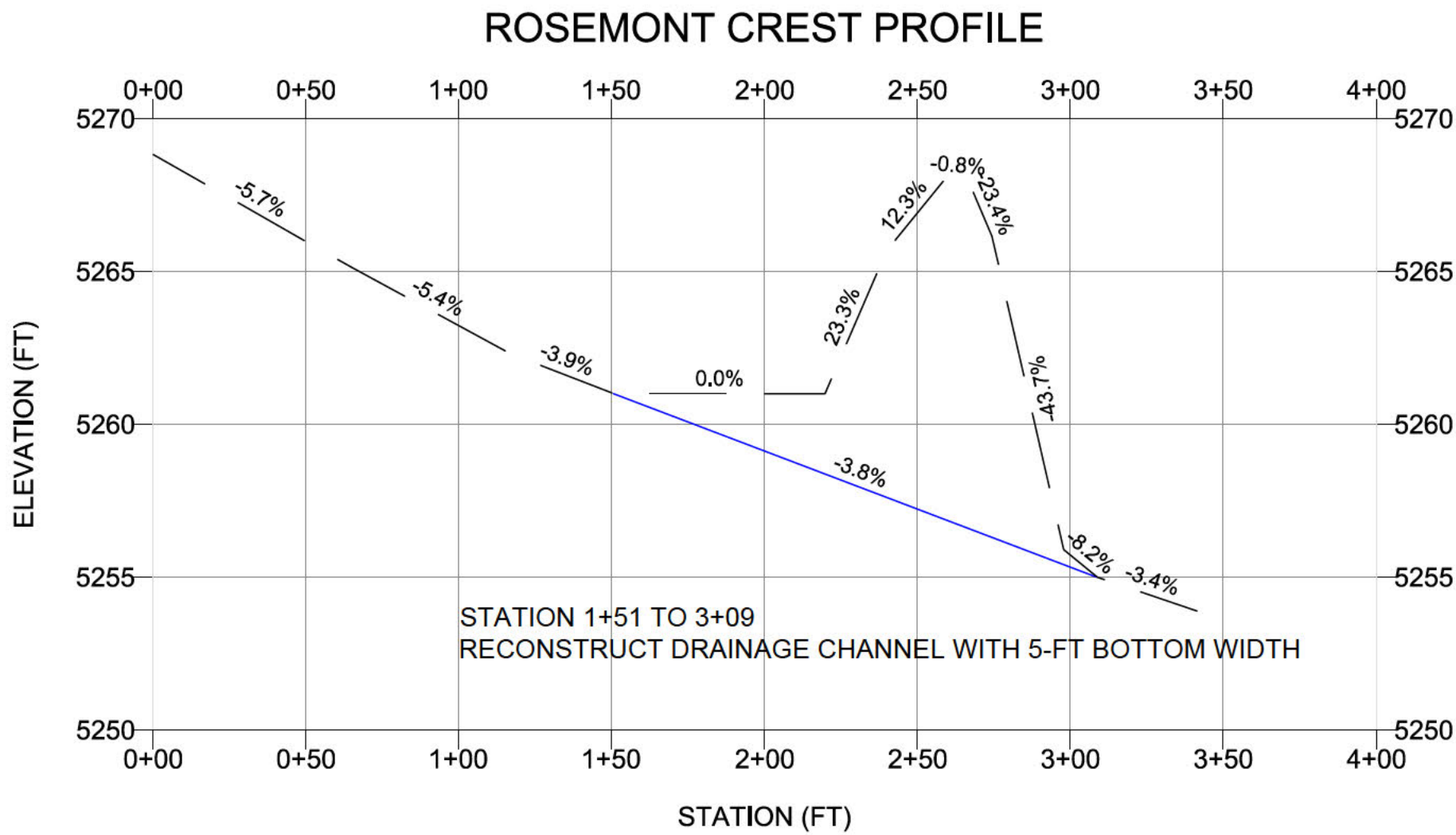
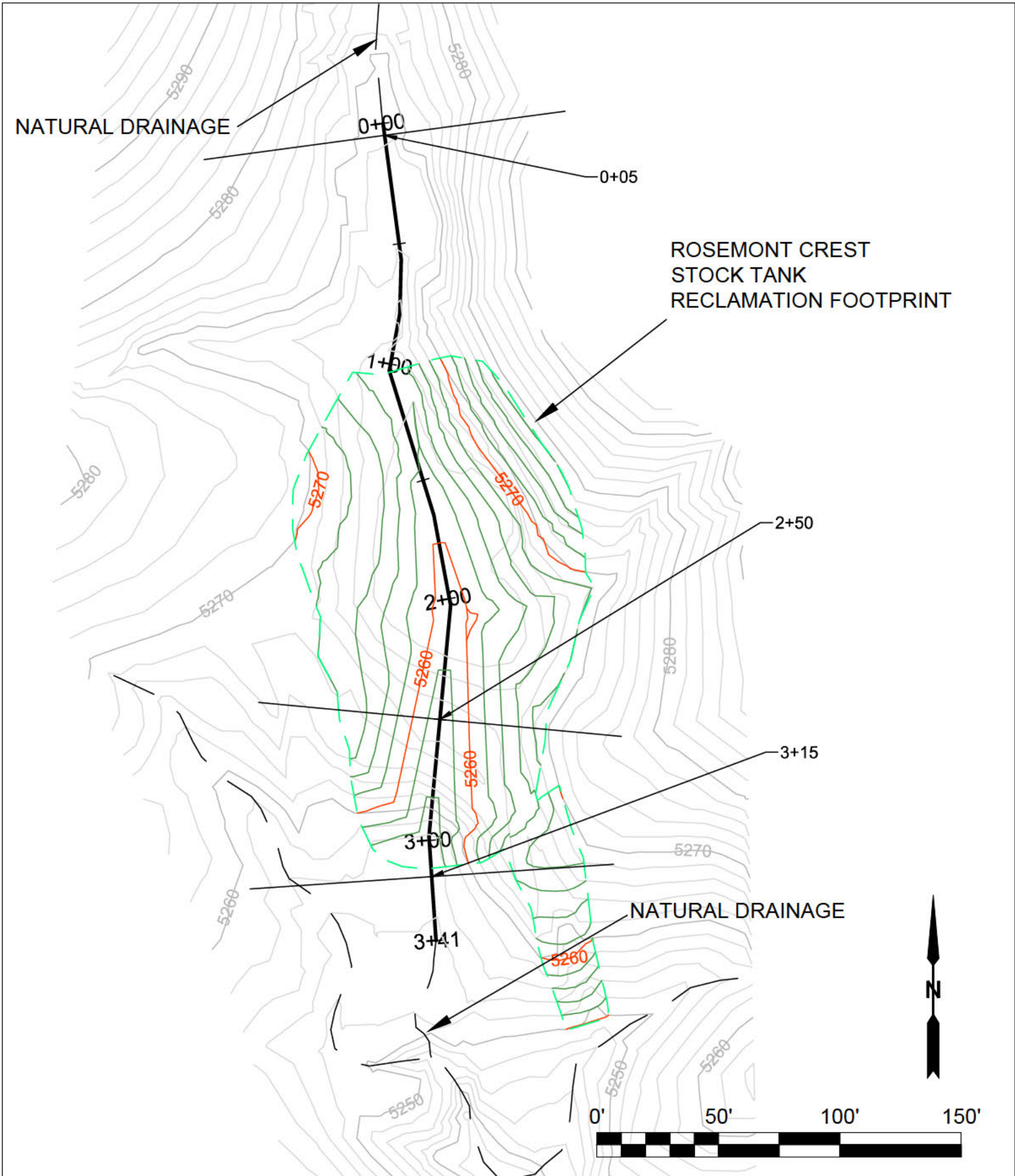
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ROSEMONT PROJECT

STOCK TANK REMOVAL	
GUNSIGHT STOCK TANK REMOVAL PLAN	
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DWG. NO.	
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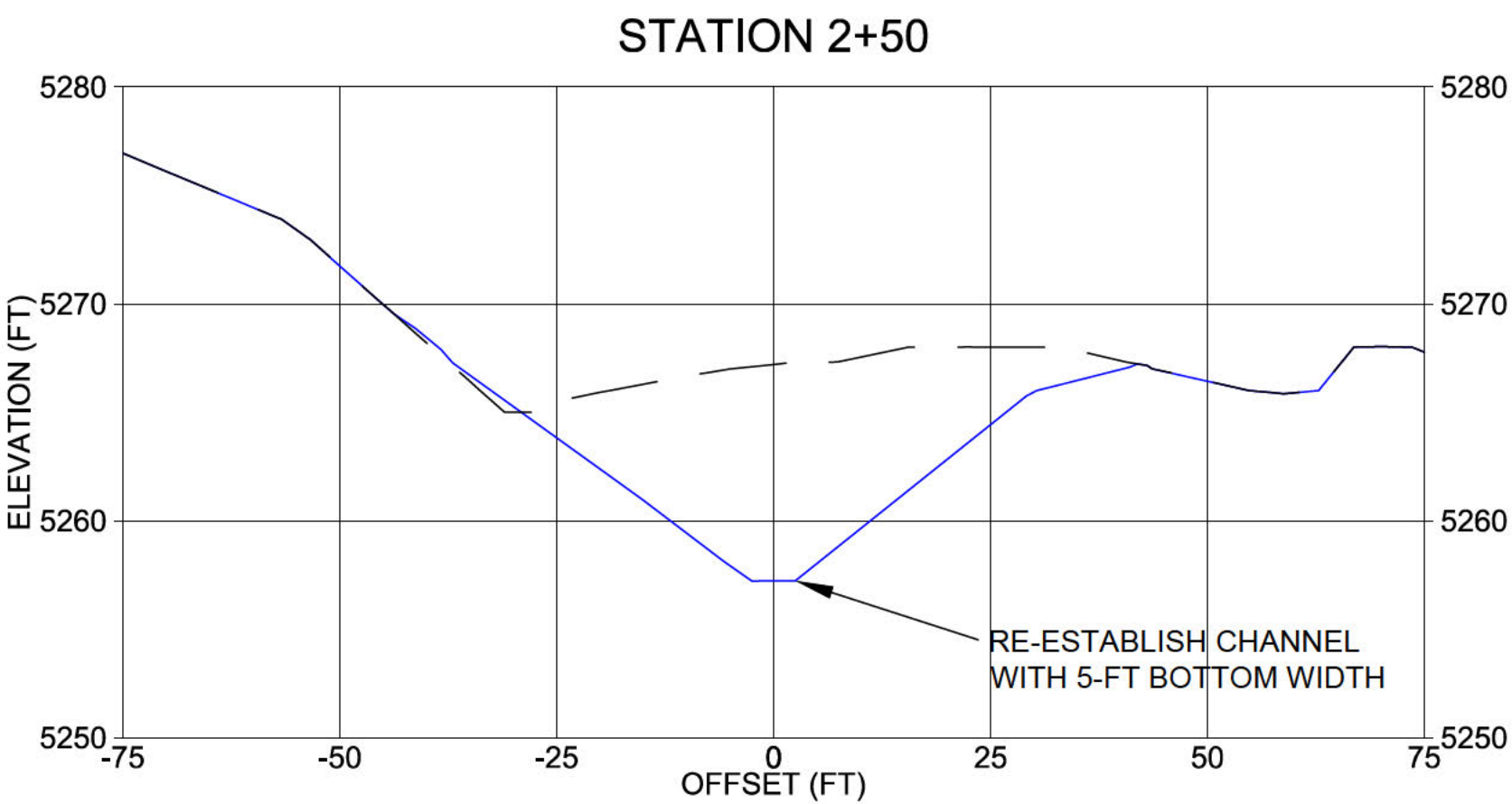
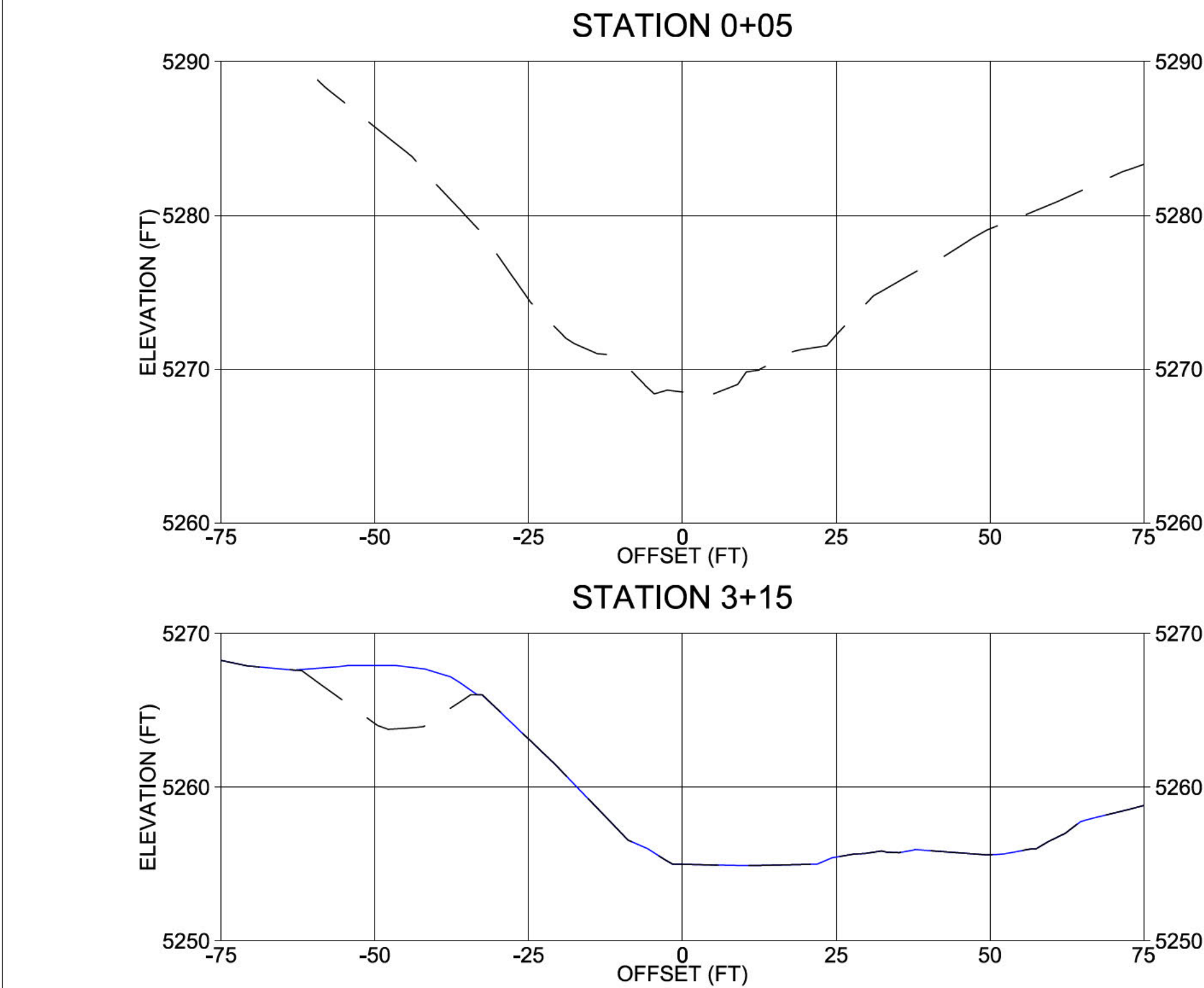
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  - PROPOSED FINAL GRADE PROFILE
  - EXISTING EPHEMERAL DRAINAGE


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FORT COLLINS, CO 80524  
(970) 225-6080  
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REFERENCES		REFERENCES		REVISIONS							REVISIONS							<div><p>ROSEMONT PROJECT</p></div>	<div>ROSEMONT CREST STOCK TANK REMOVAL PLAN</div> <div>NOT FOR CONSTRUCTION</div>	CONTRACTOR DWG. NO. S.TANK 4	
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