



COUNTY ADMINISTRATOR'S OFFICE

PIMA COUNTY GOVERNMENTAL CENTER
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C. H. HUCKELBERRY
County Administrator

July 28, 2006

Jan Leshar, Director
Governor's Southern Arizona Office
State of Arizona
400 West Congress, Suite 504
Tucson, Arizona 85701

Re: Response to California Portland Cement Co. and Mineral Lease Renewal

Dear Ms. Leshar:

I was asked by State Land Commissioner Mark Winkleman to provide a list of conditions that Pima County would like to see applied to mineral lease renewals and new mineral lease requests in biologically sensitive areas. I provided such a list to the Commission on June 30, 2006. California Portland Cement Company has, for some reason, submitted a statement of how Pima County's list of proposed conditions are addressed in its mineral development report for the lease renewal associated with lands along Davidson Canyon in Pima County. Although I did not expect our proposed conditions list to be used in this fashion, I would like to respond to California Portland Cement's statement.

Concurrent Reclamation

Cal Port's proposal does not give a finite term for the cessation of mining activities and does not state that no renewals of the lease will be made in the future. Operation of the facility and the timing of reclamation are mentioned in two sections of the Mineral Development Report. Section 2.5.1 of the Mineral Development Report states that the mine life is "approximately" 6.5 to 19 years, based on their projection of the annual production from the leases. Section 5.3 states that reclamation will begin when Arizona Portland Cement (APC) has determined that the quarry is mined out or that the marble is no longer required in the future. The only finite term provided is through the application for the renewal of the mineral lease on State lands, which is set for 20 years. However, the application does not state that another renewal cannot be filed. Will the new lease that is drawn up by the State indicate that no new renewals can be submitted? Cal Port's

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statement says that they are agreeable to performing concurrent reclamation. Will there be a direct statement on the lease that requires concurrent reclamation? Will there be a direct statement on the lease stating that that concurrent reclamation will be completed within the twenty-year life of the lease and qualified personnel will perform that monitoring over a three-year establishment period? Does the State have the personnel or ability to hire an independent inspector to insure that concurrent reclamation will occur and that adequate ground cover of native plant species is established? "Eventual" reclamation, as is stated in Cal Port's statement, should not be acceptable. A concurrent reclamation plan should be required, and it should list specifically when and how reclamation will occur during specific phases of the project.

Water Quality

Pima County's concern is in regards to a large amount of fine sediment entering into Davidson Canyon and, eventually, Cienega Creek. The County understands that the local drainage from within the quarry will be captured on the site. However, any of the overburden piles or berms created to collect the sediment may be placed near watercourses or have slopes that can be eroded by rainfall. The County would like the overburden piles to be set back an adequate distance from any wash draining into Davidson Canyon to prevent lateral erosion of the sediment materials. Riprap or some other erosion protection should be used if the overburden piles are located immediately adjacent to a watercourse. The side slopes of the overburden piles should be vegetated or seeded to help reduce erosion of fine particles into adjacent watercourses.

Sustainable Water Supplies

Section 4.17 of the Mineral Development Report states that "water will be obtained from a commercial source" and that "water usage is estimated to be a maximum of 12,000 gallons per day." There is no mention of the source for the water, but it is assumed that a local source will be used. Although the estimated amount of water is relatively small, about 9.5 acre-feet per year, it still adds to the overall groundwater depletion in this area, which is a concern given the current drought conditions and the increased rate of development in the area. There is some concern about the maximum water usage being estimated within the report. Can the State land lease specifically state that the amount of water used on the site will not exceed 12,000 gallons per day?

Invasive Species

In their comments to the County's concerns, Cal Port mentions that they would be "amenable to better specifying, if necessary, the invasive species of particular concern and to more specifically provide invasive species monitoring during the period of mining operations." The County accepts this offer and would like the State mineral lease to state that invasive species monitoring will be conducted and that adequate measures will be

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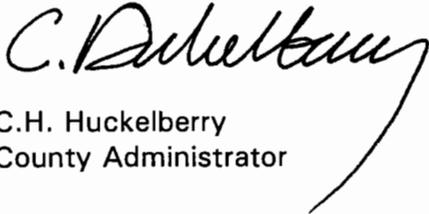
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taken to limit non-native species invasions into the area. Once again, an independent inspector or a representative from the Arizona State Land Department should be used to insure that adequate measures are being taken regarding this matter.

Another concern from the County is the formation of perennial ponds as a result of keeping local drainage on the site. This has happened on other mining sites in the regional area, and the resulting ponds have been a source of non-native species introductions. The District would like to see a plan in place to insure that any ponds created are adequately drained to keep invasive aquatic species from establishing in this area.

Thank you for this opportunity to comment.

Sincerely,

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

C.H. Huckelberry
County Administrator

CHH/dr