



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

June 30, 2006

Mark Winkleman
State Land Commissioner
Arizona State Land Department
1616 West Adams Street
Phoenix, Arizona 85007

Re: **Suggested Conditions for Mineral Leases in Pima County**

Dear Mr. Winkleman:

This letter is in reference to a request you made of Pima County to provide you with a list of conditions that Pima County would like to see applied to new mineral leases and mineral lease renewals on State Trust lands. You are aware that my first preference is for no new disturbance on State Trust lands within our biologically significant areas. However, I understand that you may have certain legal obligations that make this request tenuous. Below are several conditions I feel would lessen the negative impacts from such mineral lease approvals.

1. Concurrent Reclamation

Too many times reclamation is put off until the very end of a project. The lease is often renewed several times such that reclamation is put off indefinitely. By the time reclamation is supposed to occur, the amount of bonds posted is often insufficient to cover the costs. The result is detrimental to public safety, wildlife, recreation, ranching activities, scenic view sheds, and the future market value of the land to the Trust.

Recommended Condition: Mineral lease approval is contingent on a concurrent reclamation plan, whereby activities to further reclamation begin within first 3 years of operations. Financial assurances should be posted by the application sufficient to fully fund the reclamation plan.

2. Dust Control

Pima County is very concerned about dust. Dust is Particulate Matter (PM) pollution. PM pollution is one of the most significant air pollutants in Pima County. Health effects of PM

Mark Winkleman

Suggested Conditions for Mineral Leases in Pima County

June 30, 2006

Page 2

inhalation include chronic respiratory disease, aggravated asthma, acute respiratory symptoms, decreased lung function, and even heart disease. PM in the air reduces visibility, which can interfere with scenic views and even cause driving hazards. Particles can be carried over long distances by wind and then settle on ground or water in a process called Atmospheric Deposition. Atmospheric Deposition causes streams to be acidic, can change the nutrient balance in water systems, depletes nutrients in soils, and damages sensitive flora, including crops.

Recommended Condition: Mineral lease approval is contingent on:

- Applicant obtaining an Air Quality Activity Permit from the Pima County Department of Environmental Quality, prior to conducting, causing, or allowing land stripping earthmoving, blasting, trenching or road construction, except as exempted in PCC 17.12.540.
- Development of a dust control plan to reduce and manage particulate matter pollution from storage piles, mine tailings, vacant land, roads, and emissions from motor vehicle operation.
- Applicant maintaining compliance with Article III of PCC 17.16 Emission Limiting Standards.

3. Water Quality

Pima County is concerned about impacts mining activities could have on our highly valued surface and ground water. Much of these concerns stem from mining that is occurring or is proposed within Cienega Creek, as this stream is designated as a "Unique Water" by the State of Arizona. Davidson Canyon is currently proposed for "Unique Water" status, which should be granted within the next year or so. The "Unique Water" status does provide some protection from discharges into the stream that can impair its current water quality. Arizona Department of Environmental Quality does require a Storm Water Pollution Prevention Plan (SWPPP) for any activities that may discharge waters into streams listed under the Unique Water designation.

Recommended Condition: For any tributary watercourses to Cienega Creek and Davidson Canyon, mineral lease approval is contingent on:

- Water runoff on any disturbed areas being fully captured into collection ponds or depressions within the mine site.
- Waste rock and materials being placed an adequate distance from any watercourse to prevent increased sediment loads during storm water runoff events. Pima County's requirements for erosion hazard setbacks for development would be ideal to determine the placement of unused rock and aggregate materials away from watercourses. These setbacks can be viewed on the Districts website at the following link www.pima.gov/cob/code/c1610.html#1016578 .

Mark Winkleman

Suggested Conditions for Mineral Leases in Pima County

June 30, 2006

Page 3

- Mining sites located immediately adjacent to a watercourse should provide riprap or some other erosion protection to limit the number of fine materials washed into the stream.
- Side slopes of any created embankment or berm near a watercourse being vegetated or seeded to help reduce the erosion of fine particles into an adjacent watercourse.
- Applicant providing a detailed water use plan that includes the quantity used, where the water is obtained from and how it is used.

4. Sustainable Water Supplies

Pima County is concerned about the depletion of ground water supplies due to mining activities, and the impact this will have on native vegetation, wildlife, and Tucson Basin's water supply. It is my understanding that there are methods of reducing water consumption, such as the elimination of tailing ponds, dry tailings storage co-managed with waste rock, and the use of environmentally safe dust reduction coatings for haul roads.

Recommended Condition: Mineral lease approval is contingent on a sustainable water supply plan stating steps the applicant will undertake to minimize the project's water consumption, and make use of renewable water supplies to offset a portion of the ground water to be consumed.

5. Invasive Species

Pima County's land, water and other resources may face severe impacts from invasive plant and animal species that are increasing yearly in number and area in the County and throughout the Arizona. These impacts result in ecological damage to the Pima County economy and human health by: decreasing land productivity; impairing water quality and reducing water yield; increasing instances of livestock poisoning; degrading fish and wildlife habitat; impairing forest and rangeland health by altering natural or desired fire regimes; creating disease vectors; increasing allergens; increasing erosion and watershed degradation; altering landscapes that affect visual aesthetics; and destroying agricultural crops, wetlands, waterways, and recreational areas; and out competing and replacing native flora and fauna.

Recommended Condition: Mineral lease approval is contingent on an applicant submitting an invasive species management plan to the State Land Department, developed in consultation with Arizona Game and Fish Department, to include:

- The conducting of mining operations and reclamation activities in such a way to ensure that new habitats and growing conditions are not created that are conducive to colonization of invasive plant and animal species.
- Surveying the site annually and immediately control any invasive species found. A list of invasive species of concern in Pima County can be provided upon request.

Mark Winkleman

Suggested Conditions for Mineral Leases in Pima County

June 30, 2006

Page 4

- Monitoring the site for invasive species for at least an additional five years following finalization of any operational or closure reclamation projects.
- Ensuring that all mining operation and reclamation project vegetation management is designed and conducted consistent with the Pima County native plant ordinance and follows the prohibited plant list utilized by Pima County Development Services unless Pima County provides a written waiver based on a specific management or reclamation plan submission.

6. Visual Impacts

Major roads and highways used by County residents and visitors cross through areas of biological significance in Pima County. The visual impacts from mining negatively impact scenic view sheds associated with the large open landscapes characteristic of the Southwest.

Recommended Condition: Mineral lease approval should be contingent on a view shed analysis and proposed activities to reduce the visual impacts from scenic roads and highways.

7. Transportation

In the past, Pima County has had issues will haul trucks carrying loads in excess of the weight restrictions on roads and bridges, traffic congestion due to haul trucks on County roads, and other safety issues.

Recommended Condition: Mining lease approval is conditioned on:

- All transportation laws, codes, and ordinances being followed, and all other legal permits being obtained as required.
- All DEQ requirements being followed for items and activities associated with transporting loads such as covering as required, providing wheel washes, etc.
- Submission of a traffic impact study to the local jurisdiction to determine the effects on (or to) existing primary roads.

8. Third Party Mining Inspectors

Pima County would greatly appreciate increased inspections of mine sites by independent mining and compliance inspectors. The State Land Department should require applicants to appropriate monies into a fund dedicated to retain a third party mining and compliance inspector. If the approval of mineral leases within Pima County's most sensitive biological areas is to continue, a much higher level of inspections are necessary. The third party mining and compliance inspector must have full authority to correct mining plan or condition violations.

Mark Winkleman
Suggested Conditions for Mineral Leases in Pima County
June 30, 2006
Page 5

Thank you for the opportunity to provide you with these comments.

Sincerely,

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

C.H. Huckelberry
County Administrator

CHH/dr

Attachment

c: Jan Leshar, Director, Governor's Southern Arizona Office