



Coalition for Sonoran Desert Protection

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January 5, 2009

Arizona Center for Law in
the Public Interest
Arizona League of
Conservation Voters
Education Fund
Arizona Native Plant Society
Center for Biological
Diversity
Center for Environmental
Connections
Center for Environmental
Ethics
Defenders of Wildlife
Desert Watch
Drylands Institute
Environmental and Cultural
Conservation Organization
Environmental Law Society
Friends of Cabeza Prieta
Friends of Tortolita
Gates Pass Area
Neighborhood Association
Neighborhood Coalition of
Greater Tucson
Northwest Neighborhoods
Alliance
Oro Valley Neighborhood
Coalition
Protect Land and
Neighborhoods
Safford Peak Watershed
Education Team
Save the Scenic Santa Ritas
Sierra Club-Grand Canyon
Chapter
Sierra Club-Rincon Group
Silverbell Mountain Alliance
Sky Island Alliance
Sky Island Watch
Society of Ecological
Restoration
Sonoran Arthropod Studies
Institute
Sonoran Permaculture Guild
Southwestern Biological
Institute
Tortolita Homeowners
Association
Tucson Audubon Society
Tucson Herpetological
Society
Tucson Mountains
Association
The Wildlands Project
Women for Sustainable
Technologies

Chairman Richard Elias and Members
Pima County Board of Supervisors
130 West Congress, 10th Floor
Tucson, AZ 85701

RE: Resolution No. 2009-10 and Resolution No. 2009-11, both related to Davidson Canyon

Honorable Chairman and Members of the Board of Supervisors:

The Coalition would like to address our strong support for the adoption of Resolution No. 2009-10 and Resolution No. 2009-11, relating to Davidson Canyon. We request that the Board of Supervisors adopt both of these resolutions at your upcoming meeting on January 6, 2009.

Davidson Canyon has long been recognized as an important and ecologically significant area in Pima County. Key designations include:

1. Outstanding Water of Arizona (Arizona Department of Environmental Quality)
2. Biological Core in the Conservation Lands System (Pima County)
3. Important Riparian Area in the Conservation Lands System (Pima County)
4. Critical Landscape Linkage in the Sonoran Desert Conservation Plan (Pima County)

Furthermore, Davidson Canyon is a tributary to Cienega Creek, also an Outstanding Water of Arizona, and home to the Cienega Creek Natural Preserve.

Given the widespread support for protection of this area, the Coalition was troubled to learn of California Portland Cement's intention to mine limestone on both sides of Davidson Canyon and to construct an at-grade road across the canyon to assist with its mining plans. We were encouraged, however, by the recent decision of the U.S. Army Corps of Engineers to require California Portland Cement to apply for a Section 404 permit related to these proposed activities.

We believe the completion of an Environmental Impact Statement is essential to determine the full set of environmental impacts of the proposed activities, relating to both the 404 permit and a proposed federal mining lease through the U.S. Bureau of Land Management. Given the environmental significance of this area, it would be remiss to require anything less than an EIS before authorizing any mining or related activities in Davidson Canyon.

Lastly, we support the Board in its resolution to encourage the Arizona Department of Environmental Quality to fully consider any forthcoming EIS before granting stormwater permits to California Portland Cement for their mining activities in Davidson Canyon.

The County has invested significant time and effort into protecting Davidson Canyon through the adoption of the Conservation Lands System and the ongoing implementation of the Sonoran Desert Conservation Plan. We urge the Board to continue these efforts by adopting Resolutions 2009-10 and 2009-11 at your upcoming meeting on January 6, 2009.

Sincerely,

Carolyn Campbell
Executive Director



PIMA COUNTY BOARD OF SUPERVISORS

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RICHARD ELÍAS

COUNTY SUPERVISOR - DISTRICT 5
CHAIRMAN OF THE BOARD

MEMORANDUM

DATE: December 31, 2008
TO: Lori Godoshian, Clerk of the Board
FROM: Richard Elías, Board Chairman *Keith Bagwell, for*
REGARDING: Items for the January 6, 2009 agenda addendum

Please add the following two items to the January 6, 2009 agenda addendum:

Resolutions

Calling for the U.S. Army Corps of Engineers to refuse to issue a Clean Water Act Section 404 Permit to California Portland Cement Company for a road across Davidson Canyon in the absence of a complete project-wide Environmental Impact Statement; and requesting that the U.S. Bureau of Land Management require a complete project-wide Environmental Impact Statement prior to the issuance of a Mineral Lease in or adjacent to Davidson Canyon.

Calling for the Director of the Arizona Department of Environmental Quality to not issue a Stormwater Discharge Permit for Mining Operations in or immediately adjacent to Davidson Canyon unless and until he has considered the results of a complete project-wide Environmental Impact Statement.

(District Five)

Thank you

DEC 31 09AM 11:50 PC CLK OF BO

Resolution No. 2009 - ____

A RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS RELATING TO THE ENVIRONMENT AND NATURAL RESOURCES, CALLING ON THE U.S. ARMY CORPS OF ENGINEERS TO REFUSE TO ISSUE A CLEAN WATER ACT SECTION 404 PERMIT TO CALIFORNIA PORTLAND CEMENT COMPANY FOR A ROAD ACROSS DAVIDSON CANYON IN THE ABSENCE OF A COMPLETE PROJECT-WIDE ENVIRONMENTAL IMPACT STATEMENT; AND REQUESTING THAT THE U.S. BUREAU OF LAND MANAGEMENT REQUIRE A COMPLETE PROJECT-WIDE ENVIRONMENTAL IMPACT STATEMENT PRIOR TO THE ISSUANCE OF ANY MINERAL LEASE IN OR ADJACENT TO DAVIDSON CANYON .

Whereas, the Arizona Department of Environmental Quality has formally designated Davidson Canyon as an Outstanding Water of Arizona - a water of such quality and ecological significance as to warrant special state measures to prevent its degradation, and

Whereas, Pima County has designated Davidson Canyon as a Biological Core Area and an Important Riparian Area within its Conservation Lands System, and therefore needing special protection from disturbances and damaging actions, and

Whereas, Pima County has identified Davidson Canyon as one of six Critical Landscape Linkages in its Sonoran Desert Conservation Plan and in its Comprehensive Land Use Plan because large mammals and other unique species use it to move between the Empire, Santa Rita, and Rincon mountain ranges, and

Whereas, Davidson Canyon provides habitat for the endangered lesser long-nosed bat and other rare species with or near federal endangered or threatened status, and

Whereas, Davidson Canyon's rare, perennial and low-elevation desert waters feed Cienega Creek, also state-designated as Outstanding Waters of Arizona, downstream where Pima County has established Cienega Creek Natural Preserve, and

Whereas, the Cienega watershed, of which Davidson Canyon is a vital part, provides the Tucson Basin with 20 percent of its groundwater underflow, and

Whereas, people have lived in this area for thousands of years and might have left archaeological and historical remains of significance in Davidson Canyon that would be eligible for official federal protection, and

Whereas, California Portland Cement Company has expressed its intent to mine limestone on both sides of Davidson Canyon and wants to construct an at-grade road across Davidson Canyon to facilitate its mining plans,

Whereas, the Clean Water Act's Section 404 permitting standards are designed to mitigate or prevent dredging and filling activities that could harm such tributaries to the Santa Cruz River as are Davidson Canyon's waters, and the U.S. Army Corps of Engineers, commendably, by letter dated December 18, 2008, is requiring California Portland Cement Company to obtain an individual permit under this section, and

Whereas, the State of Arizona already has granted a mineral lease on the west side of Davidson Canyon and the U.S. Bureau of Land Management is considering a federal mineral lease request on the east side of Davidson Canyon, which together would substantially increase land disturbance impacts to the natural environment, and

Whereas, the U.S. Bureau of Land Management is considering an Environmental Assessment instead of an Environmental Impact Statement for the federal action of considering a federal mineral lease in Davidson Canyon for California Portland Cement Company, and

Whereas, granting of the Section 404 Clean Water Act individual permit would facilitate mining operations on both sides of Davidson Canyon with substantially more environmental impact and mine-discharge sedimentation than just the road across the canyon,

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

1. Calls upon the U.S. Army Corps of Engineers to require a full Environmental Impact Statement under the National Environmental Policy Act of the entire mining operation before the Corps renders a decision on the Section 404 permit for the company's proposed at-grade road across Davidson Canyon's watercourse since this permit would facilitate and allow substantially more environmental impact than just the proposed road, as it inextricably is connected to another major federal action, identified below as item 3.
2. Requests the Corps to take into consideration the special status of Davidson Canyon when the Arizona Department of Environmental Quality designated an Outstanding Water of Arizona in preparation of the Environmental Impact Statement and when considering the issuance of a Section 404 permit for a roadway across the canyon.
3. Requests the U.S. Bureau of Land Management to require completion of a full Environmental Impact Statement on the proposed federal mining lease in Davidson Canyon to determine if the lease is in the public interest.
4. Directs that this resolution be transmitted to Congresswoman Gabrielle Giffords and Congressman Raúl Grijalva, to the Arizona Director of the

U.S. Bureau of Land Management, and to the Los Angeles District of the U.S. Army Corps of Engineers and the local Corps representative for their information, assistance and action.

And, be it Further Resolved, that, based upon the information contained in this resolution and the likelihood that a full project-wide Environmental Impact Statement would conclude that the “least environmentally damaging” practicable alternative is no project, in the absence of a full project wide Environmental Impact Statement, the Pima County Board of Supervisors calls on the Corps to deny California Portland Cement Company a Section 404 permit for the proposed road across Davidson Canyon.

Passed by the Board of Supervisors of Pima County, this ____day of _____, 2009.

Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Clerk of the Board

Deputy County Attorney