

Resolution No. 2006 - 321

**Resolution of the Pima County Board of Supervisors Regarding
Concerns over Mining Operations in Davidson Canyon**

Whereas, on October 18, 2006, the Superior Court of Arizona ordered the Arizona State Land Commissioner to decide whether to renew mineral leases to allow two new calcium carbonate mines (limestone quarries) on both sides of Davidson Canyon; and

Whereas, on November 22, 2006, the Arizona State Land Commissioner ordered that California Portland Cement be granted 15-year mineral leases subject to inclusion in the leases of 18 conditions contained in the Recommendations of the Decision; and

Whereas, in the November 22, 2006 Order, the Arizona State Land Commissioner states that "The Trust interest is served by assuring timely mining development that secures revenues to the Trust, but results in appropriate reclamation at the end of the mineral leases."; and

Whereas, Davidson Canyon has been nominated as a Unique Waters of the State of Arizona through a nomination submitted to the Arizona Department of Environmental Quality on February 4, 2005; and

Whereas, Davidson Canyon is a rare, perennial, low elevation desert stream containing federally endangered species, native fish and frogs, unique riparian vegetative communities, and spectacular geology; and

Whereas, all available data indicates that the water quality of Davidson Canyon is excellent and Davidson Canyon contributes a significant portion of this high quality surface and ground water flows to the Cienega Creek, which is already designated as a Unique Water of the State of Arizona, and portions of which are already protected by Pima County's Cienega Creek Natural Preserve; and

Whereas, hydrologic studies support the nomination of Davidson Canyon as a Unique Water of the State; and

Whereas, this area has very high biological importance and therefore is designated as Biological Core and Important Riparian in the County's Conservation Land System; and

Whereas, Pima County already has spent millions to acquire and preserve land in and around this area, of which approximately \$3.6 million went to the Arizona State Land Trust for the purchase of State Trust lands; and


Whereas, insufficient mitigation and reclamation requirements associated with addressing the legacy of hard rock mining continue to place undue hardship and costs on adjacent landowners and land managers, and continue to preclude many alternative future uses and revenues from State Trust lands open to mining and from adjacent State Trust lands.

Now, Therefore, Be it Resolved that the Pima County Board of Supervisors:


1. Continues to oppose mining in Davidson Canyon, as stated by Resolution No. 2005 - 124, approved by the Board on June 7, 2005.
2. Asks that the Governor and State Land Commissioner, through the State Land Department allow Pima County to participate in the development of the details of each of the 18 conditions stated in the Recommendations of Decision to ensure both functionality and enforceability of the conditions and commitments; and
3. Asks that the Governor and State Land Commissioner consider legislation that would reform mining on State Trust lands, improve the disclosure process associated with the impacts of mining including a public review and hearing process where the interested public, local governments, and adjacent property owners can provide comments on proposed mining activities, and require the State Land Department to provide written responses to concerns raised during the public review and hearing process.

Passed and adopted this 5th day of December, 2006.

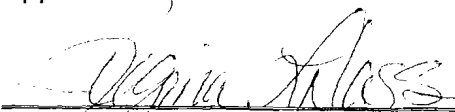
Pima County Board of Supervisors


Richard Elías, Chairman

Attest:


Clerk of the Board

Approved as to Form:


Deputy County Attorney