



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
130 W. CONGRESS, TUCSON, AZ 85701-1317
(520) 740-8661 FAX (520) 740-8171

C. H. HUCKELBERRY
County Administrator

May 7, 2008

Brian Bellew, Field Manager
Tucson Field Office
Bureau of Land Management
12661 East Broadway Boulevard
Tucson, Arizona 85748

Re: Empire Mountains Quarry Mining and Reclamation Plan

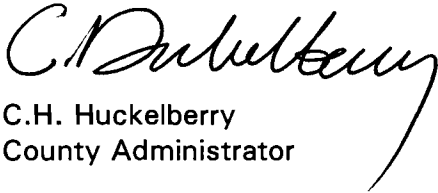
Dear Mr. Bellew:

The County submitted the attached comment letters on December 8, 2006 and April 30, 2007, in response to public scoping as part of the National Environmental Protection Agency (NEPA) process for evaluation of the Empire Mountains Quarry Mining and Reclamation Plan submitted by Arizona Portland Cement. The County requested that the Bureau of Land Management (BLM) deny the request as we felt it was clearly inadequate for comprehensive review, and that for a project of this nature an Environmental Impact Statement (EIS) should be required as opposed to an Environmental Assessment (EA). My staff met with Patrick Madigan, then Field Manager for the Tucson BLM office, and were told that BLM would be requesting just an EA, but that this did not preclude a decision to develop an EIS as well. It is my understanding that your consultant is about to complete the draft EA and submit to BLM for review. After review, I understand you will notice the public again for comments. As you are reviewing the draft EA, is it important that you consider impacts that were perhaps not known prior to scoping for the EA. These include the approved mineral lease on State Trust land directly adjacent to BLM claims, the approved mineral lease for the Charles Seal Mine to the southeast of the BLM claims, and the Rosemont Mine proposed on private and Forest Service land south of the BLM claims. In light of these other impacts, it would be prudent for the BLM to consider the cumulative impact this particular mining proposal would have on the environment, the economy, and communities. An EIS, as opposed to an EA, is a more appropriate method for assessing projects where cumulative impacts are involved.

Brian Bellew, Field Manager
Empire Mountains Quarry Mining and Reclamation Plan
May 7, 2008
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Thank you for considering this request, and congratulations on your new position as Field Manger of the Tucson office.

Sincerely,

A handwritten signature in black ink, appearing to read "C.H. Huckelberry". The signature is written in a cursive style with a long, sweeping tail that extends downwards and to the right.

C.H. Huckelberry
County Administrator

CHH/dr

Attachments

December 8, 2006 Letter



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C. H. HUCKELBERRY
County Administrator

December 8, 2006

Patrick Madigan
Tucson Field Office Manager
Bureau of Land Management
12661 East Broadway
Tucson, Arizona 85748

Re: **Arizona Portland Cement Company Draft Mining Plan of Operations for State Trust Land Along Davidson Canyon**

Dear Mr. Madigan:

It is my understanding that Arizona Portland Cement Company has submitted to your office a draft mining plan of operations for mining claims covering 60 acres of State Trust land along Davidson Canyon. These mining claims are located adjacent and to the north of leases the State Land Commissioner has decided to grant to California Portland Cement, subject to 18 key conditions that Pima County will continue to participate in developing. Pima County has spent two years actively opposing the State leases, and is now appealing the decision by the State Land Commissioner to award the leases.

Please be advised that Pima County will be submitting detailed comments on the draft plan of operations for the 60 acres of mineral claims managed by BLM. In the meantime, our general concerns regarding mining in this sensitive and unique riparian area include:

1. **Water Quality Degradation** - Davidson Canyon is a nominated Unique Waters of the State of Arizona and a rare perennial stream. Studies show that it contains high water quality, which provides habitat for endangered and vulnerable frog and fish species, and sustains rare riparian vegetation. Davidson Canyon also provides high quality flows to Cienega Creek, a Unique Waters of the State of Arizona, that by itself has lower quality water before it's confluence with Davidson Canyon. Both provide groundwater to the Tucson Basin.
2. **Reclamation** - Too many times the legacy of mining has not been adequately accounted for during the permitting process, and bonds posted do not cover the necessary reclamation, or reclamation never seems to occur since the projects are continued indefinitely. This is

Patrick Madigan

Arizona Portland Cement Company Draft Mining Plan of Operations for State Trust Land Along Davidson Canyon

December 8, 2006

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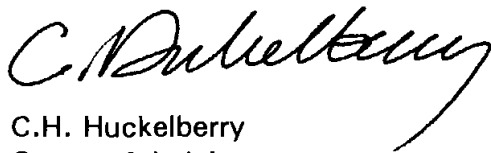
not acceptable to Pima County and should not be acceptable to land managers like the Bureau of Land Management. Concurrent reclamation should be mandatory, meaningful and enforceable.

3. **Other Major Issues** - Dust control, invasive species, transportation safety issues and visual impacts are also concerns that will be detailed in our comments to the draft plan of operations.

Unlike the State Land Department's mineral lease process, it is my understanding that the Bureau of Land Management is required to comply with the National Environmental Policy Act (NEPA) process. Since this is a major Federal action that will have a significant impact on the environment, Pima County will insist on the development of a full Environmental Impact Statement (EIS) as opposed to just an Environmental Assessment (EA). Pima County is more than willing to provide constructive input during this process.

In summary, Davidson Canyon is a unique asset to Southern Arizona. As you know, riparian areas such as this are becoming more and more rare, having been lost or destroyed by this and similar activities. Riparian areas in Arizona provide habitat for as much as 80 percent of our species. A thorough analysis of the impacts on these proposed mining activities is necessary to determine whether these impacts would unduly harm or degrade this important public land.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/jj

- c: The Honorable Congressman Raúl Grijalva
The Honorable Congresswoman-Elect Gabrielle Giffords
The Honorable Chair and Members, Pima County Board of Supervisors
Elaine Zielinski, State Director, Bureau of Land Management

April 30, 2007 Letter



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C. H. HUCKELBERRY
County Administrator

April 30, 2007

Patrick Madigan, Field Manager
Bureau of Land Management
12661 East Broadway
Tucson, Arizona 85748

Re: Scoping Comments to the Empire Mountains Quarry Mining and Reclamation Plan

Dear Mr. Madigan:

In this letter, Pima County responds to the United States Bureau of Land Management as a regulator, as an affected land owner in the vicinity of the proposed quarry, as well as a local government. You are aware of some of our concerns previously expressed about the adjacent mine, which is proposed to be operated in conjunction with this quarry. Because the adjacent mine did not go through the National Environmental Policy Act (NEPA) process, we attach our correspondence to Governor Napolitano and the State Land Department for a record of our concerns and comments (Attachment 1). Included in Attachment 1 are two resolutions approved by the Board of Supervisors on June 7, 2005 and December 5, 2006, opposing mining in Davidson Canyon.

Staff has reviewed the mining and reclamation plan, which was prepared by Mining & Environmental Consultants, Inc. for the Arizona Portland Cement Company. In addition, staff attended the scoping meeting on March 28, 2007. This letter is our comment on the proposal. We request that these comments be addressed in writing before any discussion is made by the Bureau of Land Management in this matter. Detailed comments are presented in Attachment 2. The Bureau of Land Management can deny the applicant if the mining plan is incomplete, or if approving this plan would cause undue and unnecessary harm to public land (43CFR 3809). I recommend denial for these two reasons. In fact, given the inadequate information in the mining plan, I believe it may be premature to begin an environmental assessment of the impacts. More information is presented in the staff comments, but a short summary of some of the problems found with the mining plan are listed below.

Approving this Plan Would Cause Undue and Unnecessary Degradation to Public Land (43CFR 3809)

1. Alternative analysis is needed to prevent undue and unnecessary harm to public land. Without an alternative analysis, this project will have the effect of maximizing the footprint of limestone quarries in order to provide a competitive advantage to the applicant. This has the effect of creating unnecessary harm to public land for a private, for-profit company.
2. Statements that the existing stocks of high-purity limestone are or will soon be exhausted should not be accepted at face value, given that the company buys from five or so commercial mines at this time. Imery's Georgia Marble Mine is one large, existing source used by Arizona Portland Cement. The Bureau of Land Management could minimize impacts by considering the need for the proposed action critically.
3. The applicant's purpose and need could alternatively be satisfied through contract with the owners of the Andrada Mine, which is owned and operated by W.R. Henderson along the Santa Rita Mountain Range. This mine will produce limestone of similar characteristics as that proposed in the Empire Mountains Quarry over a seven to twenty-one year period. I understand the appeal of this quarry has been resolved.
4. Another alternative may be the adjacent Arizona State Land Department mineral leases. The current term limit for the Arizona State Land Department leases is 15 years with no renewal. The applicant's stated need for the limestone could be satisfied through development of this adjacent quarry, known as the Davidson Canyon Quarry, which the Arizona State Land Department has granted. Pima County has appealed this lease and resolution of the appeal is likely to be known before the National Environmental Policy Act process for the Empire Mountains would conclude.
5. As proposed, the applicant seems to propose the Bureau of Land Management claims concurrently with the adjacent State Trust lease. Therefore, the environmental assessment needs to address how the cumulative impacts of the two mines together can be avoided, minimized and mitigated, not just of the Empire Mountains Quarry alone. In addition, the Bureau of Land Management should coordinate with the Arizona State Land Department as the surface-managing agency per 3809.411 and with the Arizona Department of Environmental Quality per 3809.412.
6. The proposed mining activities are inconsistent with local plans. They occur on State Lands that are identified in the 2004 Pima County Open Space Bond Program as high priorities for protection. Protection could occur directly through acquisition of the land using the bond program or indirectly through the legislation enabling conservation on State Trust land. Based on this designation, the District would prefer to see low-intensity uses (e.g., grazing) on these lands as opposed to high-intensity uses such as mining, which would permanently impair the landscape.

7. The term of the operation is not limited to what is reasonable and necessary. Given that the Bureau of Land Management cannot impose royalties or a holding fee as the Arizona State Land Department, it seems likely that the applicant's impacts would occur upon the federal mineral rights first.
8. The water table on the federal land appears to be within five feet of the surface, therefore adverse impacts to the aquifers in the area appear likely. Alternatives for pit excavation and reclamation need to be evaluated in order to minimize impacts.
9. Adverse impacts to federal mapped floodplains and waters of the United States appear likely.
10. Adverse impacts to native plants, wildlife, and the enjoyment of County citizens appear likely.

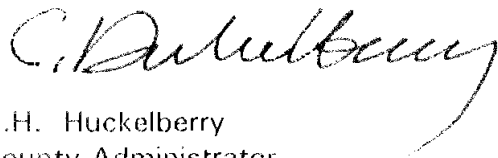
The Mining Plan of Operation Is Inadequate for National Environmental Policy Act Analysis and for Assuring That Undue and Unnecessary Harm Does Not Result

1. This plan does not disclose how the two adjacent quarries would be operated together.
2. At the public meeting, the applicant's geologist stated that their original 456 claims were narrowed to these three. The plan does not disclose where claims were relinquished due to lack of an economic deposit. The Bureau of Land Management should disclose this information and use it to segregate these areas to minimize harm. This information would also be helpful to know, in order for Pima County to make land acquisition decisions.
3. The plan does not include actions to prevent the establishment of non-native species during mining operations, only at the time of reclamation.
4. The mining plan does not include any surveys of the site for federally listed threatened and endangered species (i.e., Pima Pineapple Cactus) found in the vicinity. This project will reduce the available habitat for this rare cactus. Surveys have not been performed to determine whether take will occur, and whether a consultation with the United States Fish and Wildlife Service is needed.
5. Financial assurances for reclamation are not described or provided. There should be concurrent reclamation of the two quarries that will be developed by the Arizona Portland Cement Company in this area. The Davidson Canyon Quarry should be restored to natural conditions prior to the start of operation at the Empire Mountains Quarry.
6. The plan has inadequate information about the haul route.
7. The plan has inadequate information about the source water location.

8. The plan has inadequate baseline information about the water table, and inadequate information about the hydrologic impacts of blasting and quarrying upon privately owned water wells and the downstream spring.
9. The plan does not disclose how groundwater and surface water will be controlled.
10. There is inadequate information about location and proposed modifications within federally and locally mapped floodplains.
11. Adverse economic impacts are not identified or described.

For the last two years, Pima County has been actively participating in providing constructive input on environmental impacts on this and other adjacent mining proposals. I appreciate the opportunity to provide continued comments on these lease renewals and request that the Bureau of Land Management take into account all comments as you review this mining and reclamation plan. I further request that the Bureau of Land Management deny this request as it presently is inadequate for comprehensive review and comment.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/va

Attachments

- c: The Honorable Raúl Grijalva, Member, United States House of Representatives
- The Honorable Gabrielle Giffords, Member, United State House of Representatives
- The Honorable Chairman and Members, Pima County Board of Supervisors
- Mark Winkleman, State Land Commissioner, Arizona State Land Department
- Tom Furgason, Program Director, SWCA Environmental Consulting
- John Bernal, Deputy County Administrator-Public Works