



August 20, 2004

RE: Comments on Lease 11-003227: Mr. Charles P. Seel

Richard Ahern, Geologist  
Minerals Section, Natural Resources Division  
Arizona State Land Department  
1616 West Adams Street  
Phoenix, AZ 85007

Dear Mr. Ahern,

Thank you for the opportunity to comment on Lease 11-003227 to Mr. Charles P. Seel located on Section 29, T17S, R17E, Pima County, Arizona.

Although you do not appear to have solicited public comments on this proposal beyond one letter to the holder of a state grazing lease, EARTHWORKS would like our voice to be heard. We urge you to solicit public comment on this and other proposals.

EARTHWORKS has many members in the state of Arizona and is committed to protecting communities and the environment from the impacts of mining across the western landscape on both federal and state lands.

In reviewing the draft proposal, please answer and incorporate the following concerns:

(The following points, comments, and questions, for the most part, follow the text of the draft report.)

- We are concerned that mining operations could adversely impact Dividson Canyon (which contains federally listed endangered species) and / or Cienega Creek. Both the Canyon and Creek could be adversely impacted by storm water runoff from the project and EARTHWORKS does not believe that this Mineral Development Report adequately addresses storm water runoff or potential contamination of surface or ground water.
- From what is included in the report, it does not look like the marbleized limestone found in this deposit is uncommon or difficult to obtain. Nor does it appear that the public would suffer if this particular deposit were not mined. Why should the State of Arizona allow limestone mining in this delicate area for negligible financial benefit to the State when the mineral can be mined easily in a more compatible area?

- Before permits can be granted, a complete hydrological study of the site should be complete and available for comment.
- The report states that the operator of a potential mine would purchase water from a commercial water supplier. No mention is made whether a commercial source of water is available or how the purchase price of commercial water would affect the financial viability of the project. Since water is in short supply, the applicant should show that water needed for mine operations would not adversely impact water needs from area residents and/or wildlife.
- Paragraphs 3.9 – 3.94 make assumptions that do not appear to be supported by biological studies. What qualifications does the report writer have to support his/her conclusions?
- Who would be conducting the native/protected plant inventory and what measures would be taken to assure that transplanted native/protected plants would survive? Is transplanting of native/protected plants in the area even feasible? Would post reclamation monitoring of the site include verifying that replanted species would survive? Who would determine the value of destroyed native/protect plants and how would a determination of the monetary value be made?
- What measures would be taken to control introduction of non-native or noxious plants?
- What wildlife studies support the report conclusion that a mine would have little effect on wildlife? Has the impact of traffic or noise on wildlife and/or endangered species been studied?
- Who will conduct biological and botanical studies for threatened and endangered species and what will be the minimum professional requirements for the survey? Who will review the studies before mining operations would commence? These surveys should be completed and reviewed by the public before mining permits are granted.
- Who will conduct cultural resource and archaeological studies and what will be the minimum professional requirements for the survey? Who will review the studies before mining operations would commence? These surveys should be completed and reviewed by the public before mining permits are granted. What provision would be made to halt work if cultural resources / archaeological artifacts be discovered during mining operations?
- Air quality should be monitored to provide a baseline before mining commences. What measures would be taken to control fugitive dust at the site or along the haul routes?
- Sound/noise measurements should be taken to provide a baseline for mining commences. What supports the report conclusion that since the area is open range, noise would not be a factor? What controls would be placed to protect area residents and wildlife from noise pollution?

- The area surrounding the lease location has increased in population substantially since the report was first written in the early 90's. Will the report be updated to provide current impacts to a larger resident population?
- The report should include a transportation plan showing how transportation patterns will be impacted by the mine and how adverse impacts will be mitigated before the plan is approved.
- What studies confirm that there will be no adverse socio-economic impacts from the mining operation? Has the report looked at increased law enforcement needs, road maintenance, decreased property values to area residents, or other additional socio-economic impacts?
- A more extensive reclamation plan should be prepared and approved before mining is allowed. The plan should describe in detail reclamation plans with achievable and measurable benchmarks. Especially lacking is an estimate of the cost of reclamation and a plan detailing how money will be set aside for reclamation. Monitoring of the site should be extended beyond one year.
- Before the plan is approved and permits granted, the applicant should provide a reclamation bond that is in a liquid form and adequate to cover the full cost of reclamation with a contingency for accidents and unforeseen events. The bond should be in real assets and should be periodically reviewed by the public to make sure the cost of full reclamation is covered.

The above list is just some of many questions that need to be addressed before permits are granted for this project. We look forward to reviewing this project as it progresses and to helping shape a decision that upholds the ecological heritage, quality of life, and long term well being of the area's communities for years to come.

Sincerely,

Roger Featherstone  
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cc: Michael Rice, State Land Department  
C.H. Huckelberry, Pima County Administrator  
Mr. Edward U. Notz  
Jan Leshner, Director, Governor's Southern Arizona Office  
Honorable Ray Carroll, Pima County Board of Supervisors