



ARIZONA RIPARIAN COUNCIL

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January 27, 2020

Mr. Neil Bosworth, Forest Supervisor
Tonto National Forest
2324 E. McDowell Rd.; Phoenix, AZ 85006
Sent via email: Comment@PintoValleyMineEIS.us

Re: Comments on the Pinto Valley Mine Draft EIS

Dear Supervisor Bosworth and U.S. Forest Service,

I am submitting these written, additional comments on behalf of the Arizona Riparian Council. They supplement the oral comments I provided at the public meeting held earlier this month in Superior.

I have plowed through many pages of the assessment of the environmental impacts expected with the proposed expansion of the Pinto Valley Mine (PVM). Reading of the document is a mind-numbing endeavor. Nonetheless, the text is understandable, the tables are scientifically informative, and the figures are well composed.

I am dismayed to see that the continued operation of the mine until 2027 and then the wind-down of the current Pinto Valley mine operation (described as the no-action alternative) will bring devastating effects to Pinto Creek, tributaries, springs, and other environmental features. I was even more dismayed to see that the proposed PVM expansion will exacerbate the decline of the Pinto Creek ecosystem.

The pumping of the PeakWells that ramped up beginning in 2013 has produced devastating dewatering of Pinto Creek. The Forest Service has an instream flow right (Table 3-125, page 3-362) that deserves defending now by the Forest Service.

There is something unexplained in the DEIS concerning the no-action alternative's impact to Pinto Creek. How is it that during current mine's inactive period (presumably with little pumping from wells) there were flows that sustained riparian habitat in Middle and Lower Pinto Creek? Yet, the outlook for surface flows under the no-action alternative show considerable impact in the DEIS. It would appear to me that if no further pumping occurs in the Peak Wells, that flows in Pinto Creek will hold steady and even recover.

Conditions Back Then

I would like to address a few points missing in the DEIS analysis of impacts.

Lost in the extensive tables and colorful figures is, literally, the picture on the ground. This picture may explain why the Arizona Riparian Council and others are so concerned about this project. Pinto Creek, West Fork Pinto, Haunted Canyon, Horrel canyon, Campaign Creek and other tributaries have long contained biologically important features and remain as attractive places for the public to visit, picnic, camp, study and observe wildlife. Over the past decades the mining companies operating in Pinto Valley attempted, somewhat, to minimize impacts to the ecosystem.

Some of the more formal recognitions of the importance of the Pinto Creek area include the following:

- The Arizona State Parks included Pinto Creek on its list of candidate critical streams and wetlands.¹
- It was such an important stream that the Arizona Rivers Coalition in 1991 included 9 miles of middle and lower Pinto Creek in the Citizen's Proposal for Wild and Scenic Rivers (WSR) in Arizona.²
- The USFS has included it as "eligible" for WSR designation in Forest Planning documents. In its 1993 assessment of Arizona rivers the USFS regional office listed 8.8 miles as eligible for a "scenic" designation.³ At that time its outstandingly remarkable values were listed as "scenic, riparian, and ecological."
- The Tonto National Forest recognized it as the single best riparian habitat in the Tonto Basin, and applied for an in-stream flow right from the Arizona Department of Water Resources. This rare, hard-to-obtain state right to in-stream flows was granted with a priority date of 1983.

However, it seems that current USFS staff lack a longer-term perspective to realize just how special Pinto Creek is. There seems to be little understanding of how the creek's condition has been altered in just the last few years with the change in mine ownership. I offer photographs taken of Pinto Creek as documentation of these changes.

The first set of photos are from 1994 when Tonto Forest staff hosted a field trip to Haunted Canyon and Pinto Creek. At the time, the Carlota mining project was being discussed. Invitees included, among others, members of the Arizona Rivers Coalition and the Arizona Riparian Council. The tour visited the Pinto Gage, with assurances given there would be no effect on Pinto Creek.

¹ Arizona State Parks. Arizona Streams and Wetlands Inventory, Appendix 9-A. SCORP 1989.

² Arizona Rivers Coalition. Arizona Rivers, Lifeblood of the Desert. Salt River Basin, Pinto Ck. Pg. 26-27. 1991.

³ US Department of Agriculture, USFS, Southwestern Region. Preliminary Analysis of Eligibility and Classification for Wild/Scenic/Recreational River Designation. Pinto Creek, page 58-59. January 1993.

1994

3 Views at the Pinto Creek weir and gage, May 1994. Top photo: view upstream. Middle photo: weir slab is visible at right side.



Pinto gage is visible on the right. Note flow, healthy riparian trees, and seasonally emerging cattails. Photo: T.Flood, May 1994.



2003

Downstream view of Pinto Creek, taken from the weir at the Pinto gage. May 18, 2003. Scene was within the segment of Pinto Creek eligible for Wild and Scenic River designation. Photo: T. Flood



View downstream at the Pinto Creek weir and gage, May 18, 2003. Note flowing water, healthy riparian trees, and streamside vegetation. Photo: T.Flood



View downstream at the Pinto Creek weir and gage, May 18, 2003. Note healthy riparian trees (cottonwood and willow), cattails, and impenetrable streamside vegetation. Photo: T.Flood



Recent Conditions

2017

View upstream near the Pinto Creek weir, December 27, 2017. Channel is dewatered, with scarce streamside vegetation. Trees show sign of dewater stress. Photo: T.Flood



View downstream near the Pinto Creek weir, December 27, 2017. Channel is dewatered, with no stream side vegetation. A few trees look viable. Photo: T.Flood



View down the channel at the Pinto Creek weir, December 27, 2017. Channel is dewatered, with little streamside vegetation. Distant trees show sign of dewater stress. Leaf litter indicates some potentially viable trees. Photo: T.Flood



View of channel upstream of the Pinto Creek weir, December 27, 2017. Channel is dewatered, with little streamside vegetation. Debarked trees have died, limbs have broken off. Other trees show sign of dewater stress. Photo: T.Flood



Current and future direction

The DEIS is deficient for failing to fully portray what the impacts of the Proposed Alternative will be on the Pinto Creek ecosystem. If the recent riparian conditions shown in the 2017 photos, and the projected decrease in stream flow shown in DEIS Figure 3-19 (page 3-369) are not convincing enough to reject the proposed project then the Forest Service decision makers need to ask for a more explicit characterization of the impacts. Without a more accurate portrayal of the negative consequences the persons who must make the decision whether to proceed with the Proposed Alternative will be unable to make an informed decision.

The kind of additional information that the Riparian Council urges the Forest Service to examine include quantitative assessments of the impacts to wildlife and visitation associated with the conversion of a formerly perennial creek, as was the situation in the recent past (prior to 2014), to an ephemeral desert stream which is what the 2017 photos suggest is the case now. Input from the Forest recreation staff about the value to visitors of a shaded, running stream would be important. Similarly, the Forest biologists and hydrologists should more fully describe the long term effects on wildlife if this severely degraded riparian habitat is allowed to persist.

The DEIS talks about relatively minimal additional impacts to riparian areas and wildlife on top of what would occur under the no-action alternative. Yet, my pictures of the effects that have occurred since 1994 tell a different story. If the Tonto Forest were to more fully explore the cause of the dewatering of Pinto Creek it might become clear that the pumping in recent years (since 2013) is actually affecting the in-stream flow right held by Forest Service. To determine the degree to which the middle and lower portions of Pinto Creek are impacted, and will be impacted, the Forest Service needs to get Peak Well pumping records, depth to groundwater records, assess groundwater and surface water recovery rates, and insist on pump tests to determine whether the aquatic resources are at risk, dynamic, or static.

DEIS Issue 2, and 2C in particular, are significant and important to the Arizona Riparian Council and members of the public who visit the Pinto Creek ecosystem. The adverse impacts of the proposed action will last for what the DEIS calls “a long term”. I don’t think the public or even the Forest Service quite understands the implications of this. So, I am calling your attention to what it means: it will last through our lifetimes, our children’s lifetimes, for many many generations. Under the Proposed Action the period for recovery of the Pinto Creek ecosystem likely must be measured in hundreds of years.

The DEIS talks very little about Pinto Creek’s function as an important wildlife corridor. How much corridor monitoring for wildlife has been conducted? In relation to other riparian corridors in the area the DEIS should present a fuller description of the projected impacts to the corridor.

The descriptions of mitigation on pages 3-131,132 are evasive and inadequate. Frankly, we were deceived by the promises of stream mitigation if dewatering of Haunted Canyon occurred with the Carlota project. A near total decrease in flow has occurred there; but the aquatic mitigation has never

happened in the volumes specified in the mine operation plan and certainly has not restored flows in Haunted Canyon. How will the Forest Service not let this happen with the Pinto Valley Mine expansion?

Does the Pinto Valley Mine actually have a right to dewater 5 miles of Pinto Creek in the future? And how about right now? It is not acceptable to have a drawdown of the aquifer that extends outside of the mine's private lands if it affects the Forest's lands with subsurface-water-dependent vegetation and riparian areas. Input from Forest Service attorneys on the rights held by the Forest are needed in the DEIS to assure the Forest is adequately represented and defended.

Tailings

Two dam failures already have occurred in the Pinto Valley area.

The enlarged tailings that the Proposed Alternative (PA) requires will forever threaten the Pinto Creek ecosystem, and Roosevelt Lake. In considering the PA the Forest Supervisor should ask: will the mining company will be around to deal with acute problems, unforeseen natural calamities, and chronic leakage of toxic waters? How will the massive tailings be monitored, and for how long? Who will pay for maintenance and repairs of these "forever tailings?" Because the water in the tailings and pit will be the sole seasonal source of water for miles around, how will the mine operators address the way it attracts wildlife (and people)? There are so many unknown and uncertainties surrounding the "forever tailings" that the topic requires additional study, environmental analysis, and public involvement in the process.

Cumulative Impacts

The Forest Service functions sometimes with a philosophy of multiple use or land of many uses. Certainly over the decades the Tonto Forest has sacrificed lots of natural areas for a mining extractive purpose. I'm sure the Forest Supervisor's office can calculate the Tonto acreage that has been designated, or patented, and actually put for a mining purpose. But, at some point there needs to be a balance and limitation of use of the Forest as a place for mining. Tonto NF has yielded enough. Now it is time to hold the line on further loss of the Forest's capacity to function as a watershed and place for wildlife and recreation. We encourage the decision makers to use the information in the DEIS and subsequent revisions to determine that an expanded Pinto Valley Mine is not in the long-term best interest of the Tonto National Forest or the public.

Public input

The process for reviewing and submitting comments has been difficult. The DEIS is massive. The six-week window that the USFS has allowed the public to review this 3-inch DEIS is simply not adequate. Release of the document during the busy Christmas / New Year holiday season is also problematic. No opportunities were given to hold a public meeting in Phoenix. We urge that opportunities for future public input take these points into consideration.

An aha moment

While returning from the visit to the Pinto Weir two Decembers ago we stopped at the FSR 287 Iron Bridge. This rickety old viewpoint always has been a favorite place for me to take photos of Pinto Creek. There was very little water in the creek this time. In fact, there were only a few small puddles at the stream edge.

What caught my attention, though, were signs of recent beaver activity. A beaver! On Pinto Creek! Several cottonwood trees had been chewed and felled. In more than 25 years of visiting the Iron Bridge, Haunted Canyon, the weir, lower Pinto Creek below the Henderson Ranch, West Fork Pinto, and other tributaries I never have seen signs of beaver. I could hardly believe it was possible.



I had all kinds of questions: Where did this beaver come from? How far away is the nearest beaver colony? Is it possible for beaver to walk up a dry stream bed? What would the conditions have to be to motivate a beaver to come this far from wherever? How did this beaver escape predation (I had seen mountain lion on the 287 road the year before)? Where is the beaver now? Is there a denning hole in the nearby streambank?



This observation gave me a sliver of optimism. If given half a chance, maybe the forest can be a place where human disturbance and wildlife can co-exist.

I hope the forest managers will give the forest a chance to be a forest.

We ask that you please keep the Arizona Riparian Council informed of progress on the Pinto Valley Mine proposed expansion.

Sincerely,

Tim Flood
Arizona Riparian Council
Conservation Committee Co-Chair
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