



## COUNTY ADMINISTRATOR'S OFFICE

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C. H. HUCKELBERRY  
County Administrator

November 24, 2006

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

**Re: Decision and Order No. 134-2006/2007 Regarding Mineral Lease Renewal on State Lands Within the Davidson Canyon**

Dear Mr. Winkleman:

The County appreciates your concern in the renewal of these leases as expressed by the imposition of conditions to mitigate potential harmful effects on the environment, land and adjoining properties due to mineral extraction at this location. The 18 conditions are reasonable and appropriate and we appreciate your imposing these conditions on the mining activities.

The conditions will only be as good as they are detailed, clearly understood, provide the desired mitigative effects, and are legally enforceable. We would appreciate your allowing the County to participate in the elaboration of each of these conditions. It is important that Pima County, the interested and adjoining public, as well as the mining company have a clear understanding of the requirements and expectations regarding conformity with each condition.

Our prior experiences with mitigating the harmful and adverse effects of mining on the environment and adjacent properties has been less than satisfactory. Throughout the west there is a huge funding deficit of required measures to address the legacy left by mining. We believe that clear, direct and specific mitigation measures are important and we ask for your consideration in allowing the County to participate in enumerating and detailing the 18 conditions in your decision, required to renew the leases.

Mark Winkleman

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We are also struck by the stark contrast between disclosure, public review and comment in mineral leasing and/or mine approval processes on federal and state lands. I clearly understand that your hands are tied because you have no statutory authority to do otherwise. We would like to explore the possibility of state legislation that would require mineral activities on State Trust land to be approved only through an open, transparent, public process where local governments and adjacent property owners can comment and actually make a difference. We favor both public hearings for mining activities, as well as more specific detailed requirements regarding the disclosure of adverse effects caused by mining activities. Today these processes for State Trust land mineral exploration are wholly inadequate and require basic statutory reform to provide you, as the State Land Commissioner, the authority that is necessary in order to protect the value of the State Trust, to derive income for the Trust, and at the same time to not externalize the adverse effects of mining to adjacent private properties, hence diminishing or reducing their value.

Again, I appreciate the conditions you imposed on this renewed mining lease and mining activity. I ask for your consideration by allowing the County to participate with the Department in enumerating these conditions in the lease terms, and, finally, ask for your cooperation in legislative reform of statutes governing mining on State Trust lands.

Sincerely,



C.H. Huckelberry  
County Administrator

CHH/jj

c: The Honorable Chairman and Members, Pima County Board of Supervisors  
Jan Leshner, Director, Southern Arizona Office of Governor Janet Napolitano  
Martin Willett, Chief Deputy County Administrator  
John Bernal, Deputy County Administrator - Public Works  
Nicole Fyffe, Executive Assistant to the County Administrator